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## WORKING COMMITTEE OF COUNCIL MEETING

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*Thursday, September 8, 2016*  
*Council Chambers*

**Present:**

**Members of Council:**

President Nancy E. Fellows  
Vice President John Plecnik  
Councilman Christopher L. Biro  
Councilman David M. Fiebig  
Councilman Christopher Hallum  
Councilwoman Jennifer Sommers Greer  
Councilwoman Janet R. Majka

**Administration:**

Mayor Robert M. Weger  
Law Director Thomas G. Lobe  
Fire Chief Robert DiSanto

**Civil Service Commission:**

Thomas Kicher, Assistant Chairman

**Personnel Relations Committee:**

Chris du Laney  
Linda Fulton  
Greg McCarthy

**President Fellows:** Good evening everyone, I would like to call the Council Committee of the Whole meeting to order at 6:03pm this evening. All members of Council are here and many of the individuals that were invited are here as well. The Law Director, the Mayor, Mr. Kicher is here from the Civil Service Commission and Personnel Relations Committee Members are here as well and our Fire Chief too.

We had a couple different topics to discuss, I could have put them in different committees but I thought that we would kind of put them all together so that we would be all together at one time to be able to touch base on them.

The first one that I had on the agenda is the recent Chase Bank attempted bank robbery down near the Shoppes of Willoughby Hills, probably about three weeks from now. I had spoken to Chief Collins a little bit about it. What he shared with me was that actually the FBI is the primary agency that's working on that case, there is a rash of these going on in Cuyahoga County as well. Local police departments, whether it be ours or Richmond Heights, or whomever would assist the FBI as needed. But he said to me too that he is really surprised that people would try to rob banks today anymore because with bullet-proof glass and the way that the money is secured he said that they would be better off going to the fast food places, they would probably get more money. Are there any questions about that or Bob did you want to add anything to that relay?

**Mayor:** The Chief would have been here tonight but his father passed away today at 2:30pm, so...

**President Fellows:** I had forgotten to mention that, I'm sorry...

**Mayor:** It's a rash and they are in Cuyahoga, Lake County and they believe it's gang related because they use a gun. It's one of the initiations things to get in gangs and the FBI is handling it with our help of course.

**President Fellows:** Any questions? That sort of leads right into the property that's right next to it and I don't think, personally that anything that would be there would really have any deterrent or not than having the bank robbed. I think they are sort of separate even though they are considered in our community. But I was wondering, for the Mayor, what is the update on this property? When was the last time that you and the Law Director have had communications with the owners?

**Mayor:** The owners, it's in receivership and the owners are trying to sell it and there are several people that are interested and we just don't know when and if they'll purchase it. So...

**President Fellows:** So that's been since January? That they tried to sell it at the beginning of the year, as I recall the last time we had...

**Mayor:** There was one party interested in December, it was supposed to close and they totally walked away. And there's a couple more interested in it right now and we're just waiting for them to do their due diligence and make a final determination.

**President Fellows:** So the current owners don't even live in the state, correct?

**Mayor:** It's a bank that owns it.

**President Fellows:** A bank owns it, what bank might that be?

**Mayor:** I don't know right-off hand.

**President Fellows:** Not local?

**Mayor:** No, no. DVR turned it over to the bank as soon as Sam's Club quit paying on that.

**President Fellows:** So when Sam's contract was up basically.

**Mayor:** Right when their lease was up. Most of the leases we have right now with Giant Eagle expires in 19, Sally's and Office Max's is month to month and it's a percent of the gross for the lease and...

**President Fellows:** Dollar..

**Mayor:** Dollar goes till 20.

**President Fellows:** Is the College still there?

**Mayor:** College closed in June, they're still paying the lease but they're trying to get out. They are also slated till 2019.

**President Fellows:** Questions?

**Vice President Plecnik:** With respect to National College are they simply closing the College branch or are they moving somewhere else, do we know?

**Mayor:** They just didn't have the enrollment this year so they're kind of just closing up totally.

**Vice President Plecnik:** The whole National...

**Mayor:** No, just this branch. They're well established in the other places and they just couldn't make a go here. Now one of the recent things was ITT just closed with a 134 campuses and like 50,000 students so that may enhance them to reopen. But now it's not as of June they stopped.

**President Fellows:** That's your opinion, you don't haven't heard that?

**Mayor:** No, no. They just closed ITT just closed two days and put 50,000 students and it was a 134 sites across the nation.

**Vice President Plecnik:** That's true and ITT Tect was recently shut-down, they're no longer allowed to take Federal Financial Aid and that made their business model unworkable.

**Law Director:** That's the problem with a lot of these Bryant and Stratton and stuff, they lost a lot of financial aid that was a big boost of 2004 until about 2012 or 13 or whatever so all the numbers were spiking, everybody is moving up, doing things and now without that those numbers are dropping and they're just going off a cliff so it's not just this one it's all of them because of the financial aid issues. The people aren't signing up for it so it's not the location or anything else. You don't get the aid you don't go, that's across the country and I think that it affected this one and I've seen that with some of the other ones too. Again, that's just my opinion, no hard facts.

**Councilwoman Majka:** I have a question for the Mayor. I called Nancy pretty soon after I had heard about that robbery because I was concerned, you know, obviously is in my neck of the woods where I live and many other residents in that western part of the City and what I would like to know is what if any discussion have you had possibly with the Police Chief about doing anything differently. I know that this has happened before, like you said there is a rash going on but this one was different because there was a shot fired within the building. So I would think that the bank employees themselves are terrified despite the fact that they have safety glass there and other things in place, that's not just okay, that's not just okay and I don't what to sit here real quietly and go oh yeah, oh yeah, I think we have to be proactive here. I think that we have to come up with some ideas, you know to safe guard that corner, that's why we're asking questions about what's going on with that plaza. It seems to me it's largely unsecured, largely vacant, just a couple anchor businesses, if you even what to call them anchor businesses and the bank is kind of a sitting duck there. I don't know if you have had increased the police patrols or maybe we consider adding more cars or you know these are things that we've been thinking about over the last few weeks.

**Mayor:** Okay the police the last time it got robbed, there were two policemen right in front of the bank and the robbers they ran off between the building so police presence was there, it's not helping. Right after the bank robbery now the Dairy Queen was going to be robbed, they pulled down their masks and then they saw somebody walking in so they turned around and took off but

there is no way to tell what they're going to do to the people. And since the second bank robbery at Chase they installed a bullet-proof glass. We think it was an accident that the gun went off but still you never know. But to join these gangs you have to use a gun to join, so...

**Councilwoman Majka:** Well, if we have active gang presence in the City I think that it would be even more important than that we're very proactive you know looking into anything that could be done to secure not only that corner but you know all of our borders because I realize that this could happen everywhere and looking at Richmond Heights too, they don't really have a nearby police presence to that location either. The nearest one I think is on Highland Road you know quite a distance away. I don't know what their routine patrols look like either.

**Mayor:** Our routine patrols are, we have two cars down at the west end pretty much all of the time and one at the east end. So routine patrols really don't...you can't be everywhere in the City at the same time. But we've had discussions and we are going to continue to have discussions about putting a possible substation down there so that the presence is there more and they can do their reports down at the substation and therefore give the perception that it's a doing something.

**Councilwoman Majka:** Right, right.

**Mayor:** It's all about perception because you're not going to stop these just by being there at the time.

**Councilwoman Majka:** Right, right it's all about having deterrence so I think that would be a real good deterrent. I wasn't here but wasn't there a substation discussion several years ago or close to it?

**Mayor:** There was a sub...yeah a couple years ago and we're going to bring that backup again.

**Councilwoman Majka:** Okay good.

**Mayor:** It's not the manning of the substation, it's getting the real estate and getting the communications between the substation and the station so we're going to look at that.

**Councilwoman Majka:** Okay, thank you.

**Law Director:** We did discuss this at the Director's meetings and the Chief was there and I'm sure that the Chief would be here tonight but for his father's passing so he had reported to us, I think at the last two Director's meetings just so you know. I'm sure that he would have a lot more to say about this.

**Councilwoman Greer:** I feel strongly that we should revisit the idea of bringing in some type of outside consulting firm to look at what to do with that end of town. We all know that blight and crime go hand-in-hand and the answer down there is not retail, we're not going to find more retail to bring in, perhaps there is some type of mixed use or maybe there is something that we haven't even thought of and I believe that a consultant is at least a good first step in moving towards that.

**President Fellows:** I couldn't agree with you more. In fact, I was wondering if we could get a representative from this bank since they're the owner and us (Council) and some residents...the

bank even know what this property looks like? Any of the representatives even know what this property looks like? Bring them to our City and show them and have us there and have our residents and say we don't want this to look like this. We want something better for us, for our City and our residents and make this a more viable property for you as well to make it a win-win. I mean, how many years has it been like that now, too many, one too many. We really need to be active and Jennifer, I couldn't agree with you more. You had representatives here at the beginning of the year and I think we really need to seriously look at that and see how we can find some funds and get someone who has some expertise to do this because obviously we cannot, I agree. Thank you for bringing it up.

So our next topic is...this is concerning the application submitted by Robert "Bobby" DiSanto and the last action by Council on this matter was to approve the recommendation by the Mayor who is also the Safety Director to appoint Robert DiSanto as the Willoughby Hills Fire Chief and this was based on information shared with us on May 19<sup>th</sup> that states he, the Mayor, was assisted with interviews by our excellent Civil Service Commission and Mr. Gary Gabram all who served to provide excellent expertise in determining the qualifications for the Fire Chief. Since that appointment Council was copied on a memo from the Mayor/Safety Director that was dated August 26<sup>th</sup> to the Civil Service Commission acknowledging the fact that the Fire Chief Robert DiSanto does not currently hold credentials for the Federal NIMS 300, 400 certifications as listed on his application and that he the Mayor/Safety Director was waiving these credentials. Since we as a body unanimously approved the appointment falsification, misrepresentation or omission of information on an application is a very disconcerting matter where Council has an obligation to investigate and make a coordinated effort to determine if any actions need to be taken. After reviewing Robert DiSanto's resume and application they are some questions that Council may have and I would like to begin by asking the Mayor if a background check was performed on Mr. DiSanto?

**Mayor:** Yes a background check was performed and he also went through a CVA which is a voice stress analyzer like a lie detector by our police department.

**President Fellows:** Did you know how many questions were asked on that test?

**Mayor:** No, I don't.

**Law Director:** I know that one of the specific questions was were the statements made by you on your application true or not; the specific questions it's a VSA voice stress analyzer and our Police Department likes it better than a lie detector and it was specifically that question about the application and the answer was that there was no detection of anything other than truthfulness and we can get you that report, that's not a big deal. We had it before, I think that report was done back in June sometime and uh...

**Mayor:** Right.

**President Fellows:** I think that it was done May 18<sup>th</sup> actually and there were two questions on it that were asked.

**Law Director:** That's correct and the one question...well then you have the answers. So...

**President Fellows:** I just want to know if everybody else knows that information.

**Law Director:** I have it right here and the one question was specifically...I'll pull it out...if you have it...

**President Fellows:** I don't have the report; I just have the information.

**Law Director:** I can read it...the questions are...do you have the report?

**President Fellows:** I do not have the report. I just have the questions.

**Law Director:** Okay...

**President Fellows:** And his responses.

**Law Director:** Alright, the question on thing, if I can find it...here it is...question on the report, question one: Is your Willoughby Hills Fire Application current and truthful? The subject answered yes and the VSA no deception was indicated. Okay, second question: Have you committed a crime serious enough to prevent you from being hired as Willoughby Hills Fire Chief? The subject answered no, no deception was indicated. So the first question is the one that specifically talked about his resume. And this report is dated 5-18. Sorry I miss spoke and said June. And it was a truth verification examination predicated upon the request by Mayor Robert Weger and the scope of the truth verification examination was limited to Robert DiSanto's honesty as it relates to his Willoughby Hills Fire Chief application what we are, is the central issue germane to what you had asked about. Okay.

**President Fellows:** Mayor, was a drug test done?

**Mayor:** Yes.

**President Fellows:** Can we have the results of that then? At some point?

**Mayor:** Yeah.

**President Fellows:** Was there a psych test done?

**Mayor:** We had a psych test done previously because he was employed by us before.

**President Fellows:** How about a physical or medical exam?

**Mayor:** Yes.

**President Fellows:** And that information is available if we needed it?

**Mayor:** Um, I not sure if with HIPAA...

**President Fellows:** That might be HIPAA, okay.

**Mayor:** Right.

**Law Director:** Whatever is public record.

**Mayor:** We'll give you.

**President Fellows:** Okay. Anybody want to ask questions about the background check or any pieces or parts to that?

**Councilman Biro:** Just that, you know I had a discussion with Mr. DiSanto and he explained the situation and I think that we should probably give him a chance to describe that and see...you know I'm comfortable with his answer and I think he in no way was trying to, you know, falsify records or mislead the City. I think that he is an excellent candidate and I always will think that so I have no problem with his appointment.

**Law Director:** Ms. Chairman, I'll hand to the Clerk a two-page document entitled 5-18-2016 the VSA question and result which is what I just read into you guys about...

**President Fellows:** So you answered that everything was truthful on your application?

**Mayor:** Let me say one thing, we interviewed 18 people not 18 possessed all the things that are included in that. We interviewed all the Willoughby Hills fire personnel just to give them a chance but they all didn't qualify for different various reasons. So...

**Councilwoman Greer:** Was the background information that you had just discussed was that completed before hire?

**Law Director:** Yes. 5-18 was the specific date.

**President Fellows:** But that was just the voice test on 5-18.

**Law Director:** That's what I have, I don't have the rest of the records right here.

**President Fellows:** So we don't know when the drug test was? And the psych test, we don't even know how many years ago that may have been as a part-time firefighter? Or even the medical exam? Even the date of that?

Alright, concerning the Civil Service Commission, Mr. Kicher. As I recall this Commission sought more authority and responsibility through lobbying the Charter Review Commission as they prepared changes to the Charter for the ballot this last November. And the voters, our residents supported your request and voted to have the following added to the Civil Service Commission's duties. And this is what is in the Charter.

By the way, Vicki, we need to give everybody these packets as I move forward and I'm now thinking about this. And I want the Personnel Relations Committee to have one and Mr. Kicher to have one as well if there are any extras. Thank you Vicki. And some of these documents you should already have. The first one is going to be the memo that we are going to speak to in a second about regarding waiving his credentials, the other one is about the appointment, these are all public records. One of them is the Chief's resume, so there's nothing there that should be really of any surprise to anybody, you should have had them at some point or other either emailed to us or whatever.

This is in the packet, this is what was added, this is what the voters voted on in November. This was additional responsibilities for the Civil Service Commission: *The Commission shall, prior*

*to any employment offer by the appointing authority, review and confirm all credentials stated in the application provided by the candidate for employment by the Municipality, including, without limitation: (i) reviewing and confirming that the employment and educational history of any candidate is correct as stated in such candidates' employment and educational history of any candidate is correct as stated in such candidate's employment application, and (ii) that such candidate has obtained and is maintaining in full force any license, certification or other qualification required by the Municipality for employment by the Municipality in the position sought by such candidate.*

So on August 26<sup>th</sup> the Mayor copied Council on a memo that went to the Civil Service Commission indicating that the Chief had indicated on his application that he had certifications in ICS 300 and ICS 400 which he does not.

My question Mr. Kicher to you would be where was the Civil Service Commission on vetting these credentials and his education?

**Mr. Kicher:** We went through all the records for the 18 candidates. Some of the records you could verify from public documentation for instance if someone lists a degree you can contact the university and they will tell you as a matter of public record whether or not they received a degree. They published that along the time of commencement along with indication of a major field and any graduation honors. They do not give details on the transcripts, the grades of course and so forth.

**President Fellows:** But what about these credentials?

**Mr. Kicher:** That is private information which you must obtain from the candidates themselves. Candidates that passed through the interview process, like Chief DiSanto. We noted that there were records that we could not verify. Specifically mentioned the 300 and 400. The Chairman of the Civil Service Commission went on line to verify Chief DiSanto's licenses and the issues of the licenses that were a matter of public record were verified, there were others that were blocked.

He was notified by mail that his file was incomplete and at this point we had done our due diligence. It was up to the Chief to turn in those documents. Subsequently he was denied. It was my understanding that he tried to receive verification of those licenses through the City of Cleveland where he was previously employed. Is that correct?

**Chief DiSanto:** Yes.

**Mr. Kicher:** He had not received them. These two particular certifications can be delayed up to a year and it's my understanding that the Mayor acting as a hiring officer chose to give Mr. DiSanto six months to complete those last two requirements.

**President Fellows:** Questions?

**Vice President Plecnik:** So if I understand correctly, your Commission shared with the Mayor that you were not able to complete vetting the credentials and here were the incomplete parts of the application.

**Mr. Kicher:** That's correct.

**Vice President Plecnik:** And he made the hiring decision before anyone was able to complete that work.

**Mr. Kicher:** That's my understanding.

**Vice President Plecnik:** Thank you. One other question, did you, you said that you are able as a matter of public record to verify educational credentials. Did you do that for each candidate? Did you check to see if they graduated from High School, College, Masters what have you.

**Mr. Kicher:** Not for every candidate, not every candidate got that far in the process. The other way of verifying is inclusion of a diploma, a copy of diploma, we accept a copy.

**Vice President Plecnik:** So did you verify all of Mr. DiSanto's educational records as a finalist?

**Mr. Kicher:** As I recall, yes.

**Vice President Plecnik:** Thank you.

**President Fellows:** Any other questions?

**Councilwoman Greer:** I do. How was the Mayor notified? Was he notified of specific requirements or did someone just mention in passing, hey we don't have everything or... How was he notified and was he notified specifically?

**Mr. Kicher:** Tom Majeski prepared a letter that was delivered from the Mayor's office, processed the letter through the Mayor's office.

**Councilman Greer:** Tom Majeski sent a letter to the Mayor?

**Mr. Kicher:** No he sent it to the candidate.

**Councilman Greer:** Before he was offered employment?

As Mr. Kicher was not using a microphone, reply was inaudible.

**Councilman Greer:** My question is going back to the duty of shall review and confirm prior to offer of employment was the Mayor or anyone else notified or Council that you couldn't complete that duty?

As Mr. Kicher was not using a microphone, reply was inaudible.

**Councilwoman Greer:** Of these specific requirements? Or just like in passing hey we haven't been able to....

As Mr. Kicher was not using a microphone, reply was inaudible.

**Councilwoman Greer:** Just 300 or 400 and those were the only things that couldn't be vetted?

**Mr. Kicher:** No, you have a copy of the letter.

**President Fellows:** We don't.

**Mr. Kicher:** You don't have a copy?

**President Fellows:** No, no. That's why we're kind of fumbling with asking the questions because we don't have the information.

**President Fellows:** Chief, yes.

**Chief DiSanto:** I can probably clear some of the information up myself.

**President Fellows:** Why don't you come up to the MIC.

**Chief DiSanto:** First of all I would like to apologize that everybody's here because of this situation. It truly was a mistake and an oversight on my part. 100%. When I was notified by Civil Service to provide the documentation and the copies of the certification that's when I realized that I don't have 300 and 400. Now I'm not sure what you guys have in front of you but it goes 100, 200, 300, 400, 700, 800. You don't have to take them in order obviously because I have one and two, seven and eight. Three and four, don't have an answer on why I don't have those. As soon as I realized that I didn't have this information I went straight to the Mayor and advised him of my shortcomings. And that was two months ago.

**President Fellows:** Chief, may I ask you a question? So in my learning about these what I've come to find out is that an individual cannot take 300 and 400 unless they've been in an officer position such as Sergeant, Lieutenant, Captain. Did you hold any of those positions when you were in Cleveland?

**Chief DiSanto:** No, I did not.

**President Fellows:** Do you wouldn't have been qualified to take these because you were not in an officer position?

**Chief DiSanto:** From what I understand, and in my research on the NIMS courses that does sound correct. But...I...If I may the understanding of how Cleveland does things and I'm not putting any blame on them, the blame falls solely on me, is these courses were given out as a matter of, they weren't given out as a matter of you're an officer or you need to take these because you may be an officer whatever the case maybe. We were just told we had to take them and we took them. There wasn't...we didn't get an explanation of why we had to take them or which ones we were going to continue to take. My knowledge of that, of 300 and 400 once you are an officer was done by research just recently.

**Councilman Biro:** Can you explain the NIMS test, you know credentialing or whatever. What does it entail? What does NIMS mean?

**Chief DiSanto:** NIMS means National Institute Management Systems. It's...President Fellows you can take NIMS, everybody at this table can take the NIMS courses. And from what I've read you have to have 7 and 8 to take 3 and 4. It sounds kind of weird but that's the way it is. It's open to the public. It's open to private entities, it's open to public entities, everybody in this room can take the NIMS courses if they want.

**Councilman Biro:** So this is something that doesn't affect your training in terms of firefighting and teaching firefighting and whatnot this more of a managerial curriculum...

**Chief DiSanto:** That is correct, yes and no. It helps you with managing incidents you can also find it under IS Incident Command.

**President Fellows:** It's leadership.

**Chief DiSanto:** It's leadership as well. And I learned on the streets of Cleveland in the positions that I held for eighteen years by the men that write these certificates. By the men that teach these classes and the men that write these books. I'm not sure what that means here but if I can use the phrase I learned on the streets of Hard-Knox, that's how I learned things. These classes were for people that have very little knowledge and information of incident command, of management in emergency situations.

**President Fellows:** So you answered the voice test that everything on your application was truthful but now you said that you've made a mistake.

**Chief DiSanto:** At the time of the application, at the time that I wrote that, you have it right in front of you that I wrote that in my own handwriting that I had 300 and 400...

**President Fellows:** Your voice test was done on the 18<sup>th</sup> but your application was written on the 9<sup>th</sup>, April 9<sup>th</sup> and submitted on April 11<sup>th</sup>. So the voice test was taken after you applied, after your application was written.

**Chief DiSanto:** And I truly believe and to this day, until I figured it out if you were to ask me right now if I had 300 and 400 I would have told you absolutely I have 300 and 400. I did not...the mistake that I made was that I didn't look into it. The mistake that I made, I thought that by having 1 and 2 and 7 and 8, 3 and 4 fell into place.

**President Fellows:** So I'm going to ask you a really odd question, did someone tell you to put these on your application so that you would qualify?

**Chief DiSanto:** Absolutely not.

**President Fellows:** Okay, just thought I'd ask.

**Councilman Biro:** Mr. DiSanto, are you enrolled in those courses currently?

**Chief DiSanto:** I absolutely am. They will be done by the end of October.

**Chief DiSanto:** If I'm not mistaken, it's a two-day course and a one-day course but those are...I'll have to go to Tri-C and it's the second week in October for two days and the third week in October for a day. Which in fact is zero cost to the City.

**President Fellows:** So following through then with the mistake since you signed the application that everything was truthful runs congruent with your voice test as well, I'm going to make that assumption since you sign this, your application, saying that everything was correct.

**Chief DiSanto:** I'm sorry, I don't follow.

**President Fellows:** So have two places where your saying that I'm truthful, one in the question of the voice test and one that you signed on the back of your application.

**Chief DiSanto:** That's correct.

**President Fellows:** So you have two places that said that this is all correct, that you made a mistake.

**Chief DiSanto:** Absolutely, 100% an honest mistake was made on my part.

**President Fellows:** Any other questions?

**Councilman Fiebig:** I have one.

**Councilwoman Greer:** I'm not concerned at all of the Chief's ability to do his job, I'm just as confident today as the day that I voted to confirm him. However, I do think that we should take a look at the processes in place because it may not be the Chief, it may not be today; it may be years down the line but if a qualification is not verified it could really have an impact on the safety of our residents. It's likely not this, it's likely not that this is going to have an impact on the safety of our residents but if there is something that's not certified or not confirmed that's very important that really could work as a detriment to our City so I really feel that we need to figure out what went a rye in the processes and how do we fix it. And along with that I have a question about Civil Service, did they know that 300 and 400 required managerial experience to obtain those? Because if they did they probably should have questioned that.

**Law Director:** I can answer part of that with what little I do know. If you look at the application itself for the job posting it gave the Mayor the authority to waive all the required credentials and the Mayor did prior to even Mr. DiSanto and all other members of our Police Department who applied for the job he waived all of those mandatory things because you could possibly look for somebody from within. So whether they had them or not had them it was not a factor for that determination. The problem still exists as to why it's on his application and whether it's was the honest mistake or not and you did find it out after the fact. Even now it would not be one of the qualifications that the Mayor would have required. It's still the problem on the sheet and oh by the way he holds every certificate and all the necessary for Fire Chief.

**President Fellows:** It's on the job description.

**Law Director:** I know, if you see it, if you read it on the backside of the Mayor has the authority to waive it and the Mayor did in fact waive it only for people in our Police Department, you'll see that. Our Fire Department, excuse me.

**Councilwoman Greer:** We didn't know that, that's valuable information.

**Law Director:** It's on the backside of that thing where it says it's a mandatory thing but if you look at the backside...what you do on these things you allow the person to, the hiring authority to give him some flexibility depending on what it is he can make the determination during the process and they had the long process he did waive it along the way so it wasn't a big factor for the Mayor other things were big factors for the Mayor. But the issue that I still see and I think Ms. Fellows is on it, it's on his application which is another whole issue. Okay, I hope that gives you some perspective.

**Councilwoman Greer:** It does, that's valuable information I'm glad that I know that now.

**Vice President Plecnik:** Is the waiver language you are referring to on the back page, the following: *This position description is not intended to be a complete list of all responsibilities, duties, or skills required for the job and is subject to review and change at any time, with or without notice, in accordance with the needs of the City.*

**Law Director:** Correct, that's it.

**President Fellows:** Councilman did you have a question?

**Councilman Fiebig:** For Mr. DiSanto did you graduate from Bowling Green University?

**Chief DiSanto:** I did.

**Councilman Fiebig:** You have what...what bachelor's degree do you hold?

**Chief DiSanto:** Arts and Science.

**Councilman Fiebig:** And what year was the conferred?

**Chief DiSanto:** 19...that's going back a few, 1990.

**Councilman Fiebig:** 1990 and was that one of items that the Civil Service Commission did not verify? Or did they verify that?

**Chief DiSanto:** I think they...I can't answer that, I don't know.

**Councilman Fiebig:** Okay. The items, maybe you don't this answer but the items this letter that Tom Majeski wrote to the Mayor it stated that we could not get documentation for the 300 and 400 certification. Was there anything else Mayor?

**Law Director:** Do you have the letter?

**Councilman Fiebig:** No.

**Law Director:** It sounds like you are reading it.

**President Fellows:** Because Mr. Kicher you mentioned that your able to get anything that's a public record and that would be if you call the University and asked for a public record request and paid whatever fee that they would have to produce that for you and anybody could get that information from anybody from any University, correct?

**Law Director:** Just for the record we got the Civil Service letter dated June 13<sup>th</sup> it's mentioned here, so...

**President Fellows:** "I spoke with Mayor Weger's Executive Assistant and wanted to contact you directly regarding the credentials that we are still in need of to fulfill you vetting requirements. Please provide us with the following documents as soon as possible: Paramedic Card, NIMS Classes/Certifications and all other applicable certifications". Do you want to see it?

**Councilman Fiebig:** No. Did you supply that Paramedic Card?

**Chief DiSanto:** Yes, the...actually I have here all of the...everything that's on list. All of the NIMS 1 and 2, 7 and 8, Paramedic Card, Firefighter Instructor Card, Fire II in addition also I have all the Tect Rescue, all the other certs that I've done over the 18 years that I've been with the City of Cleveland.

**Councilman Fiebig:** Okay.

**President Fellows:** So Bob, you provided certificates and documents of distinction and you just shared with us that you graduated from Bowling Green in 1990, why didn't you include a copy of your diploma?

**Chief DiSanto:** I don't know, it wasn't asked for and I would have to do some research to find it, I don't know where it's at.

**President Fellows:** Because you don't have it, do you? We asked for a public records request from Bowling Green University and you've never graduated from there, have you?

**Chief DiSanto:** I have not.

**President Fellows:** Thank you.

**Councilman Fiebig:** Mr. DiSanto you just indicated to me that you had graduated and if I understand you just now have taken that back. Is that correct?

**Chief DiSanto:** That is correct, Councilman Fiebig.

**Councilman Fiebig:** Okay.

**President Fellows:** Not to add any more salt to the wound but there is one more point in terms of your application. The application asks if you have ever been disciplined for insubordination which means bad behavior. You answered no; however, on November 18, 2013 and you were given notice by the City of Cleveland, Department of Public Safety, Division of Fire, charges against you for the violation of fire rules and regulations specifically neglect of duty, conduct unbecoming for an employee in a public service, negligent or damage to public property and failure of good behavior. I have your citation for that, I don't think you want me to read it. And if anybody wants to read it you can go online and find everything you want to know about that incident and it wasn't nice.

**Law Director:** Can I comment on that? That was brought to your attention by me.

**Councilwoman Greer:** That was during the confirmation.

**Law Director:** That was brought to your attention by me.

**President Fellows:** It answered no on his application, that's the point.

**Chief DiSanto:** I was asked to come into Executive Session that evening on that particular point and...

**President Fellows:** You answered that everything was truthful on your application, not only in a voice test but also when you signed this document. You have been miss truthful in your certifications, in your graduation, in your misconduct and there were numerous places that we have found that you have two different birthdates as well and that concerns me.

We had a discussion about a month of ago and one of things that I had asked of you was to make sure that you maintained your integrity and I don't find that you have. You may be the best Fire Chief but this speaks to character and integrity. I sit on the Ohio Board of Nursing and I deal with a hundred of cases every other month and people do things outside of work and they say that it didn't happen at work so why I'm I being disciplined, because it has to do with the person that you are and your character, and your morals and your ethics and your integrity. And I'm disappointed.

**Councilwoman Greer:** May I ask a question, please? Where did he say that he graduated from Bowling Green, I was just looking at the resume...

**President Fellows:** It's on the resume. It says four years...

**Vice President Plecnik:** Madame President, if I could actually direct, it's page 6 of the application. Where he lists Bowling Green State University number of years attended 4 and you check yes or no as to whether you graduated and he's checked "yes" and you have a copy of it as well.

**Councilwoman Greer:** The only reason I asked that because on the resume it lists Bowling Green but it doesn't list a degree.

**Vice President Plecnik:** Madame President, if I could just say that I'm very saddened by what we've learned tonight and what we've confirmed tonight. We had asked our Civil Service Commission specifically did you do an employment and education verification check and you know as I'm reading from a particular model set of policies and I use the word "model" quite loosely for pre-employment screening, our pre-employment screening process consists of employment education verification, social security check, criminal record review and reference checking and I hate to say what I'm referring to are the policies of McDonald's. For a fry cook, for a cashier there would be a full employment, education, criminal background verification and this isn't even speaking to Mr. DiSanto, this is echoing the concerns of Councilwoman Greer who stated that the process has to be done right. If McDonald's does a check of the educational background of its fry cooks, how is Willoughby Hills not confirming this. We just heard from our Civil Service Commission that they did. Now we know that they obviously didn't. Mr. Mayor you appoint this Commission, you have the first hiring and appointment authority, how is it possible that we're appointing department heads without doing the most basic background checks? I really would like to know how we go so far in this process that we're having to have this painful public discussion as opposed to dealing with this before the applications were even brought to you let alone to Council. Thank you.

**Councilwoman Majka:** And if I could just add, every Council members sitting at this bench should be very concerned at this point because how often have we heard over and over and over again the word "vetting". We've got to do the right thing, we've got to vet, we've got to vet,

we've got to vet. Well here's a great example. We had an exclusive group that was in charge of vetting that had lobbied for Charter changes in order to be granted more responsibility in that area. And now here we are taking a giant step backwards looking at this mess.

**Law Director:** I can answer part of that.

**Councilman Fiebig:** Madame President, can I ask that the Mayor answer Mr. Plecnik's question?

**Mayor:** I am not the appointing authority; we all are the appointing authority. And you can...you should've checked the references too, so if it falls through the cracks on my side you have the opportunity to check them out too.

**Vice President Plecnik:** Madame President, two points. First under our Charter, the exclusive responsibility for vetting candidates, employee records, etc., is now under the Civil Service Commission who the Mayor has sole appointing authority over. Council doesn't get to approve or confirm Civil Service Commission members only you, the Mayor does. And it's the Charter that says it's the Civil Service Commission's responsibility and in the memo that you gave us recommending Mr. DiSanto for Fire Chief you say that the Civil Service Commission joined with you to use their expertise to verify these credentials. So you put your name on the record along with theirs representing to Council that this job had been done. And I think that every member of Council had a right to expect that there was some measure of caution and care taken in making those representations. We clearly made a mistake in assuming that the Civil Service Commission and you did what you represented to us which was vet the candidate. Because the easiest thing to do would have been to make a public records request for a college degree. The easiest thing to do would have been to verify these credentials and to make sure that they had copies beforehand and yet that was not done. This is unacceptable. McDonald's would have vetted this and the City of Willoughby Hills didn't for a department head. I'm still...honestly I'm still taking it in, I am very saddened that this got this far. And no it's not Council's fault for trusting you other than for trusting you. Thank you.

**President Fellows:** Right, we trusted you and we trusted Civil Service so don't blame this on us.

**Law Director:** Let me clarify something as a matter of law. This is very similar, and everybody wants to start figure pointing when we have an issue, okay, who's at fault, etc. This is very similar to when the President appoints somebody to a position, let's say a juridical position the administration has a job and the legislation has a job and in the new Charter change Ms. Fellows forgot to read the last paragraph which says the Commission shall report its proceedings to the Mayor or Council upon request. And so may be the Mayor didn't do this in this case because he had certain things. But as a matter of law the appointing authority, the Mayor cannot appoint him without Council's so the appointing authority rests with everybody at this table other than let's say me and Vicki because it rests with Council and the Administration. The Council can't hire alone and the Mayor can't hire alone. So that's the appointing authority is both. And both have a right and a duty to do it. Did it slip through the nets? I see that it did slip through the nets. Did the Mayor when he found out about it bring it to everybody's attention properly, the answer is yes. But to place blame on one or the other I believe as a matter of law is misplaced.

**Councilwoman Greer:** I agree. I don't think that right now at this table is the time to place blame.

**Law Director:** Correct.

**Councilwoman Greer:** But I do think that we all need to agree that we have to fix this somehow and fix the hiring process because we don't want it to happen again. I did not know about this degree; this is something that I was shocked to hear. Frankly, I'm even shaken up...and I think we need to talk about how we can fix this and stop placing blame. Let's move forward and fix it.

**President Fellows:** And I think Jennifer the other thing is that you know we're kind of getting diverted to other things to me the crux of this meeting was the falsification of the application. I don't think those certifications will make you a better firefighter or a better Chief but the fact of the matter is you lied. And you lied about your degree and you lied about your insubordination on the application. What's wrong with the application? It's a form, it's a format. I mean many people have the same application. I don't know that the process needs to be fixed. Those questions need to be answered truthfully.

**Chief DiSanto:** President Fellows...

**Councilman Fiebig:** I just gave you the opportunity to discuss this too in front of Council and I'm shocked and disappointed that you had an opportunity right here to come clean with this, to explain and you didn't.

**Chief DiSanto:** I didn't.

**Councilman Fiebig:** That's inconceivable.

**Chief DiSanto:** I have four years completed at Bowling Green State University as you all know. I've taken enough course since then at Tri-C and at Lakeland Community College to fulfill a degree. I was actually in the process of doing that, a little too late, I understand that. If I could address the insubordination and we could've addressed this months ago, that there was 20 or so, may be even 30 people that were disciplined for that of which they had no proof, no evidence, no nothing. It was a situation that happened and the only reason that anybody got disciplined is because they couldn't get to the bottom of anything. It happened at a party off city property of the City of Cleveland and I mean in...

**President Fellows:** You know that does...for me that doesn't cut it. Because I've had a discussion before with other people in our City. The integrity of person in whatever profession they are in my opinion is you are...that integrity goes with you wherever you are in life. You don't...as a nurse, I don't leave the hospital and I'm not a nurse anymore. That's what I said about the Board of Nursing...you were at a party but you were still a firefighter, you still have that hat on.

**Chief DiSanto:** Does this say what I did wrong? Nowhere in here does and right this is probably the least of my worries right now but does this in here say any...state what I did wrong? There's nothing in there that states what I did wrong.

**Vice Plecnik:** Madame President, it does state that you agreed to the charges, correct?

**Chief DiSanto:** It says that I...

**President Fellows:** Plead no contest.

**Chief DiSanto:** Plead no contest which is not Councilman is that an admission of guilt?

**Vice President Plecnik:** It depends on the context. But you plead no contest with what you were charged with. And in the charges which are also publicly available it does say what you did but like our Council President, I hesitate to read it aloud. I think you know and I know that it's not really fit for present company but anybody who needs to know is capable of pulling the charges and reading the description for themselves.

**Chief DiSanto:** Right, but as we all know and we can hammer this all night long is that, I mean was there any other choice? What other choice did I have?

**Councilwoman Greer:** I don't that this is fair that we're talking about this right now because we knew about this, we confirmed him, we knew about this. I don't think that it's right that we're talking about it.

**President Fellows:** Right I agree. I need to move on because we're supposed to start Council but I do have to open public portion, so...

**Councilman Fiebig:** Ms. Fellows, finally to protect your privacy in those issues it is a personnel issue, we should call an executive session to discuss...

**President Fellows:** We cannot call an executive session in a committee meeting but there will most likely be an executive session called in the Council meeting and we can add that to the topics of discussion.

So I want to call...Bob if you want to sit down you may. Public Portion is called at 7:00pm. Linda.

**Linda Fulton - 2990 Marcum Boulevard.** I am very disappointed to find out that the Mayor has the authority to waive certain things at his free will. Things that are very important like what was happening tonight, I am...I really question, Mr. Mayor your ability to run this City. And I also know, I'm speaking for us three on the Personnel Relations and Mr. Plecnik, that if that was given to the Personnel Relations Committee to vet this person, I am reasonably sure that this would not have happen, it would have been vetted. Civil Service did not do their job. Thank you.

**Gloria Majeski - 2717 Graylock.** One thing that Jennifer said that things have to change, I will agree with and I know that there's you know, you're talking about the blame and everything and it doesn't want to be talked about but I think one thing that was not talked discussed tonight was the process when Chief was actually hired. If you look at the minutes for the May 26<sup>th</sup> meeting the second tape recording when you guys came back from executive session which Civil Service was not invited back there to even know that you were going to hire him. When you came back made a motion to waive the 3-readings so Civil Service didn't have any idea you guys were going to hire him that night to even say anything. In all fairness to Civil Service. Okay, so you waive the 3-readings, you pass the ordinance and then Council President Fellows said the motion passes, welcome Chief. That sounds like an appointing authority to me. They didn't ask Mayor if anything was done, they didn't ask Civil Service if everything was done so if something is going to be changed that's what needs to be looked at.

**President Fellows:** Anyone else? Well, I will respond to you Gloria. At the Regular Council Meeting of May 26<sup>th</sup> Mayor Weger stated tonight at the Council meeting I would request Council's confirmation of Robert DiSanto as our next Fire Chief. He is currently a 10 year part-time employed with our Fire Department and he also got eighteen years of service with the Cleveland Fire Department. So the Mayor had requested that Council do that that night.

**Vice President Plecnik:** Madame President could I also say let the record reflect that the person speaking was Gloria Majeski the Mayor's Assistant so little surprise who she sides with.

Comment made from the audience.

**Vice President Plecnik:** You do but it is informative that you are the Mayor's Assistant.

**President Fellows:** Anybody else for Public Portion? I will end Public Portion at 7:03pm and we will adjourn this meeting at 7:03....

**Councilwoman Greer:** May I just say just on...John, I feel like that was kind of inflammatory. Gloria Majeski is also a citizen, a citizen in my district and she does have the right to speak in a public meeting without called out, everyone knows who she is. We really don't need to do that. This is the kind of thing that makes...that pulls our group apart and we don't need to do that.

**Councilman Fiebig:** May I just say one thing regarding that...

**Councilman Biro:** Can I add one thing too. This is the problem that we've had with Personnel Relations and John's relationship with Gloria. And that's as I had asked in the past, I had asked you to move those issues to the Committee of the Whole and that was denied. So it's no surprise to me that the kind of comment that we're going to get from Mr. Plecnik and his bias and discrimination.

**Vice President Plecnik:** No.

**Councilman Fiebig:** May I just say one thing and I know that we've got to move on but with her husband being on Civil Service and the Chair of it obviously a tremendous amount of influence from the Mayor's office on Civil Service. And if we talk about bias and we talk about really honestly trying to change things going forward there should be a separation of spouses serving on Commissions. Especially ones with such influence.

**Councilwoman Greer:** I was told that while you sat on this Council, I'm not commenting whether I think this is right or wrong that Mr. Majeski and Mrs. Majeski both do work in the City, I believe that you were on Council when you waived...when you said you were okay with Tom Majeski sitting on Civil Service.

**Councilman Fiebig:** I don't know where you came up with that but I think that Council should look at that and I think that it obviously has shown that it is a problem. Agree or disagree with me.

**Vice President Plecnik:** Madame President if I could just say one thing. I have to respond to Councilman Biro alleging bias and discrimination on the part of Personnel Relations that is a personal attack, I rebuke it and I think that it is valuable for the residents to know the objective fact not only that Ms. Majeski the wife of the Chair of the Civil Service which was supposed to

do this vetting but the Assistant to the Mayor. So when she comes forward representing it's not Civil Service 's fault, it's not the Mayor's fault, it's quite informative to see who she works with and whose she's related to for them to understand that connection. And I think Council had every right rely on Civil Service doing its Charter required duty to vet the candidate. It's sad that we haven't had that. It's sad the Mayor's representation that they'd done so was not true but I don't blame a single member of Council here for taking the Mayor and Civil Service at their word and voting Bob DiSanto through based on those representations. I whole-heartedly supported that vote but those representations were obviously not correct based on what was discussed tonight and for me the most troubling thing is honesty. To have Mr. DiSanto come up and tell us point-blank that he graduated from Bowling Green and retract it moments later, I'm still digesting that. Thank you.

**President Fellows:** Okay. Adjourned at 7:06pm. Take a breath and we'll start Council.

Submitted by:

*Victoria Ann Savage*

Victoria Ann Savage, CMC  
Clerk of Council