THE TUCK FIRM
(f.k.a. the Loring Law Office, LLC.)

February 24, 2020

VIA EMAIL ONLY – *lburks@westchesteroh.org*

Larry D. Burks, Twp. Administrator
West Chester Township
9113 Cincinnati-Dayton Rd.
West Chester, OH 45069

Re: Jamie Hensley & Joseph Gutman, West Chester Police Department

Dear Mr. Burks:

I have been retained by Commanders Jamie Hensley and Joseph Gutman in connection with their current employment with the West Chester Police Department ("the Department"). The purpose of this correspondence is to advise the parties of my representation and request that the Township and Department immediately take all steps necessary to cease and prevent ongoing retaliation against my clients for their legally protected complaints of misconduct by Colonel Joel Herzog.[1]

As you know, Commanders Hensley and Gutman have served the Township faithfully and well for over 20 years each and have impeccable records of performance and reputations for unfailing integrity. As a result, they are widely respected and supported by the vast majority of the Department's members. However, both have come increasingly under fire in recent months for bringing to light wrongdoing by Colonel Herzog. This alleged wrongdoing includes failure to remedy sexual harassment, fraternization in employment practices, retaliation, racism, sexism, and manipulation of public records.

In the case of Commander Hensley, Colonel Herzog's retaliation has now escalated to the point of a sham investigation designed solely to discredit Commander Hensley and destroy his career. The investigation allegation is that Commander

1 This correspondence is formal notice of my client's claims against West Chester Township, Trustees, Police Department, and Colonel Herzog and other public officials involved in the events described by Commander Hensley. They are required by law to ensure that all evidence, including but not limited to documents, files, data, computer records, payroll records, video and audio recordings, e-mail, texts, instant messages, photographs, and social media posts or messages are preserved. The destruction of documents, records or computer files may subject them to additional liability. Furthermore, if accounts or systems are configured to automatically delete or destroy information periodically, they are required to take affirmative action to protect the integrity of such data and records. Your and their obligations in this regard extend to informing any of the parties, potential witnesses, or related people or organizations of their duty to preserve this information.

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Hensley was disrespectful to Colonel Herzog during a meeting with Human Resources - by stating that the Colonel is unlawfully retaliating against him. Colonel Herzog initiated the current investigation immediately after learning that Commander Hensley asked to meet with you regarding his concerns and that he consulted with an attorney. Commander Gutman has been interviewed in the investigation, and the tone of his interview as well as retaliatory actions by Colonel Herzog against him personally leads him to reasonably believe that Colonel Herzog will target him next. Certainly, the message to my clients and their fellow Department members is that speaking out against the Colonel will result in dire consequences, which is surely what he intends.

It is evident that Colonel Herzog's plan is to eliminate the potential threat my clients' integrity, honesty, and knowledge pose to him. I ask that the Township immediately halt the retaliatory sham investigation and clear my clients fully. I also request that Colonel Herzog be instructed that his unjustified attempt to destroy my clients in retaliation for their opposition to his unlawful activity will expose him and others to liability for any resultant damage done my clients, their careers, and their reputations.

I look forward to speaking with you or your counsel at your earliest convenience.

Sincerely,

Elizabeth S. Tuck

cc: Jamie Hensley
Joseph Gutman

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