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HUMAN RESOURCES DIVISION

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ARIZONA GAME AND FISH FINAL REPORT ADMINISTRATIVE INQUIRY October 20, 2015

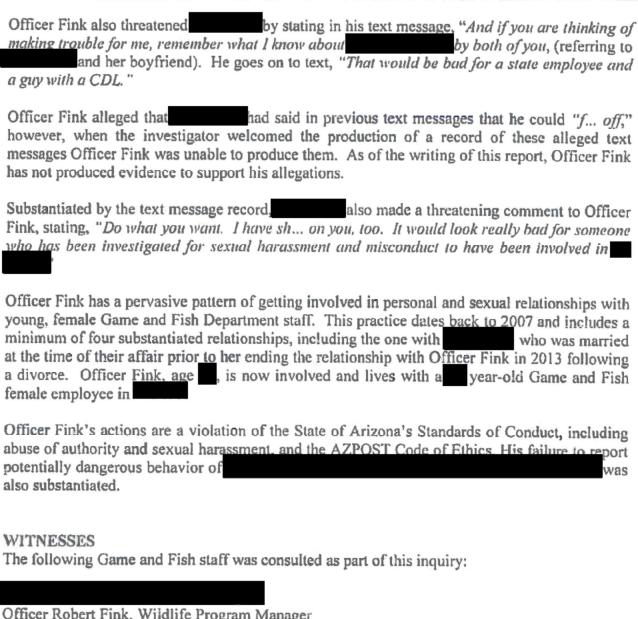
BACKGROUND INFORMATION

On October 5, 2015 Diana Shaffer, Human Resources Branch Chief for the Arizona Game and Fish Department, requested that the Arizona Department of Administration, Human Resources Division, conduct an administrative inquiry into allegations made by Game and Fish
related to employee misconduct on the part of Game and Fish Officer Robert Fink. Officer Fink is alleged to have violated Game and Fish Department Policy C1.3 Non-discrimination/Anti-harassment, State of Arizona Standards of Conduct Personnel Rule R2-5A-501.A and AZPOST Rule 13-4-109.9.
Officer Fink serves in a supervisory capacity for the department as a Wildlife Regional Supervisor and has been with the agency since 1993. Serves in a non-supervisory capacity and began with the agency as an
Officer Fink was the subject of a Department of Administration investigation in November 2014. At that time, allegations were substantiated that Officer Fink arranged for and stayed in the same

Officer Fink was the subject of a Department of Administration investigation in November 2014. At that time, allegations were substantiated that Officer Fink arranged for and stayed in the same motel room on multiple occasions at the State's expense with a female Game and Fish Department Intern in violation of the Standards of Conduct set forth in the Arizona Administrative Code. It was also substantiated that Officer Fink brought discredit to the agency and to the agency's Intern program by showing preference to female Interns and flirting, giggling, etc. with a female intern, giving the appearance of preferential treatment for sexual reasons. Officer Fink was suspended for 16 hours without pay in January 2015 as a result of that investigation.

SUMMARY OF FINDINGS

A record of vile comments, including Officer Fink telling	"f oj	ff cunt"	and
telling her to "go get stoned and f your truck driver" were produced as evi	dence b	у	
in a string of text messages sent between Officer Fink and	ust 23-2	4, 2015	and
were substantiated. Both employees were working on a project in southern A	rizona re	egarding	the
removal of unwanted prairie dogs from private property when this occurred.			



Officer Robert Fink, Wildlife Program Manager

Diana Shaffer, Human Resources Branch Chief

A file review was also conducted on complaints, investigations and disciplinary actions for Officer Fink.

REQUESTED RESOLUTION

as requested that she have no contact with Officer Fink and that what she perceives as pervasive sexual harassment and hostile work environment behaviors on the part of Officer Fink cease.

ALLEGATIONS AND FINDINGS

Allegation: alleged that Officer Robert Fink sent her unsolicited text messages on August 23-24, 2015 on her personal cell phone that contained inappropriate and sexually offensive and degrading language.
produced a written record of text message exchanges that did occur on August 23-24, 2015 between her and Officer Fink. Officer Fink, when read some of the content of the messages by the investigator, admitted he had sent the messages after initiating a work-related exchange regarding the removal of prairie dogs from private property in the Sonoita, Arizona area. Serves as the and coordinates
On August 27, 2015 met with her supervisor, to report the misconduct she had allegedly experienced from Officer Fink. ubsequently contacted the Game and Fish Human Resources Branch Chief, Diana Shaffer, to discuss the complaint. indicated to Ms. Shaffer that was very upset and was crying about the contents of the text messages.
The following day, August 28, 2015, Ms. Shaffer met with disclosed at that time that she and Officer Fink had a personal and sexual relationship for approximately 3 years, beginning in 2010. Was at the time and Officer Fink was when the relationship commenced. Indicated that her relationship started with Officer Fink as professional but then turned personal, and then into "boyfriend/girlfriend."
Officer Fink, when interviewed as part of this investigation, stated he and friends." A written statement, dated October 14, 2015 and provided to the investigator by Officer Fink at the start of his in-person investigative interview states, "At this point it is important to disclose that and I had previously been close friends for an extended period of time, and as a result of the circumstances ending that friendship, our relationship has become one of mutual resentment." Officer Fink goes on to say, "In the course of working and recreating together over the previous several years, our interactions were routinely a mixture of personal and Department business, as would be the case with any coworkers who were engaged in a friendship," When pressed regarding the sexual nature of their "friendship," Officer Fink did admit that and he were involved sexually for several years. Officer Fink also responded that he was aware that she broke off the relationship with Officer Fink in 2013 and that he was angry and felt rejected. She pointed to his comments during the text exchange in question. Officer Fink wrote, "Maybe eventually you will learn that when you totally betray people who loved you, the relationship can never be what it was, work wise or otherwise. I doubt that other people that work with you

professionally feel hate for you the way that I do," and "get stoned and f... your truck driver."

submitted as evidence, Officer Fink and Earlier in the exchange that argued back and forth regarding the prairie dog removal project. Several times during the exchange Officer Fink gets personal with and attempts to draw the conversation to the work-related business at hand. Her texts reveal comments such as, "I am trying to talk about work. I would feel this way if anyone was moving prairie dogs without coordinating with me," and, "Everything I have said has been professional and you keep taking shots at me."

Due to the past relationship between the two, Officer Fink was instructed by agency management in the past not to be an integral part of the prairie dog removals. Officer Fink admitted that he only was involved with prairie dogs for "incidental things - mostly reporting problems." did defend Officer Fink at one point during her interview, however, stating that she "fought to keep him on the project" due to his competence and follow through. stated that the "new guy is lazy and does just the minimum."

stated that the comment where Officer Fink told her to "F...of(f)(sic) cunt..." caused her to become extremely offended. "That is the worst thing you can say to a woman," she said when interviewed.

Officer Fink indicated that in the past had told him to "f... off" via text message, as well. However, he was unable to produce any evidence to support his claim. In his prepared response, however, (see Exhibit A) Officer Fink details by the minute certain text messages sent and received between the two of them during the exchange on August 23-24, 2015. For example, Officer Fink writes in his statement: "At 1:33 p.m., provide information regarding the prairie dogs and again condemning me for not coordinating with her...." He goes on throughout his statement to detail by the minute the interaction: stated that Officer Fink had "Conversation then remained silent until 11:42 a.m." been vile to her numerous times since their break up, but she said she did not have a record of the former texts because she had recently gotten a new phone so historical texts were no longer available. The investigator questioned how Officer Fink was able to compile a detailed record of the interaction, minute by minute, but was not able to produce the text message record.

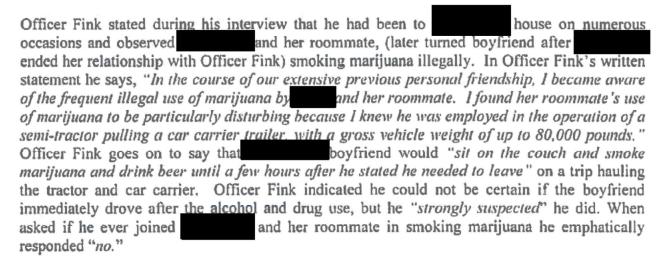
unsolicited text messages on August 23-24, The allegation that Officer Fink sent 2015 on her personal cell phone that contained inappropriate and sexually offensive and degrading language was substantiated.

Allegation:

alleges that Officer Fink threatened her via text message regarding her and her boyfriend's illegal drug use on personal time.

Findings:

During the text exchange on August 23-24, 2015 outlined above, Officer Fink becomes increasingly aggravated with and says, "Your refusal to cooperate is unbelievable. And if you are considering making trouble for me, remember what I know about illegal drug use by both of you. That would be bad for a state employee and a guy with a CDL."



admitted to "drinking beer and smoking marijuana on the weekends." She did not allege that Officer Fink ever smoked marijuana with her. The text messages she produced contained a response to Officer Fink's threat that said, "Do what you want. I have shit on you too. It would look really bad for someone who has been investigated for sexual harassment and misconduct to have been involved in an affair."

Both parties in this exchange made threats to the other regarding personal behaviors that had occurred in the past. Officer Fink, a sworn peace officer in the State of Arizona, stated he was concerned for the public's safety but failed to report the illegal activities he observed to the Arizona Department of Public Safety or local law enforcement.

SUMMARY

- Substantiated were the facts that Game and Fish Officer Robert Fink engaged in unwanted, inappropriate and sexually harassing behavior towards his former girlfriend and Game and Fish staff member
- and Officer Fink threatened each other via text message regarding the potential to disclose past events that had occurred during their former relationship.
- Officer Fink failed to disclose uplantful behavior that he perceived to be a serious threat to public safety by not reporting boyfriend's drug and alcohol use before operating a tractor trailer car carrier.
- Unsubstantiated were Officer Fink's allegations that had told him to "F... off" in other text communications. Although Officer Fink had detailed, down to the minute details of the text exchange under investigation, he was not able to produce his own records as

Officer Fink is a sworn peace officer and supervisor and has exhibited a pattern of behavior with females at the Arizona Game and Fish Department that constitutes a violation of the State System Personnel Rule, Standards of Conduct R2-5A-501(2) and (4), which states:

- A. Required conduct. A state employee shall at all times:
 - 1. Comply with federal and state laws and rules, statewide policies and employee handbook, and agency policies and directives;
 - 2. Maintain high standards of honesty, integrity, and impartiality, free from personal considerations, or favoritism;
 - Be courteous, considerate, and prompt in interactions with and serving the public and other employees, and
 - 4. Conduct himself or herself in a manner that will not bring discredit or embarrassment to the state.

Additionally, Officer Fink's actions are a violation of the AZPOST Peace Officer Code of Ethics that state, "I will never take selfish advantage of my position and will not allow my personal feelings, animosities or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise.

in violation of state law. The investigation that she continues to use marijuana recreationally nay have come forward sooner with her complaint against Officer Fink but she was aware of his knowledge of her marijuana use and it was not until he threatened her with this knowledge that she reported his actions.

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