

WHISPER REPORT

October 23, 2018

On February 8, 2018, Council passed ordinance 2018-11, suspending the Willoughby Hills Isolated Seniors Program for Everyday Relief (WHISPER) fund pending an investigation of the program. Here are the results of that investigation, which have been reported to the Bureau of Criminal Investigation, State Auditor's Office, and Lake County Job and Family Services on the recommendation of the County Prosecutor, Charles Coulson.

KEY FACTS

- The Mayor's Administrative Assistant, Gloria Majeski, and Councilman Chris Hallum among others affiliated with the City of Willoughby Hills appear to have personally profited from their involvement in WHISPER.
- Gloria Majeski appears to have had a history of profiting from her relationship with isolated seniors *before* establishing the program.
- Gloria Majeski, in founding the program and becoming sole administrator of it, gave herself unfettered access to a highly vulnerable population, including multiple seniors' bank accounts.
- Gloria Majeski appears to have facilitated a WHISPER participant's divorce using attorneys affiliated with the City and then became the man's legal guardian. She also may be a beneficiary in his or other participants' wills and estates.
- Gloria Majeski has received multiple cash payments from WHISPER funds.
- Gloria Majeski received at least \$24,000 in cash reimbursements from the City that have yet to be substantiated.
- Chris Hallum appears to have a history of acting as a real estate agent for sales of property through WHISPER or other matters in which the City is involved.
- Mayor and Safety Director Robert Weger appears to have failed to oversee Majeski, Hallum, et al and afforded these and other employees and officials the opportunity to take advantage of this vulnerable population for their personal benefit.
- Mayor Weger attempted to remove Council Members from office citing their vote to pass Ordinance 2018-11, which suspended the WHISPER fund.
- Weger's actions appear to be retaliatory, motivated by his desire to shield WHISPER from scrutiny, and to retaliate against the Council Members who questioned this program and threatened to uncover these apparent abuses of power.
- In line with the recommendation of County Prosecutor Charles Coulson, this report has been referred to several law enforcement and government oversight agencies for further investigation.

WHISPER REPORT

October 23, 2018

RECOMMENDATIONS

Because of the appearance of impropriety and possible criminal activity on the part of City employees and officials related to the WHISPER program, it is recommended that the entire WHISPER program remain suspended in the interest of protecting seniors in Willoughby Hills. It is recommended that the City, including all current and former employees and officials, cooperate with law enforcement and government oversight agencies for further investigation of WHISPER. Anyone with information about possible improprieties related to WHISPER or any matter of suspected elder abuse should call the Willoughby Hills Police Department at (440) 942-9111.

FINDINGS OF FACT

In 2009, Mayor Weger and his executive assistant Gloria Majeski established WHISPER, the Willoughby Hills Isolated Senior Program for Everyday Relief. It was purportedly inspired by the city's fire department's discovery of an elderly resident who was living alone in a house with no working plumbing and in need of other major repairs. To address this man's predicament, the United Way sponsored a Day of Caring, where volunteers made the necessary improvements to his home. [EXH A]

Weger and Majeski announced that the WHISPER program would extend these types of services to all seniors in need through an all-volunteer workforce and with all materials or expenses funded solely through donations. Majeski reported she was the program administrator. [EXH B]

Also in 2009, the City Council passed an ordinance establishing a WHISPER fund. [Ordinance 2009-10] Until 2018, no other legislation establishing, defining, limiting, or otherwise regulating WHISPER was introduced. In the City's budget, WHISPER expenses were oddly categorized as "Capital Improvements". [EXH C]

Weger and Majeski actively solicited donations, claiming "**ALL** contributed funds are to be used to carry out the mission of assisting those in need." [EXH D] Majeski solicited donations from individuals as well as organizations like the Cleveland Clinic, who sponsored an annual 5k that raised money for WHISPER. [EXH E]

LACK OF OVERSIGHT AND FALSE CLAIMS

Upon a cursory review in 2017, it appeared that neither Weger nor anyone else in his administration established guidelines or rules for the administration of the WHISPER program, and there were no mechanisms for accountability or oversight. Further questions were raised, when, after the 2017 Council elections in which Majeski was an unsuccessful candidate, at least two residents advised Council Members that they felt they were denied services they were once provided because they did not support Majeski in her bid for a Council seat. Finally, it became clear further investigation was warranted when Majeski either failed to adequately answer questions about the program and its

WHISPER REPORT

October 23, 2018

administration or reacted disproportionately defensively to simple questions about the program.

For instance, at the January 25, 2018 Finance Committee meeting, a Council Member asked the Finance Director for details about an abnormal entry on a recent purchase order report. The entry indicated the City created a purchase order for a payment to local business, New Moons Rising, Inc. for “WHISPER Donation for Therapeutic SR Gardening”. [EXH G] At the meeting, Finance Director Brichacek said he didn’t know any details about the payment and suggested the Council Member contact Majeski. [January 25, 2018 Minutes]

After the meeting, Brichacek emailed Council a copy of the purchase order. Majeski then sent an email replying to all:

Frank: Thank you for sending this to Council for clarification. I planned to do it first thing this morning, but came in to your email.

The point I wanted to make was that this was not a donation, but rather payment to provide transportation to many seniors who can take advantage of New Moons Rising opportunity for Art Therapy at a WH business site. Studies show that Art Therapy is very helpful in seniors in that it promotes self expression, facilitates socialization and communication, reduces boredom, improves motor skills, cognitive skills and intellectual stimulation, as well as decreased stress and depression. I could not imagine that anyone, young or old, would perceive this as an expenditure that would not be worthwhile. Council President Fellows previously requested voucher cards for seniors to provide transportation through Lake Tran. I would imagine this could be perceived in the same manner, but enables many more individuals, while promoting a WH business site.

[EXH H] Majeski’s odd and defensive response coupled with an expenditure that was not in line with the stated goal of the program, a Council Member submitted the following records request to Majeski:

I'd like all the following documents for Whisper from its inception to the present:

Detailed documentation of all services rendered:

Including: Name, address, age, date of service, services provided, name of volunteer providing service, expenses paid

All resident applications requesting services

Any documentation related to application approval or denial

Any documents detailing eligibility requirements:

WHISPER REPORT

October 23, 2018

Definition of "senior"

What criteria is assessed when making determinations if someone is eligible for services

Is there an appeal process if denied? If so what is it?

Report of all donations or contributions: name, date, amount

All volunteer applications

All information related to how volunteers are selected and vetted

[EXH F] Majeski acknowledged receipt of the request the next day, but did not submit any documents responsive to the request at that time. Council Members were concerned enough about the level of access to vulnerable seniors and the lack of oversight that at the February 8, 2018 Council Meeting, Council passed Ordinance 2018-11 which suspended the WHISPER fund pending an investigation. During debate, a Council Member articulated all the questions that needed to be answered about the WHISPER program to ensure the safety of the City's seniors and that the City itself was protected from excessive liability risk:

I definitely think that this is merely a suspension of the program until some serious questions are answered. In fact, I have written out two and a half pages of questions that I have about the program that I feel need to be answered before I feel that the program, I would be comfortable with the program in terms of City liability, in terms of fairness, and transparency, and accountability.

I want to know exactly what services are offered?

Who is eligible for the services?

What is a "senior" for the purposes of the program?

Is it for all seniors? Is it only for isolated seniors?

What does isolated mean?

And if so, which seniors get the program?

How do you determine eligibility?

Who decides who is eligible?

What if a resident dispute a denial of service, is there a repeal procedure?

How is the program monitored?

Are there performance standards for the program? For administrators? For volunteers?

What records are kept?

Are the people administering the program qualified to identify and address the needs of isolated seniors?

What are the necessary qualifications under the program rules?

What are the best practices that other governmental programs for seniors use?

Are there procedures to elevate cases that necessitate fast intervention?

WHISPER REPORT

October 23, 2018

*Should City employees or volunteers have access to the elderly's finances?
Medicine cabinets? Personal property?
What are the requirements to volunteer?
Are there background checks done?
What access do volunteers have to the participants' lives and their homes?
Are the volunteers trained?
Are they supervised?
Is there a code of conduct for volunteers?
What are the sources of the WHISPER fund?
Is it only donations?
Are there recycling proceeds? (I read that)
Are employees working in the WHISPER Program on the clock?
What does WHISPER provide that the Lake County Council on Aging does not?
Is it possible that anything that is overlapping with the Council on Aging could be scrapped from the program and we limit the program to just filling in the gaps?*

[2018-11 and Feb 8, 2018 Minutes] Majeski's response to the passage of Ordinance 2018-11 was an email to the Mayor and Council:

With last night's passage of Ordinance 2018-11, please be advised that I have suspended all tasks performed by the WHISPER Program until further notice. Automatic funding that we had anticipated as well, (bequeaths and 5K donations) will be suggested to be redirected as well until legislation is passed to take the program off "hold."

I would suggest that wedding donations and Abitibi funds that normally go directly into that fund be reconsidered for reallocation to make the funds more readily available if the account is tied up for any length of time for the Council inquisition. Let me know how you want to proceed on that.

[EXH I] On February 14, 2018, Majeski supplied her first substantive response to the Council records request with one document: the expense and revenue reports for WHISPER. The report did little to assuage the concerns of Council Members. [Feb. 22, 2018 minutes.] It took eight weeks from the original request for Majeski to supply a few more documents. In total, Majeski's responses to the initial public records request were, at best, evidence of severely inadequate recordkeeping. [EXH F]

However, it appears records were either withheld or improperly destroyed. In May of 2017, Majeski accidentally attached a WHISPER application to another document she gave to the Council Clerk. She also accidentally gave the Clerk a personal volunteer hour form on which Majeski documented time she spent on WHISPER. [EXH HH] Majeski was paid by the City for her time doing WHISPER activities. [B] Neither of these documents was provided to Council in response to the January 2018 records request.

A resident requested WHISPER records several years ago. Majeski charged her \$.25 per

WHISPER REPORT

October 23, 2018

sheet and printed out each and every WHISPER “deed” in large print on one piece of paper in what appears to be for the purpose of running up the bill. [EXH II] This resident submitted the records provided to her by Majeski to Council in the summer of 2018. Majeski did not provide any of these documents in response to the January 2018 records request. The “deeds” reported in these records also indicate that Majeski had access to several seniors’ bank accounts and other sensitive information that are cause for concern for the safety and well-being of the City’s seniors as well as for the risk of liability to the City itself.

Some of the documents that Majeski submitted to Council in response to the January 2018 records request contradict Majeski’s claims about the program. For instance, the schedule of WHISPER revenue that Majeski provided on February 14, 2018 showed that the program was not exclusively funded by donations as she and Weger often boasted, but that City funds were indeed used for the program [EXH J].

Additionally, rather than an all volunteer work force, many local contractors were paid from the fund to perform tasks that appear to be favors for chosen residents – like cosmetic enhancements to homes, computer repairs, moving expenses – rather than “everyday relief” tasks meant to keep isolated seniors able to live independently at home [EXH K and EXH L]. Moreover, a large proportion of payments out of the WHISPER fund were payable directly to Majeski herself. [EXH K]

According to one employee with knowledge, Majeski and Weger ordered City employees to do favors for senior residents while on the clock for the City, like removing old appliances or electronics from seniors’ homes and taking them to the dump.

QUESTIONABLE ACTIVITIES PUTTING SENIORS AT RISK

While Majeski did not submit them in response to the records request, she uploaded annual “Deed Reports” to the City’s website. A review of these reports also indicate that Majeski had access to some senior resident’s bank accounts among other things that were of concern.

Majeski self-reported numerous concerning entries about helping residents with vague “legal issues”, as well as things like will preparation, car rides to appointments, and help with voting. In Majeski’s 2012 WHISPER Deeds report, she said “paperwork was filed” for an 80 year-old woman to “receive her Railroad Pension”. In a 2012 Plain Dealer article, Majeski is reported to claim to have helped an elderly woman with her finances who was unaware she was eligible for social security and then experienced a windfall when Majeski found 30 years of uncashed paychecks from the woman’s career working for the railroad. [EXH M and EXH L]

A City employee with knowledge reported that this woman’s name is SENIOR 1 and that he or she witnessed Majeski with this woman’s checkbook in her office at City Hall. Majeski also reported that SENIOR 1 made in-kind contributions of postage stamps and envelopes to her 2017 City Council campaign. [EXH Q]

WHISPER REPORT

October 23, 2018

In 2015, Majeski reported she helped an elderly resident of Trailard Drive displaced from a spring flood. Specifically she said, “[w]e assisted him to file insurance claims, receive assistance from Red Cross, paid for shelter for one month while we searched for a new place to live, facilitated his acquisition of used furniture ... moved him to his new apartment, assisted with bill pay education and budgeting and helped him seek legal advice to facilitate the sale of his home.” [EXH L]

Looking at sales records, the house at 2403 Trailard belonging to SENIOR 2 was sold in December of 2015 for \$25,000 to 20/20 Rehab, LLC. [EXH N] The home and riverfront property at 2403 Trailard is valued around \$100,000. [EXH O] 20/20 Rehab, LLC was formed by John Scott Barich. [EXH P]

A search for the real estate listing produced a listing from City Councilman Chris Hallum’s real estate agency and says, “please contact Willoughby Hills Flood Plain Manager, Fred Wyss for details.” [EXH R] Fred Wyss was the City’s Building Inspector, the head of the City’s Building Department, at the time of the listing. A photo taken by a resident in July of 2015 shows a for sale sign with Hallum’s picture, name and contact information in the front yard. [EXH S]

The “legal help” that WHISPER provided may have been SENIOR 2’s divorce. A search of court records shows that, between the March 2015 flood and the December 2015 sale of the home, SENIOR 2’s wife filed for divorce. Apparently, the couple had no children. [EXH T] SENIOR 2’s attorney was the then Willoughby Hills Law Director Tom Lobe’s associate, Todd Cippollo, who was also at that time working as the City’s Mayor’s Court prosecutor and occasionally filled in for Lobe at Council meetings. SENIOR 2’s wife’s attorney was Stephanie Landgraf, who is one of six attorneys working for the Willoughby firm Wiles and Richards. Another one of the six Wiles and Richards attorneys is Willoughby Hills City Prosecutor Michael Germano. [EXH U] SENIOR 2’s divorce was granted in May of 2016, less than five months before SENIOR 2’s wife died in hospice care. [EXH V]

{Continued on p. 9}

WHISPER REPORT

October 23, 2018

WHISPER Timeline

May 2007	86 year-old SENIOR 3 with no spouse or surviving children designates his unrelated neighbor Gloria Majeski his trustee.	Less than a year later, SENIOR 3 dies and Gloria inherits his home.
November 2007	85 year-old SENIOR 4 who had no surviving children designates her nephew's wife Gloria Majeski executor of her will.	SENIOR 4 dies at 93 in a nursing home where she was receiving Alzheimer's care. Gloria inherits an annuity.
October 2008	Gloria Majeski and Robert Weger come up with WHISPER Program.	Official launch January 2009.
April 2011	City purchases deceased WHISPER services recipient's home for \$80,000.	
March 2015	Flood damages SENIOR 2's home	Gloria Majeski offers WHISPER help
August 2015	The elderly wife of SENIOR 2 files for divorce from Ernest.	Parties represented by Stephanie Landgraf and Todd Cippolo
December 2015	SENIOR 2 sell home to 20/20 Rehab LLC for \$25,000	Listing by Chris Hallum's real estate agency. Refers buyers to Fred Wyss.
May 2016	SENIOR 2's divorce granted	
October 2016	SENIOR 2's wife dies in hospice care.	
July 2017	Gloria Majeski petitions court to become SENIOR 2's legal guardian.	SENIOR 2 has no living children, no spouse and possibly insurance money and cash from the sale of his home.
December 2017	Council passes ordinance 2017-64, which authorized the Acting Law Director to investigate possible Ohio Ethics Law violations by officials or employees including Majeski.	
January 2018	Majeski hires an attorney specializing in public corruption defense and demands the city pay for it and indemnify her.	
February 2018	One day after City hires forensic auditor, Majeski requests she be removed as SENIOR 2's guardian	

WHISPER REPORT

October 23, 2018

Ten months later, in August 2017, Majeski petitioned the Lake County Probate Court to become SENIOR 2's legal guardian citing incompetency. [EXH W] The City of Willoughby Hills paid for the background check she submitted to the Probate Court. [EXH X] Majeski was granted the guardianship, including access to SENIOR 2's finances. [EXH W] It appears from the docket that Majeski was compensated by SENIOR 2's estate, so it is possible that Majeski was paid by both SENIOR 2's estate and the City for the same hours.

On February 22, 2018, Ordinance 2018-10, an ordinance hiring a forensic auditor to review the excessive reimbursements to Majeski among other matters, went into law. [2018-10.] *On the very next day*, February 23, 2018, Majeski petitioned the Lake County Probate Court to transition SENIOR 2's guardianship to another person. [EXH W] According to one law enforcement source, while Majeski relinquished guardianship of SENIOR 2, she may still be a beneficiary or executor of his will.

Weger oversaw the use of City funds to purchase the home of a deceased WHISPER recipient. In 2011, Majeski reported WHISPER's crowning achievement for the year was helping an elderly woman with a "major clean up [of her] home and to have items transported to the church to be donated or to trash." [EXH L] A resident named SENIOR 5 who lived at ADDRESS passed away in December of 2010. In November of 2011, the City purchased the SENIOR 5 property for \$80,000 via ordinance 2011-58. [2011-58]

CONCERNING PATTERNS

Another concerning aspect to WHISPER relates to a pattern in which Majeski personally and financially benefits from her relationships with unrelated isolated seniors, like SENIOR 2, who have no surviving children.

In May of 2007, SENIOR 3, aged 86, designated his neighbor Majeski as the trustee of the SENIOR 3 Trust. [EXH Y] In March of 2008, SENIOR 3 died and Majeski inherited his home. [EXH Z]

In November of 2007, SENIOR 4 of Euclid, Ohio, then 85, designated Majeski as the executor of her will. [EXH AA] SENIOR 4 is Majeski's husband's aunt and had no surviving children of her own. SENIOR 4 died at the age of 93 in a nursing home in Mentor, Ohio where she was being treated for Alzheimer's disease. [EXH BB] The only asset that went through probate was an annuity and Majeski was the beneficiary. The amount of the annuity was \$33,260.77 payable over five years, or 6,652 a year for five years. [EXH CC]

Beginning in 2016, Gloria's sister-in-law, Joanne Majeski, who's husband is Gloria Majeski's brother, announced that a trust, called the SENIOR 4 Family Charitable Remainder Unitrust, was donating \$2500 to WHISPER and \$2500 to Willoughby Hills Corn Fest, Inc., a corporation solely owned by Gloria Majeski and not affiliated with the City of Willoughby Hills [Dec. 8, 2016 Minutes]. Joanne Majeski claimed that SENIOR

WHISPER REPORT

October 23, 2018

4 personally loved WHISPER and the Willoughby Hills CornFest. In 2017, just three weeks before the City Council elections, in which Gloria Majeski was running for an at-large seat, Joanne Majeski once again came to a Council meeting to declare this gift to WHISPER and Corn Fest [Oct. 12, 2017 Minutes]. On September 27, 2018, Joanne Majeski once again came to a Council Meeting to discuss the bequest, but claimed the amount was between \$2500 and \$3100 and claimed the City might not be entitled to the funds because the City suspended the WHISPER program. No mention was made of the Cornfest bequest at the September 27, 2018 meeting.

Hallum also has a history of appearing to personally benefit from his office. In 2015, a wrongful death suit was brought on behalf of the children of a victim of a murder in Willoughby Hills. The plaintiff's attorneys included Landgraf and Michael Lucas a partner at Wiles and Richards. [EXH U] The plaintiff's attorneys motioned to appoint Hallum as real estate receiver for the family's home. [EXH JJ] While this tragic situation is not related to WHISPER, in conjunction with the SENIOR 2 case, this case creates the appearance of a concerning pattern wherein Hallum personally profits from his office.

QUESTIONABLE FINANCIAL PRACTICES

Besides potential improprieties related to her access to the City's vulnerable senior population, Majeski also used WHISPER for questionable financial activities. Since the beginning of her tenure as an employee of the City of Willoughby Hills in 2008, the City has paid Gloria Majeski almost \$24,000 in cash reimbursements from the WHISPER and other City funds, allegedly for expenditures she personally made on behalf of the City. [EXH DD] The City's Finance Director Frank Brichacek and Mayor Weger have allowed these cash payments of City funds to Majeski despite Section 115.05 of the City's Administrative Code which designates the purchasing policy of the City which is limited to City credit cards which are available.

Furthermore, when the Council Clerk submitted a resident's records request to Brichacek asking for the receipts or other records substantiating these reimbursements on September 22, 2017, Brichacek failed to comply with the records request.

On October 3, 2017, Brichacek submitted a schedule of reimbursement payments the City made to Majeski and said about the supplying the substantiating documentation for these reimbursements:

As the list is made up of approximately 170 checks, many of which are stored in dead storage and will have to be retrieved, it will take quite a while to assemble the records that you are requesting without it taking a considerable amount of time and incurring significant overtime expense. If possible, I would hope to avoid that.

On October 5, 2017, the Council Clerk reiterated the requestor wanted the supporting documentation. There was no response from Brichacek to this email and the Council Clerk followed up on January 29, 2018 and stated that the resident requestor was waiting

WHISPER REPORT

October 23, 2018

and that Council Members also wanted to review the documents. There was no response to this email, so the Clerk once again emailed Brichacek about the records request on March 12, 2018.

Finally, on March 13, 2018, Brichacek responded:

I was just going to update you on this. We just finished pulling all of the records that were requested. It amounts to about a one foot stack. I estimate that it is about 2,000 pages of copying (which at 5 cents per page will be \$100 per request). Since we were not asked to do the record pulling or copying on overtime, Sharen will be doing the copying in between her other duties.

By the way, do you know who the requestor is and if you do, who is it?

The Clerk responded on March 14, 2018 that the requestor wanted the documents in electronic format and wished to remain anonymous as allowed by Ohio law.

Brichacek responded:

The charge will still be approximately \$100.00 plus \$1.00 for each disk produced. In order for us to transfer the information to a disk, each record must first be copied, then a PDF file will have to be created and then the PDF files will have to be transferred to a disk. This will be very time consuming for us. As the ORC allows the City to charge the cost of copying the record in the format being request, this would include the interim step necessary to create the disk.

Please provide me with the requestor's contact information so that I can notify them when the copies are available for pickup and what the final cost will be.

As of October 2018, Brichacek has not made the “one foot stack” of records available for inspection or provided the disk to the anonymous requestor as required under the law. The first request for these records was submitted in September of 2017 and as of October 2018, no records have been provided. [EXH EE] Viewed in the best possible light, even if these reimbursements can be substantiated, if it is this difficult for the Finance Department to demonstrate they can be substantiated, then the competency of the Finance Department is questionable. At a minimum, these facts further indicate that the City's systems of accountability and transparency are severely inadequate and the City is being put at substantial risk of liability.

KNOWLEDGE OF WRONG-DOING AND RETALIATION

On December 19, 2017, Council passed an ordinance authorizing the acting Law Director to investigate potential Ohio Ethics Law violations of certain employees and officials and to file complaints as warranted. [2017-64] On January 5, 2018, an attorney who specializes in public corruption defense sent Council an email demanding the City pay for Majeski's defense and indemnify her. [EXH FF]

WHISPER REPORT

October 23, 2018

On October 3, 2018, Mayor Weger illegally attempted to remove six of seven Council Members. The only one he did not attempt to remove was Hallum. Weger cited several baseless grounds, including Council's passage of Ordinance 2018-11, which suspended the WHISPER fund.

NEXT STEPS

These findings have been submitted to law enforcement agencies, including but not limited to the County Prosecutor's office. Upon review, County Prosecutor Charles Coulson recommended the WHISPER program be thoroughly investigated, referring the matter to the Bureau of Criminal Investigation, State Auditor's office and Lake County Job and Family Services. [EXH GG]