



Douglas A. Ducey
Governor

Craig C. Brown
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

100 NORTH 15th AVENUE • SUITE 261
PHOENIX, ARIZONA 85007
Phone: (602) 542-5482 Fax (602) 542-1978

**Arizona Department of Administration – Human Resources Division
CONFIDENTIAL
ADMINISTRATIVE INQUIRY
SUMMARY REPORT**

Agency Name: Arizona Game and Fish	Agency Contact & Phone: Diane Schaffer – HR Branch Chief 623-236-7316
--	--

Agency: Arizona Game and Fish Complainant: ██████████ Complaint: Sexual Harassment	Agency Head: Larry Voyles Complaint Against: William Burger
---	--

On September 8, 2016, ██████████ contacted Diana Schaffer, HR Branch Chief and informed her of the following incident that she previously submitted a letter of complaint in regards to:

██████████ began her internship on ██████████ and ended her assignment on ██████████. Afterwards, ██████████ returned to ██████████ to continue her education. During her internship, ██████████ was assigned to the Region VI (Mesa, Arizona) Office working for Sharon Lashway under the Aquatics Program. It is common practice to have Interns work with other employees on various projects during the summer to expose them to different types of programs. ██████████ also worked with Bill Burger, Wildlife Specialist III, Region VI on some projects in the Terrestrial Program.

██████████ stated to Ms. Schaffer that her first experience working with Mr. Burger alone occurred on May 18, 2016 while working the Chiricahua Leopard Frog project. She stated it was the first time she felt a little uncomfortable with the conversation topics which mostly revolved around Mr. Burger making statements that he would like for the two of them to "hang out sometime." ██████████ stated that she didn't think too much about it, since she thought maybe he was just relationship building and that the comments were not bad or "creepy" as compared to the comments and questions which occurred at Horseshoe Ranch.

The Horseshoe Ranch incident; ██████████ stated that it occurred during the timeframe of June 13, 2016, through June 16, 2016, with her and Bill Burger returning to Region VI on the June 17, 2016. The team stayed at Horseshoe Ranch which is a Department owned property, because they were working on a project in Mayer, AZ which is close to Horseshoe Ranch. ██████████ residence was ██████████ miles from Horseshoe Ranch. The Ranch consists of a main house with a living room, family room, 3.5 bathrooms and 2 available bedrooms. There

are also several smaller houses located on the property near the main house. Those houses combined contain 7-8 other sleeping areas, along with full baths.

██████████ advised Ms. Shaffer that Mr. Burger was the project lead and had coordinated the travel and accommodations for the trip, which was also validated by the witnesses who also participated in the Horseshoe Ranch project. Some of the other individuals who participated on the project were a US Fish and Wildlife employee (male), ██████████ supervisor, Sharon Lashway (female) and another Region VI employee, Dana Warnecke (female). ██████████ informed Ms. Shaffer that she was lead to believe by Mr. Burger that all the project participants would be sleeping in the main house. Mr. Burger told ██████████ that they would have to sleep in the same room because he did not want to share a room with the USFW employee, who she assumed he was also staying in the house. However, Ms. Lashway and Ms. Warnecke each stayed in their own smaller house and the USFW employee stayed in another house, leaving ██████████ and Mr. Burger as the only two occupants in the house. Witnesses also confirmed that Ms. Lashway had one house, Ms. Warnecke had another as did the US Fish and Wildlife employee.

██████████ stated that on the first night, nothing happened. She had a long day and went to sleep along with Mr. Burger in the same room, but in separate beds. The second night, ██████████ states that Bill Burger walked around in his boxer shorts (underwear), came over and sat on her bed, playing with her earring. He also made her uncomfortable by asking her questions, such as, "what is your sexual orientation," and he also asked her for a hug. The same scenario occurred the next night. ██████████ states that on their way home to ██████████ from the Horseshoe Ranch property, Bill asked if she would have dinner with him, maybe they could smoke some pot and have a drink. ██████████ stated that she made an excuse and told him that she was not available.

Ms. Shaffer asked ██████████ if her supervisor, Ms. Lashway, who was present at Horseshoe Ranch, ever asked her why she was staying in the house with Mr. Burger or suggested that she stay with her and Ms. Warnecke in one of the smaller houses. ██████████ states that neither Ms. Lashway nor Ms. Warnecke ever said anything to her about the situation. ██████████ assumes that they probably thought she was sleeping in a separate bedroom. ██████████ stated that she did not say anything because she did not want to make waves. ██████████ stated that she told her boyfriend and her best friend and they were both appalled and angry, especially her boyfriend, about what had occurred. ██████████ stated that she also told Department employee ██████████ (non-supervisor) when they spent some time working on a separate project. ██████████ stated that ██████████ told her that he felt Mr. Burger's behavior was inappropriate and that she should tell Ms. Lashway. ██████████ then added that he was aware of other advances Mr. Burger has made.

Approximately four weeks after the Horseshoe Ranch trip, ██████████ did tell Ms. Lashway and asked her what the protocol was for these types of issues. Sharon told ██████████ that she was not sure, so Ms. Lashway advised her that she would not be assigned to anymore trips with Mr. Burger and to keep her distance from him. ██████████ feels that she did not receive clear direction from Ms. Lashway. After ██████████ discussion with Ms. Lashway, she stated that Mr. Burger continued to come up to her while they were in the office and make comments regarding getting together. ██████████ would either not reply or avoid answering his questions. ██████████ stated that she did not want to seem rude, so she did not tell him to stop.

██████████ advised Ms. Shaffer that it was an uncomfortable situation, that she is a student, trying to learn and did not want to jeopardize future employment. Other than Mr. Burger and the incident at Horseshoe Ranch, ██████████ states that she enjoyed her internship and learned

a lot. Ms. Shaffer asked if [REDACTED] would consider another internship with the Department and she stated that she would like that, but that she would not work with Mr. Burger again.

On September 27, 2016, Lucy Mailloux Human Resource Manager III – ADOA Shared Services also contacted [REDACTED] and during their conversation [REDACTED] also stated:

- At Horseshoe Ranch she and Bill were in the same room and that the 2nd room remained empty for the entire time of the trip.
- When they first showed up, Dana Warnecke was setting up the work for the day and Mr. Burger and [REDACTED] were carrying personal items from the car to the living room. [REDACTED] stated that at first Bill agreed to split up into separate rooms and while she was trying to decide which room to take, Mr. Burger recommended that she sleep in the room with him since he did not want to share a room with [REDACTED] from USFW as he did not like him.

2nd night, [REDACTED] and Bill got into their sleeping bags (on the bed), she was fully clothed (pajamas). There are multiple lights in the room, but dimmed to very low lighting. [REDACTED] states that at first he walked over to her bunk inside of his sleeping bag, then when he reached her bed, he let the sleeping bags drop to the floor and he was in his boxer shorts. He continued to talk to her and then he finally asked her to give him a hug in what she felt was an intimate manner.

NOTE: At this point during the conversation with Ms. Mailloux, [REDACTED] became very emotional and stated to cry. We took a brief break and we were able to resume.

3rd night [REDACTED] states that Mr. Burger started talking to her about religion and then moved the conversation to asking her about her sexual orientation.

Last day - on the way home [REDACTED] stated that she was hungry and Mr. Burger suggested they have dinner together and she agreed, picking a place that was close to her home. He paid for her dinner despite her insisting that they split the bill and [REDACTED] stated that Mr. Burger then said, "I'm not always going to pay." [REDACTED] felt that Bill was trying to be dominate with her. After dinner, Mr. Burger dropped her off, asked if he could help her get the stuff to her door which he did and then asked for a hug.

[REDACTED] states that her body language was standoffish in hopes that he would leave her alone. She was very tired at the end of each day of the project due to early mornings and not finishing up for the day until late evening, but that Mr. Burger kept trying to talk to her 2-3 hours after they went to bed.

- After the project he texted her and asked her to come over for dinner and that Mr. Burger was persistent in trying to get her to go out with him. Go out and play darts, for dinner, smoke pot, etc.
- Became Facebook friends and said that he would "like" all of her pictures which she thought was odd.
- [REDACTED] met his wife on two separate occasions and said that Mr. Burger was forward with her while his wife was present making comments of how they had such a great connection and that they should hang out more often.

On 9/26/2016 Jay Cook issued a Notice of Administrative Investigation to Bill Burger informing him of the allegations of inappropriate touching and comments that were filed against him.

On September 28, 2016, Lucy Mailloux interviewed Bill Burger at which time he stated:

- He and [REDACTED] did sleep in the same room the entire time during the trip, while the other room remained empty. He stated that he picked the room first and went to put his gear on the queen-sized bed and was surprised to see [REDACTED] right behind him and she put her things on the bunk bed across from the bed he selected. His initial assumption was that she was going to stay in the other vacant room.
- He had been to Horseshoe Ranch in advance to "scout" the property prior to the trip
- He did sit on her bed in his boxer shorts, but said that they had been talking and looking at each other's phone for pictures on Facebook.
- The reason he was in his boxer shorts is because that is what he sleeps in at night, he did not bring night wear, he did not want to sleep in his clothing and assumed that he would be sleeping alone.
- [REDACTED] sexual orientation came up while they were in their separate beds talking about the Orlando Shooting, at which time Bill says that [REDACTED] disclosed to him that [REDACTED]. He then got out of his bed, in his boxers shorts again and sat on her bed to show her his Facebook page and how he had changed his profile picture in support of the victims from the Orlando (gay nightclub) shooting.
- Talked to [REDACTED] about her earring, does not recall if he tried to touch the earring which was in her cheek.
- They had dinner on June 17, 2016, when they returned from Horseshoe Ranch, she selected a restaurant by her home, he paid because he makes more money than an intern, she had a beer and he took a couple of sips from her glass, then he dropped her off at home.
- During dinner on June 17, 2016, he told [REDACTED] that he enjoyed her company, thought they had a great connection, and that he really liked her. He suggested that they do dinner, play darts, have some drinks but his intention was that his wife and her boyfriend would also join them. He never suggested they smoke pot.
- He and [REDACTED] exchanged multiple text messages and were Facebook friends
- She never communicated or gave non-verbal warnings that she was uncomfortable with him.

WITNESSES

On September 28 – 29, 2016 Lucy Mailloux interviewed the following individuals. Interview notes are attached as well:

William Burger, Terrestrial Wildlife Specialist 3 – Waived right to have an Observer present

[REDACTED] – Waived right to have an Observer present

[REDACTED] – Waived right to have an Observer present

[REDACTED] – [REDACTED] Observer present

SUMMARY FINDINGS

Having had the opportunity to interview all of the witnesses, there appeared to be a common theme in Bill not demonstrating professional conduct and is often inappropriate in the manner in which he makes comments and touches his female peers; which results in some of the female employees having to arrange their schedules to ensure that they are not working alone with him out in the field. For example, during the interviews, [REDACTED] stated he

had knowledge of a former employee, [REDACTED] who was uncomfortable with being alone with Bill Burger to the point that she arranged her schedule / projects to ensure that this does not occur.

It appears that Bill is known in the field for conducting himself in an inappropriate manner, [REDACTED] stated that Bill grabbed her "rear end," and her comment to him was, "Dude, that is not okay." [REDACTED] stated that Bill did not respond to her, and just "smirked". [REDACTED] also stated that this happened on three separate occasions and that he has done this to other females in her group. Although the environment is laid back while in the field once the work is done, [REDACTED] stated that Bill often becomes blatantly inappropriate with touching and his comments after work while they may be drinking around the camp fire.

It also appears that amongst the female and some male staff, Bill is known as "Creepy Bill," due to his actions which are viewed as inappropriate and makes them feel uncomfortable. [REDACTED] stated that they have adjusted to Bill's behavior but make all attempts to "call him out," when he is inappropriate with them, however he continues to demonstrate this behavior. [REDACTED] stated that he will not let his Interns work with Bill alone due to the feedback he has gotten from other female employees in regards to Bill's inappropriate behavior.

It was also noted that there was a pattern with the females who had issues with Bill Burger as they started out as an Intern with the Department. At times Bill was also involved in going to college campuses to help recruit interns.

CONCLUSIONS

Based on the facts uncovered during the interview and by Bill Burger's admissions that he:

- Walked around the room in his boxer shorts,
- Sat on [REDACTED] bed while wearing just his boxer shorts,
- Repeatedly asked [REDACTED] out for dinner,
- Communicated to [REDACTED] that he felt they had a great connection, enjoyed her company and that he really liked her.

It is substantiated that Bill Burger's behavior and comments were inappropriate during the Horseshoe Ranch incident. In addition, based on the interviews, [REDACTED] in particular stated that Bill Burger grabbed her "rear end" on 3 separate occasions despite being told that is was not, "okay," also supports this inappropriate behavior.

It should also be noted that Bill has completed the following computer based training which outlines proper conduct:

Sexual Harassment	08/08/2012
Preventing Inappropriate Behavior	08/24/2015
Supervisor Bootcamp	08/29/2012
Discrimination and Harassment	08/07/2007
Sexual Harassment	08/07/2007

Prepared by: Title: Date:	Lucy Mailloux Human Resource Manager – ADOA Shared Services 09/29/2016
Reviewed by: Title: Date:	Silvia Hernandez Chief Human Resource Officer – ADOA Shared Services 10/7/2016



Douglas A. Ducey
Governor

Craig C. Brown
Director

ARIZONA DEPARTMENT OF ADMINISTRATION

100 NORTH 15th AVENUE • SUITE 261
PHOENIX, ARIZONA 85007
Phone: (602) 542-5482 Fax (602) 542-1978

To: Diana Schaffer – HR Branch Chief – Arizona Game and Fish
From: Lucy Mailloux – Human Resource Manager III – ADOA Shared Services
Date: October 17, 2016
Subject: Administrative Misconduct Investigation – William Burger

This memo pertains to the sexual harassment allegation by William Burger against [REDACTED] which occurred at Horseshoe Ranch on June 13 – June 17, 2016. At the conclusion of the investigation it was discovered that there appeared to be a common theme that Mr. Burger does not demonstrate professional conduct and is often inappropriate in the manner in which he makes comments and touches his female peers. As a result of his conduct some of the female employees who he has direct contact with are having to arrange their schedules to ensure that they are not working alone with him out in the field.

One witness stated that Mr. Burger grabbed her “rear end,” and although her comment to him was, “Dude, that is not okay,” the witness states that Mr. Burger did not respond to her, and just “smirked”. This same conduct happened on three separate occasions with this one individual and it was stated that he has done this to other females as well. Witnesses stated that Bill often becomes blatantly inappropriate with touching and his comments after work while they may be drinking around the camp fire.

Mr. Burger also admitted that he:

- Walked around the bedroom in his boxer shorts (underwear).
- Sat on [REDACTED] bed in his boxers shorts on at least three occasions while they were at Horseshoe Ranch.
- Repeatedly asked [REDACTED] out for dinner.
- Communicated to [REDACTED] that he felt that they had a great a connection, he enjoyed her company and that he really liked her.

The behavior that has been consistently demonstrated by Mr. Burger has had a severe negative impact on female employees within the Department and is a great risk to Arizona Game and Fish Department and the State of Arizona. Based on the information gathered during this investigation, the following actions are recommended:

- Separation of employment for William Burger
- Harassment and Reporting Procedure Training for all supervisors within the agency
- Harassment Training program for all new Interns to be attended prior to going out in to the field