



Bradley L. Gibson

E-mail

**DELIVERY VIA REGULAR MAIL AND EMAIL**

September 18, 2020

Joseph J. Denen  
City Manager  
105 N. Main Street  
Washington Court House, OH 43160  
JDenen@cityofwch.com

Re: ; Demand for Payment

Dear Mr. Denen:

I represent in the above-referenced matter. Please direct all future communications regarding this matter to me. This letter demands that Randstad US, LLC, d/b/a Randstad Washington Court House Staffing and Recruiting (“Randstad”) and the City of Washington Court House, Ohio (the “City”) (collectively, “Employers”) pay Ms. the damages she is entitled to due to the continued sexual harassment she experienced during her employment with the Employers. As set forth below in more detail, the Employers’ allowance of Ms. to be subjected to sexual harassment violated her rights under Title VII of the Civil Rights Act of 1964 (“Title VII”) and O.R.C. 4112 *et seq.*

**Ms. Relevant Employment Background**

Ms. applied for a position with the City in 2018. Ms. interviewed with Tina Keeton, who worked as the Administrative Assistant to the City’s Finance Director, Tom Riley. After the interview, the City’s Attorney, Mark Pitstick, walked Ms. over to Randstad so they could sign her up to work through Randstad, as opposed to the City. Randstad employed a number of employees who worked at the City. Ms. was hired to work as a cleaner, earning \$15.00 per hour and working between 15 to 20 hours per week. Ms. worked in that position until the late spring/early summer of 2019.

Mr. Pitstick switched Ms.’ role to an administrative position in the City Attorney’s office. In that role, Ms. provided support to Mr. Pitstick’s administrative assistant, Cheryl Faulkner. Mr. Pitstick also required Ms. to perform certain duties that supported Mr.

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Pitstick's personal interests, such as serving eviction notices on the tenants of properties Mr. Pitstick owned.

A few months after Ms. [redacted] began working in the City Attorney's office, Mr. Pitstick began sexually harassing her by saying sexually demeaning comments toward her. For example, Mr. Pitstick began calling her a "dumb bitch" or "stupid bitch" on almost a daily basis. Mr. Pitstick also made comments about Ms. [redacted] body parts, stating, "no one wants her [Ms. [redacted]] because she has not tits or ass." Mr. Pitstick also called Ms. [redacted] sexually explicit names, such as a "slut." On one occasion, Mr. Pitstick said to you in reference to Ms. [redacted], "Joe, she's a dumb bitch. That's why no one wants her." According to Ms. [redacted], you responded by saying to Mr. Pitstick in a very unconvincing voice, "Mark, you can't talk to her that way." You witnessed Mr. Pitstick make other similar type comments, yet you said nothing to Mr. Pitstick. Your inaction caused Mr. Pitstick to continue to sexually harass Ms. [redacted] throughout her employment.

A few months after Mr. Pitstick began sexually harassing Ms. [redacted], she contacted Kylie Blair at Randstad because she could no longer stand Mr. Pitstick's sexually harassing behavior. Ms. [redacted] informed Ms. Blair about all Mr. Pitstick's sexually harassing comments and how she wanted it to stop. Ms. [redacted] also informed Casey Keith at Randstad about Mr. Pitstick's sexually harassing behavior. Ms. Blair responded to Ms. [redacted]'s complaints and request that she make it stop by saying, "I wouldn't do that because not only would I lose my job, but Randstad would lose the contract."

Ms. [redacted] was sexually harassed by other City employees as well. The City's Code Enforcer, Chris Richardson, made sexually harassing comments to Ms. [redacted] on a consistent basis. For instance, while delivering papers to the City Attorney's office, Mr. Richardson walked behind Ms. [redacted] and said, "You don't know what those pants do to me." On another occasion, Ms. [redacted] and Mr. Richardson exchanged text messages regarding an incident in which they had to deal with a dog as part of their work for the City. Ms. [redacted] indicated, via text, that she tried to scrub the drool off the sleeve of her shirt, but that she had to continue to wear it because she "cant walk around in my tank." Mr. Richardson responded via text message, "Yes you can. I don't mind."

Mr. Richardson sexually harassed her by physically touching her. While Mr. Pitstick and Ms. Faulkner were out of the office one day, Mr. Richardson came to the City Attorney's office where Ms. [redacted] was working alone. Mr. Richardson walked over to where Ms. [redacted] was sitting and pressed his penis up against her arm. As Mr. Richardson pressed his penis against Ms. [redacted], he said to her, "You know you want this." Ms. [redacted] reported this incident to Mr. Pitstick immediately when he returned to the office. Mr. Pitstick responded to Ms. [redacted] complaint by leaning back in his chair and saying, "You should be used to it."

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The sexual harassment became so unbearable that Ms. [REDACTED] had no other choice than to quit her position in March 2020.

**Ms. [REDACTED] Sexual Harassment Claims Against Employers**

Based upon the foregoing facts, Ms. [REDACTED] can establish a sexual harassment/hostile work environment claims under Title VII and O.R.C. 4112 *et seq.* As a threshold matter, Randstad and the City are both liable for the sexual harassment Ms. [REDACTED] endured because they are both her “employers” as that term is defined under Title VII and O.R.C. § 4112 *et seq.*<sup>1</sup> The City was Ms. [REDACTED] employer as that term is defined under the laws because the City exercised significant control over Ms. [REDACTED], including but not limited to, determining the day-to-day assignments and tasks she performed. *See, e.g., Richardson v. Century Prods., Inc.*, 163 F. Supp. 2d 771 (N.D. Ohio 2001) (recognizing the both the temp agency and the company that contracted with the temp agency were liable under Title VII and O.R.C. 4112 *et seq.*, because of the level of control the company had over the day-to-day work of the employee).

To establish a sexual harassment claim, Ms. [REDACTED] must prove that: (1) she is a member of a protected class; (2) she was subjected to unwelcome sexual harassment; (3) the harassment was based on her sex; (4) the harassment created a hostile work environment; and, (5) the employer is vicariously liable. *Clark v. UPS*, 400 F.3d 341, 347 (6th Cir. 2005).

There is no question that Ms. [REDACTED] can establish the first three elements: she is a female who was subjected to unwelcome sexual harassment, and the harassment towards her was because of her sex – female.

Ms. [REDACTED] also can demonstrate that the sexually harassing behavior by Mr. Richards and Mr. Pitstick constituted a hostile work environment. In determining whether an actionable hostile work environment exists, a number of factors are considered, including “the frequency of the discriminatory conduct; its severity; whether it is physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interferes with an employee’s work performance.” *Hoschak v. Defiance County Eng’Rs*, 218 F. Supp. 2d 917, 926 (N.D. Ohio 2002).

Here, each of the relevant factors demonstrates that Ms. [REDACTED] was subjected to a hostile work environment. The acts and comments by Mr. Richardson and Mr. Pitstick – *e.g.*, rubbing his penis against her, calling her a bitch and slut, commenting on her body parts – were quite severe in nature. Additionally, Mr. Richardson and Mr. Pitstick engaged in such conduct, at a minimum, on a weekly basis. Some of foregoing acts also were physically threatening in nature, rather than mere offensive utterances. Finally, the conduct unreasonably interfered with Ms. [REDACTED] work

<sup>1</sup> A separate demand letter has been sent to Randstad given that they, too, are liable to Ms. [REDACTED] under Title VII and O.R.C. 4112 *et seq.*

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performance, as she quit her position due to the continued sexually harassing behavior. Based upon these foregoing facts, Ms. [redacted] can demonstrate that she experienced a sexually hostile work environment. *See Hoschak*, 218 F. Supp. 2d at 925 – 926 (recognizing plaintiff presented evidence of possible hostile work environment claim based, in part, on supervisor telling plaintiff she is pretty, blocking her from going through a doorway, and making other sexual advances).

Given that the Employers subjected Ms. [redacted] to a hostile work environment in violation of Title VII and O.R.C. 4112 *et seq.*, she demands that the Employers pay her for the damages she has experienced as a result. Specifically, Ms. [redacted] demands that the Employers pay her \$100,000.00 in exchange for a release of her claims against the Employers. If the Employers to respond to Ms. [redacted] demand by or before October 1, 2020, she will file a Charge of Discrimination with the Equal Employment Opportunity Commission.

Sincerely,

/s/ Bradley L. Gibson

Bradley L. Gibson

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600 Vine Street, Suite 2650  
Cincinnati, OH 45202

Linda L. Woeber

November 5, 2020

*Via Email*

Bradley L. Gibson, Esq.  
Gibson Law LLC  
9200 Montgomery Road, Suite 11A  
Cincinnati, Ohio 45242

RE: MJ Ref: 60206-11770

Brad:

In response to your letter outlining allegations and demand for \$100,000.00, I have met with numerous witnesses and reviewed the full context of messages among [redacted], Cheryl Faulkner (Mark's Assistant), and Mark Pitstick. I have also visited the rather small office in which all three had their desks during the time [redacted] worked in the Law Director's office.

It doesn't take long to get a picture of the frequent banter among them and see that [redacted] initiated the majority of the exchanges and was by far the most explicit of the three. For example:

November 8, 2019 Texts re: Cheryl calling Kristen (a client)

Mark, "Call Kristen about visiting motion"

Cheryl, "I've already talk to her"

Mark, "Why is she calling me"

Cheryl, "Because she's a pain in the ass. Text me her number"

Mark, "you have to have empathy"

Cheryl, "fuck you"

[redacted], "empathize with ur asshole"

Mark, "Not nice"

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Cheryl, "Text me her number so I can call the pain in the ass back"

Mark, "I'm heading to physical therapy I'll be back around one"

, "Fml (*fuck my life*)"

Cheryl, "Lmao"

texts a picture of a paper monkey on a plate. Her mom sent her the picture and said the monkey looked like ; daughter

, "Am I the only one don't think this is funny to tell my biracial daughter. My mom sent that"

Mark, "Hahahahahah"

, "Not funny pastie ass cracker"

Mark, "Kiss kiss"

November 19, 2019 Texts

, "I won't be there rough night my hole hasn't adjusted back!! JK"

December 2, 2019 Texts:

, "Will one of u fuckers turn my hours in!!"

December 12, 2019 Texts

, "Tom Bailey called bus will be straighten out by next week! Also you guys are right I have to face him! I swear to you he's up to no good, and something horrible is going to happen! I'll just keep praying on it and hope for the best!"

, "Glad we had this talk (*middle finger emoji*)"

Mark, *middle finger emoji*

Cheryl, "It's going to be fine Linda"

, "I got 2 rubber dicks for both yalls mouth"

January 17, 2020 texts:

Mark, "Is working?"

, "Yes"

Mark, "Need to call Riser first thing in the morning. Cheryl, you computer is not working correctly"

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Cheryl, "Why?"

Mark, "Well usually she takes a day off a week. I figured this was the day"

Cheryl, "I meant why do you think my computer isn't working correctly"

Mark, "You can't just transfer over from one fly out to Prolaw"

\_\_\_\_\_, "Don't start on me dickhead"

\_\_\_\_\_, "I think we should leave at noon and day drink!"

Cheryl, "I am totally on board with that idea lol"

\_\_\_\_\_, "Well 2/3 votes we win"

Cheryl, "I agree"

Mark, "LMAO we have work to do"

Cheryl, *smiley face emoji & middle finger emoji*

\_\_\_\_\_, "I don't LOL"

February 5, 2020 Texts

\_\_\_\_\_, "I woke up with fever and can barely talk without crying! My mom isn't answering her phone!"

Mark, "Always miss one day a week! Pitiful"

\_\_\_\_\_, "Oh fuck u in ur big backside ocean hole! I am fully dressed and ready! I swear I am trying not to miss!" (*sent picture of daughter asleep in bed*)

Mark, "Always an excuse"

Mark, "Stage photo"

\_\_\_\_\_, "Go stick ur dick in a blender"

\_\_\_\_\_ upside-down version of the relationship among Mark, Cheryl, and \_\_\_\_\_ is only the most recent of \_\_\_\_\_ unfounded complaints about Washington Court House employees. In addition to providing financial and legal assistance to \_\_\_\_\_ for years, Mark twice obtained employment for \_\_\_\_\_ at the City, first cleaning the office building and then working in his office while Cheryl attempted to train her to perform some duties to lighten Cheryl's load. \_\_\_\_\_ was dissatisfied with the first position because she claimed female employees were creating a hostile work environment by intentionally making the restrooms dirtier because of \_\_\_\_\_'s "past"—presumably her criminal history.

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In summary, your client's story is beyond disingenuous. Washington Court House is a very small community; each person I spoke with had nothing but good things to say about Mark, and they all knew that Mark helped [redacted] with dozens of legal, financial, and family situations, just as he helps others with whom he works. [redacted] effort to manipulate the facts to turn them into a demand for monetary compensation is very transparent, especially as she has revealed she learned of a previous settlement with a former employee.

With respect to the claims against Chris Richardson, he adamantly denies any kind of touching or inappropriate comments. To the contrary, he made a point of not being in a room alone with [redacted] because the banter he overheard between Cheryl and [redacted] made him uncomfortable, and he was aware the [redacted] had been incarcerated. Others who work with Chris view him as very straight-laced, tending to avoid off-color chatter among employees.

In light of the evidence we have gathered and the lack of credibility of Ms. [redacted], I have no authority to make an offer of settlement on behalf of the City. If you have questions or would like to share additional information, please let me know.

Very truly yours,

MONTGOMERY JONSON LLP

*Linda L. Woeber*

LINDA L. WOEBER

cc: Jim D. Chrisman, President of City Counsel