

Whitehouse Village Council Personnel Committee  
Feb. 24, 2023, Village Hall, Whitehouse, Ohio  
Meeting Minutes

PRESENT:

Committee Members: Louann Artiaga, Rebecca Conklin Kleiboemer, Mindy Curry, all Village Council members

Employer: Kevin Heban, Village Solicitor; Jordan Daugherty, Village Administrator; Allan Baer, Village Interim Police Chief

Grievant: Ashley Kunesh, former Village Police Officer; Stephen Malone, private attorney

Others: Josh Hartbarger, Village Fire Chief and IT facilitator; Jason Francis, Village Deputy Fire Chief; Kelly Kunesh

CALL TO ORDER:

Rebecca Conklin Kleiboemer, president of Whitehouse Village Council, called the meeting to order at 2:00 p.m. to consider a grievance brought by former Whitehouse Police Officer Ashley Kunesh against the Village of Whitehouse. The grievance was regarding her employment termination Nov. 11, 2022 as ultimate discipline for incidents involving then-Officer Kunesh and a high school student at and apart from her duty station of Anthony Wayne Schools as a designated School Resource Officer.

ELECT CHAIRPERSON:

Conklin Kleiboemer asked for nominations for a new committee chair since previous chair Dennis Recker had resigned from Council. Mindy Curry nominated Conklin Kleiboemer; 3 ayes.

Chairwoman Conklin Kleiboemer reviewed the Personnel Committee procedures and rules. Solicitor Kevin Heban advised the Committee had the right of executive session, could ask questions and schedule future meetings, and had latitude with recommendations.

HEARING:

Chairwoman invited the Employer to offer evidence and arguments to support the discipline that was issued against Kunesh.

Solicitor Heban argued that after internal investigations prompted by the school district raising concerns, the Village had no other choice but to terminate Kunesh for her interactions with a 17-year-old male Anthony Wayne High School student (Student), noting the following: then-Officer Kunesh and Student over the course of seven days exchanged more than 600 text messages, several of which were deemed inappropriate in content and at time of day exchanged, unprofessional to her role as a police officer in content and by divulging and requesting personal

information, and “grooming” of a youth by an adult by discussing personal information and physical activity, by exchanging personal pictures, and by seeking out a student known to have behavioral issues and personal hardships. Solicitor also stated Kunesh had purchased and given Student gifts, including food and personal items, and had offered Student free personal care services at a business she owns; Kunesh met with the student inside and outside of school, including his place of employment; her direct supervisor had warned her to stay out of the high school and away from this particular student; Anthony Wayne Schools (AWS) had conducted its own investigation and had barred Kunesh from ever serving as a School Resource Officer (SRO) on any of its campuses in the future; and that the Student’s foster mother had since revoked permission for him to speak with Kunesh further.

Solicitor had presented a binder of materials, including Whitehouse Police, Administration, and Legal investigation documents.

Solicitor reviewed a report by Whitehouse Police Department (WPD) Corporal Charles Kessinger Jr., also an SRO and Kunesh’s direct supervisor, of his summary and recommendations regarding the incidents between Kunesh and Student, including event timelines and investigation interview summaries. Kessinger’s findings included that while Kunesh acted without nefarious intent she had still failed to exhibit appropriate decision making, had knowingly disregarded an order, and had been dismissed as SRO. He recommended that corrective action be taken according to WPD policies 319.3, 319.5, 391.5.7, and 319.5.9.

Solicitor reviewed an exhibit of screen shots of text messages, including photos, exchanged between Kunesh and Student. Solicitor noted where there was discussion of “cold showers” and “muscles,” a picture of Student shirtless, Kunesh asking Student when his birthday was, Kunesh divulging anxiety medication she is prescribed, and other messages raising concern that she was seeking an inappropriate level of relationship with this minor. Solicitor stated that at no time did Kunesh tell Student it was inappropriate for him to send her photos of himself baring his body.

Solicitor stated that Kunesh had violated WPD policies, including disregarding directives by her supervisor and acting outside the scope of her role as an SRO, and that she had presented a significant liability risk to the municipality with her conduct regarding a minor, particularly should similar behavior be conducted again by her or any other employee. He repeated there was no other choice but for the Village to terminate her employment.

Chairwoman invited the Grievant to offer evidence and arguments to demonstrate whether the discipline that was issued against Kunesh was not warranted or was too severe.

Attorney Stephen Malone said he had documents he would give the committee, including a more complete record of the messages exchanged between Kunesh and Student, incident reports of then-Officer Kunesh noting her commendations, and supervisor reports of her performance during her time as SRO. Malone asked that first his client be allowed to give her own statement to the committee.

Kunesh gave a lengthy statement describing her account of the course of events of the incidents between Student and herself, including her reasoning for why she felt compelled to engage with him. At times during her statement she was visibly emotional. Kunesh described her past personal traumas and her reasons for wanting to become a police officer so that she could help others. Kunesh said she had been hired by the Village of Edgerton Police Department since her WPD termination. She said she had felt ill-prepared for the SRO role and noted communication difficulties with her supervisor, who had given her a binder of materials regarding SRO duties. She began her SRO role in August of 2022 and took SRO-specific training in October of 2022.

During her statement Kunesh explained how she felt compelled to offer more support to Student, that God places her where she is supposed to be, and that closer personal relationships allow her to help others better. Kunesh noted concerns she had about Student because of an approaching anniversary of his father's death of which she was aware because of social media content and past family connections, of self-inflicted harm Student had reported to her, and other communication with him and school staff. Kunesh stated Student's foster mother and some school staff members were aware of her interactions with Student, as was WPD Sergeant Amanda Bradley.

Kunesh said the content of the text exchanges could be attributed to her attempts to get to know Student better and that some referenced in-person conversations. She said texts about showers and muscles were related to Student's interest in fitness and that she was attempting to connect him with a trainer so Student could consider that as a future career. Kunesh said Student had stated in the investigation that he had described the messages and interactions with Kunesh as flirting to other AWS students to get a rise out of them.

Kunesh said Cpl. Kessinger had expressed frustrations to her that she was doing too much outside the scope of her role and that he disagreed with some of her choices. She said Kessinger had told her to stay out of the high school, which was his territory, and that he had informed her of Student's past disciplinary record in the school. Kunesh described professional philosophical disagreements between Kessinger and herself. Kunesh described some conversations between Kessinger and herself on one day and noted his absence from the high school on another day that she interpreted as being permissible opportunities for her to engage with Student. She said she would never disobey a direct order and that she had not received one regarding Student.

In her statement Kunesh said that following the internal investigation then-Police Chief Mark McDonough recommended disciplinary action but did not recommend termination. She said the accusations that she had been inappropriate with a minor were devastating to her. Kunesh said she was motivated by grace, love, and understanding. She asked the committee to follow then-Chief McDonough's recommendations instead of that of the Administrator and Solicitor who did not know her. She said she wanted the opportunity to work in Whitehouse again.

The Personnel Committee granted itself and all parties a brief break at 3:30 p.m. and reconvened at 3:36 p.m.

Upon reconvening, all three Committee members asked questions of Employer and Grievant representatives, including Kunesh. There was discussion regarding WPD and Village policies and training, appropriate conduct of officers, chain of command, discipline history, and liability. There was discussion on Kunesh's motives, personal mental health, personality, and personal convictions, as well as community perception of policing.

In her replies Kunesh stated she did not have specific training as a mental health care provider and that she had received general training in how to interact with children as a police officer. She stated Student had not specifically communicated to her that he needed support in the areas she had identified as reasons to reach out to him. She stated other officers in other communities have differing policies, practices, and opinions on whether to give out personal contact information or how to conduct themselves in SRO roles. She reiterated some of her personal convictions. She said she had received some positive reviews from Kessinger on how she had performed as SRO.

In his replies Attorney Malone said his client had made mistakes but that she should not be penalized for hyper-focus that can be attributed to her ADHD, for her being placed in a duty area beyond her capabilities, or for her being caught up in salacious media frenzy. Malone noted AWS had permitted Kunesh to provide police presence during the high school football game after reviewing staff concerns about her interactions with Student. He said there was a dispute about the clarity of orders Kessinger had given Kunesh. Malone said Kunesh had made mistakes but that she was not beyond the ability to be retrained and that the Village should desire police officers to err on the side of compassion.

In his replies Interim Police Chief Allan Baer, who had participated in the investigation as Deputy Chief, noted that there were some differences in the accounts Kessinger made in his report and what Kunesh had stated to the committee but that he recalled her stating in her investigation interviews that she should have listened to her supervisor. He said Kunesh's SRO supervisory reports had stated the need for correction in chain of command. Baer said Kunesh had committed a gross violation of policy in exchanging personal information and sending photos of other officers without their knowledge or permission to Student. He said she had demonstrated an inability to identify and maintain appropriate boundaries and that he now doubted her future decision-making. Baer said he did not feel Kunesh could be retrained.

In his replies Administrator Jordan Daugherty said AWS had continued its review of reported staff and student concerns after the referenced football game and that upon further investigation concluded Kunesh had behaved inappropriately and that she was not to be allowed back as SRO.

In his replies Solicitor Heban said the Police Chief makes recommendations but that discipline decisions fall to the Administrator. Solicitor noted that McDonough's recommendation letter included a statement that with the exception of complying with the AWS request that Kunesh no longer serve as an SRO his other discipline recommendations all were pursuant to further discussion with Village administration and legal counsel. Solicitor reiterated liability concerns and said a male adult officer in his 30s texting a 17-year-old female student to this extent or with this content would never be regarded as acceptable and would result in termination.

It was clarified that the text exchanges between Kunesh and Student occurred between Oct. 21-28, 2022, and that Kunesh was attending SRO training Oct. 24-28, 2022. The overlap was noted and it was stated that Kunesh had sent some messages to Student while attending training.

In closing statements, Solicitor Heban said Kunesh's insubordination was clear and that the volume of messages she exchanged with Student were excessive and the content was inappropriate and beyond the scope of her duties and WPD policies.

In closing statements, Attorney Malone said that while Kunesh had exhibited a lapse in judgment her motives were not bad and that had they been nefarious she would have taken greater effort to hide them. He said firing Kunesh was an indictment of whether the Village and AWS were sound judges of character and he described school staff concerns as mandated reporting. Malone cast doubt on Kessinger's account and said small police departments were full of interpersonal drama. Malone said the text messages had been misinterpreted and that the termination would ruin Kunesh's career.

The Personnel Committee moved to enter executive session with its three members at 4:37 p.m.; 3 ayes. It reconvened with all parties at 5:19 p.m.; 3 ayes.

Chairwoman Conklin Kleiboemer said the committee members had reviewed the evidence and Kunesh's statement and determined there was not sufficient evidence or argumentation to overturn the ultimate disciplinary decision.

Conklin Kleiboemer made a motion to uphold the Employer's termination of Ashley Kunesh, seconded by Louann Artiaga; 3 ayes.

Conklin Kleiboemer made a motion to adjourn, seconded by Mindy Curry; 3 ayes. The meeting was adjourned at 5:20 p.m.

*Minutes respectfully submitted by Rebecca Conklin Kleiboemer.*