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January 22, 2019

Kirk Radanovic, Chairman
Republican Committee of Lanc. Co.
902 Columbia Ave.
Lancaster PA 17603

RE: Mark D. Fetterman, Esq.
Candidate for Lancaster Co. D.A.

Dear Mr. Radanovic:

I am writing in response to your letter of January 17, 2019, our meeting of the same date, and circumstances surrounding this matter and the handling of the distribution of information. We thank you for the opportunity to respond and welcome the opportunity to defend.

Within this letter we set forth our response to the accusation reported in your letter. I believe that after review of all legally available information, you will conclude, as did the Lancaster County Human Resources Department, District Attorney Stedman, and the Independent Counsel hired by Lancaster County, that the allegations are without merit and that Mr. Fetterman's name should be cleared from any cloud of rumor. If this is the case, I expect you to honor your promise to contact the area Chairs and inform them as to the findings thereby countering the illicit claims previously allowed to circulate.

THE ALLEGATION:

Allegations of improper conduct, especially for a member of the Committee seeking an elected position, should be investigated and given full and fair consideration to ensure that the candidate is conducting themselves in accordance with party ethics, morals, and laws. It is absolutely proper to make the inquiry you have made, however allowing the dissemination of information and rumor prior to

completion of an investigation (and before the accused has had an opportunity to respond) is not proper or is not consistent with the principles of our party.

As to the specifics, there has been an allegation of wrongdoing on the part of Mr. Fetterman based on a reported event approximately ten years ago. There is no allegation of any physical relationship, rather it is an allegation that he made an inappropriate statement to a co-employee.

Your letter, and the accusations made at the time of our meeting are as follows:

"You [Mr. Fetterman] engaged in conduct which violated the County's Discrimination and Sexual Harassment Policy that was in effect at the time [referring to 2009]."

You go on to state, "Robert M. Frankhouser, Jr., has interviewed the complainant and learned that, the complaint resulted in a "no further contact" order and that you undergo counseling."

Therefore, you are investigating three distinct facts:

1. Did Mr. Fetterman violate the County's Sexual Harassment Policy?
2. Was Mr. Fetterman subject to a "No Further Contact" Order?
3. Was Mr. Fetterman required to undergo counseling?

HUMAN RESOURCES PERSONNEL FILE:

As I am sure our Republican County Solicitor Mr. Frankhouser has informed you, and as I informed you last Thursday, all such complaints, investigative files if any exist, and discipline (such as the "order" and "required counseling" you refer to) are required to be kept in the Lancaster County Human Resources Department. It is a violation of the County Code, the Human Resources policy, State Law, and Federal Law, to keep any other such documents anywhere other than the Human Resources file. We have confirmed this with the Director of Human Resources, Charlette Stout, and the highly-respected Lancaster County Solicitor, and Republican Committee Member, Christina L. Hausner, Esq. I suggest you have the same conversation with these people to confirm this information.

We then offered to have you, Ms. Reed, and Mr. Frankhouser, or anyone else (such as ANY Committee Member, or member of the Press), accompany us to the Human Resources Department where we would authorize you to review the file. I informed you that there was absolutely nothing in the file relating to an investigation or any discipline (on this or any other matter, nor even a complaint), nor any "order", nor any requirement of "counseling". You could then conclude, quickly, that the information related to you by this person was inaccurate.

WITNESSES:

I also offered you the names of several independent witnesses who worked at the District Attorney's Office during the time in question who would corroborate Mark's denials. This included very well respected members of the Lancaster County Bar, and members of our committee, including a Committee Chair.

E-MAIL:

As you admitted during our meeting, someone (who you know but refuse to identify) was making calls to area Chairs prior to the Elanco/Ephrata/Cocalico Straw Polls, and prior to the L.S. poll, informing the Chairs that "Mr. Fetterman has a Me-Too problem, and we have the E-Mails to prove it." You also admitted that you relayed this information yourself to another area Chair.

As it turns out, you do not have any E-mails. The person you identified as the "Complainant" does not have any E-mails. We welcome your inspection personally, but I assure you, no E-mail exists in the personnel file. Not one. I suspect the Committee Chairs who were called and told that E-mails exist proving this allegation are going to be irritated to find out that nobody has seen any such E-mail and that they were misled in this regard.

EXISTENCE OF A SHADOW FILE:

Mr. Frankhouser suggests there may be a "shadow file" of Human Resources investigation in the Lancaster County D.A.'s office. He indicated that he had not confirmed this. If there is a "shadow file" of Human Resources information or investigation that was not kept in the Human Resources file as required by law, I am unaware of such a file and feel confident that Mr. Stedman would have forwarded such files to Human Resources and at all times acted within his legal responsibilities.

I spoke with Mr. Stedman Friday and he confirms that he has followed the law in all regards (I would not anticipate otherwise) and that all official information is within the Lancaster County Human Resources file as required by law. I believe you will find near-universal agreement that Mr. Stedman is not the kind of public servant who would allow someone who harassed women to not only remain in his department, but give that person subsequent promotions.

RESPONSE AND INVESTIGATION:

Here is where we currently stand, and the information that we can provide:

1. Approximately ten years ago, a colleague of Mr. Fetterman stated that she felt uncomfortable with conversations they were having. Mr. Fetterman denied that the tone of the conversations were as she described (again, there has never been any allegation of a physical relationship). Mr. Stedman referred the matter to Human Resources at that time for investigation (as is proper when such claims are made). Human Resources investigated and found no wrongdoing on the part of Mr. Fetterman. He was cleared. There was never an "Order" or "requirement of counseling" as you state within your letter. Mr. Fetterman and the other party continued to work together for several years afterwards.

2. The County hired outside counsel to investigate. Our information is (although not yet confirmed personally) that the outside counsel found no wrongdoing on the part of Mr. Fetterman. That outside counsel was Crystal Clark, Esq., our former Republican Committee Vice-Chair, former County Solicitor, and a person that the Party obviously views (as do I) as a future candidate for the Court of Common Pleas. Anyone that knows Ms. Clark personally or professionally would ever consider that she would not perform this investigation diligently, nor would she "cover up" anything she found. She would absolutely NOT put up with any improper conduct towards a female. I have attempted to confirm the foregoing with her, but she cannot disclose this without County approval which she is currently seeking.

3. Numerous witnesses, of highly respected character, who were present in the office during the alleged "violations" support Mr. Fetterman's version of the statements in question. This includes several attorneys within our Party. We have provided you with the identifying information and request that you interview these non-partisan persons in confidence.

4. Mr. Fetterman will provide an affidavit, under penalty of perjury, stating that there was never a finding of any violation against him in this or any other matter, that there was never an "Order" as this other person has described, nor any counseling he has undergone related to this or any similar matter.

5. Mr. Fetterman will make available, with us present, the entire contents of his Lancaster County Human Resources File for the review of ANY member of, Officer of, or counsel to, the Republican Committee of Lancaster County, or any reporter who makes such inquiry. We will not allow you to copy the file and take it with you as has been requested. We fear alteration of the file if it leaves the official location and I believe this to be prudent.

6. Despite accusations and rumor to the contrary, Mr. Fetterman has made no negative comments whatsoever against his co-employee from 2009, and neither he, nor anyone from his campaign, have cast any aspersions upon, criticism of, or denigration of, her character. Being now familiar with the facts, I personally believe there was an honest disagreement of the nature of statements made in 2009.

7. If Mr. Fetterman had done anything improper with a colleague, Mr. Steadman would not have kept him on the Major Crimes Unit and head of the Trial Unit for the past ten years and would not have permitted him to even be employed as a janitor. Mr. Steadman's support of women, their rights, and their protection, is unquestionable and goes far in excess of what is required by law.

RESOLUTION OF THIS INVESTIGATION:

You stated during our meeting that you were worried about the Press and how we would respond. I believe I have set forth a reasonable and complete roadmap for investigation and that it is the basis for the strong support of Mr. Fetterman. The leadership will have taken aggressive, yet fair, action on this investigation and this can be reported to the Press if such becomes necessary.

In addition, it is extremely important that you inform the Committee Chairs (at the very least), and ask them to provide to their Committees, a letter, from you, stating that an investigation is complete and there was no adverse Order or finding of fault by the County against Mr. Fetterman. This is extremely important based upon how the accusations were improperly rolled out and your failure to stop such a rollout.

PARTY ACTIONS:

It seems that every election season we have some salacious innuendo or allegation, anonymous E-mail, or whispers in a hallway, rolled out just before a poll, an endorsement convention, or an election. They nearly always prove to be inaccurate and misguided. If Republican Party leadership does not stop these last minute disseminations of defamatory information and baseless claims, you will cause more and more of the same conduct in the future until our Party has lost its soul of fair play and reason completely. Our Party has been, and must be in the future, better than this. Now is the time we need your strong leadership to stop this type of last minute rumor-mill grist until investigations are complete.

I am asking that you consider the foregoing overwhelming information provided, complete the investigation as set forth, provide the conclusions to the Committee, and caution the members to make no decisions nor take any adverse actions until such time as investigations are completed on any future matter. I have been a strong supporter of you and Ms. Reed in the past, and intend to be so in the foreseeable future. Now is the time we need your leadership.

I look forward to your response.

Very truly yours,



Michael D. Hess
Counsel to Mark Fetterman

cc: Mark D. Fetterman, Esq.