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## **ARIZONA DEPARTMENT OF ADMINISTRATION**

### **HUMAN RESOURCES DIVISION**

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### **Fact Finding ARIZONA MEDICAL BOARD February 24, 2015**

#### **INTRODUCTION:**

The Arizona Medical Board (Board) licenses and regulates more than 22,430 physicians. The Board is also responsible for investigating patient complaints against licensees and when appropriate, taking disciplinary action against their licenses. The mission of the Board is to protect public safety through the judicious licensing, regulation and education of all allopathic physicians.

The agency consists of approximately 42 employees in the following units: Support Services, Information Technology, Investigations, Medical Consultants, Board Operations, Licensing, and Rules, Policies and Regulations.

The Board is comprised of 12 members: 8 physicians and 4 public members, including a licensed registered nurse. Patricia E. McSorley was hired by the Board on June 6, 2005 and has been the Acting Executive Director of the Board since September 2, 2014. Ms. McSorley reports to the Chair of the Board.

#### **Background:**

Of the forty-two Board employees, eight are related by blood and/or marriage. Over the last several years there have been several complaints involving favoritism at the Board due to the family relationships. Several of these eight employees are in the same unit and/or report to the same supervisor, which is a violation of Arizona Administrative Code R2-5A-305 – Employment of Relatives. A table showing the family relationships and a copy of R2-5A-305 are included as Exhibit A.

On several occasions over the last year and a half, management of the Board has sought council from the Arizona Department of Administration (ADOA) regarding the perception of favoritism at the Board due to family relationships. The two major functions of the Board, Licensing and Investigations, are each managed by sister-in-laws. Additionally there is a family member related to the Human Resources Manager and the Executive Assistant to the Director.

In May of 2014, [REDACTED] for the Board, contacted ADOA Human Resources and advised ADOA that the Board was in the process of hiring two individuals

who are close personal friends with the sister-in-laws in Licensing and Investigations. [REDACTED] ADOA Human Resources strongly cautioned [REDACTED] against hiring the two individuals due to the issues with family relationships and perceptions of favoritism at the Board.

In response, the two referenced individuals, [REDACTED], were not directly hired by the Board. Rather, they were brought in June 2014 through Randstad Staffing, a temporary agency. According to [REDACTED], the agency director at the time, Charles Lloyd Vest II, promised [REDACTED] he would be hired by the Board. [REDACTED] intervened in the hiring process and [REDACTED] was ultimately not hired into the Investigations Unit. [REDACTED] was subsequently moved to the Licensing Unit under the direct supervision of [REDACTED], where he worked through Randstad until his resignation on January 16, 2015.

On December 23, 2014, [REDACTED] and [REDACTED], received written complaints from three of the seven Licensing employees. The complaints alleged [REDACTED] showed preferential treatment toward [REDACTED] and [REDACTED]. [REDACTED] was reported to allow [REDACTED] to arrive at work late, leave early, and take long lunches and breaks. [REDACTED] and [REDACTED] also carpooled to work together daily and [REDACTED] frequently went to lunch with [REDACTED]. The three Licensing staff also expressed concerns that [REDACTED] was not performing her work duties and was inappropriate and disruptive, but [REDACTED] was not addressing the issues with either [REDACTED] or [REDACTED]. The three staff also complained of concerns with [REDACTED] management style.

On January 6, 2015, [REDACTED] contacted ADOA Human Resources and spoke to Vicky Rokkos, Human Resources Officer. Ms. Rokkos suggested that if [REDACTED] was not demonstrating the ability to separate her friendship from her supervisory role with [REDACTED], the Board might consider terminating [REDACTED] temporary assignment through Randstad. [REDACTED] is a Board employee, whereas [REDACTED] is on a temporary assignment through Randstad Staffing. Ms. Rokkos suggested that [REDACTED] coach [REDACTED] on the management of [REDACTED]. Since [REDACTED] is not a Board employee and [REDACTED] did not appear to be able to separate her personal relationship from her supervisor relationship, Ms. Rokkos suggested the easiest business solution would be to terminate [REDACTED] temporary assignment.

On January 15, 2015, [REDACTED] spoke to [REDACTED] about the perception of favoritism in the unit. According to [REDACTED], she advised [REDACTED] she was considering terminating [REDACTED] temporary assignment due to the perceptions of favoritism in the unit. [REDACTED] stated that during the conversation [REDACTED] did not demonstrate that she was able to separate her private and professional relationship with [REDACTED]; which reiterated to [REDACTED] that [REDACTED] should not supervise [REDACTED]. According to [REDACTED], [REDACTED] was visibly upset during the conversation so [REDACTED] advised [REDACTED] not to take any action and stated they would talk again the following morning.

According to [REDACTED] and [REDACTED], after the meeting between [REDACTED] and [REDACTED], [REDACTED] advised [REDACTED] that [REDACTED] would be terminating his assignment with the Board. The next morning, January 16, 2015, [REDACTED] met with [REDACTED]. During the meeting [REDACTED] asked [REDACTED] to consider retaining [REDACTED]



██████████. According to both ██████████ and ██████████, during the meeting ██████████ advised ██████████ to refrain from taking any action and stated she would consider other options related to ██████████. ██████████ admitted that she did not advise ██████████ that she had already notified ██████████ that ██████████ was considering terminating his assignment.

Shortly after the meeting ██████████ walked off the job and announced that he was resigning before he could be fired. ██████████ left the office immediately after ██████████ and sent ██████████ a text message stating her daughter was ill. ██████████ attempted to call ██████████ on her personal cell phone. ██████████ did not answer the call and did not respond to ██████████ voice message. On January 20, 2015, ██████████ submitted her notice of resignation effective February 2, 2015.

Complaint One: ██████████ Against ██████████

On January 20, 2015 at 8:46 a.m., ██████████ emailed a formal complaint to ADOA Human Resources. She also addressed her complaint to ADOA Risk Management, Arizona Ombudsman-Citizen's Aide, and each of the Medical and Physician Assistant Board members. The complaint accused ██████████ of mishandling the complaint filed by the three Licensing employees and alleged ██████████ termination of ██████████ was unethical. ██████████ stated ██████████ actions constituted gender discrimination because the female Board employee was not terminated but the male temporary staff's assignment was terminated.

In her complaint ██████████ stated she had audiotapes of relevant conversations and indicated she was willing to provide the audiotapes. After several requests from the ADOA investigator ██████████ refused to provide the audiotapes.

Complaint Two: ██████████ Against ██████████

On January 26, 2015, ADOA Human Resources received a written complaint from ██████████ alleging ██████████ handling of the Licensing complaints was unethical and his separation constituted gender discrimination because he was the only male assigned to work in the unit. ██████████ indicated ██████████ was accused of showing favoritism to two employees, one male and one female. However, only the male was dismissed. ██████████ indicated he was one of several male employees terminated from the Board within the last year.

Complaint Three: ██████████ Against ██████████

On February 4, 2015 at 7:29 a.m., ██████████ emailed a second complaint to each member of the Arizona Medical Board. ██████████ indicated in the complaint that she also sent her complaint to the Governor's Office, The Ombudsman-Citizen's Aide Office, Senator Nancy Barto, Senator Kelli Ward, Representative Carter, and ADOA. The second complaint focused on management/business processes of ██████████. In the complaint ██████████ used the words discrimination and hostile work environment, but provided no details or examples of the alleged discrimination or hostile work environment.

In early February 2015, ADOA Human Resources conducted a fact-finding into the allegations of gender discrimination. [REDACTED] alleged inappropriate handling of the Licensing complaints and [REDACTED] alleged mishandling of human resources and business processes were not addressed in the fact-finding as the scope of the ADOA Human Resources Shared Services Office is illegal discrimination and/or other illegal activities.

#### **ISSUES AND FINDINGS:**

In their complaints, [REDACTED] and [REDACTED] indicated [REDACTED] does not hire male applicants, and that [REDACTED] and [REDACTED] have treated male employees poorly and dismissed male employees but have not treated female employees in the same fashion.

#### **Interview:**

On February 2, 2015, at 2:00 p.m., Michelle Ashley, ADOA Shared Services Officer, interviewed [REDACTED]. [REDACTED] stated that prior to the complaint against her by the Licensing employees, [REDACTED] had no concerns with [REDACTED] ethics or conduct. [REDACTED] stated she looked up to [REDACTED] and considered her a mentor.

During her interview [REDACTED] admitted that although no decisions had been made pertaining to [REDACTED] assignment, on January 14, 2015, at approximately 4:30 p.m., [REDACTED] advised [REDACTED] his assignment may be ended by [REDACTED]. [REDACTED] also admitted to meeting with [REDACTED] after she notified [REDACTED] of his potential separation and failed to notify [REDACTED] that she had already advised [REDACTED] of the potential termination of his temporary assignment.

[REDACTED] stated that [REDACTED] has issues with male employees and believes males are too dominant. [REDACTED] stated that [REDACTED] and [REDACTED] do everything they can to terminate male employees. However, when questioned if [REDACTED] and [REDACTED] have treated female employees poorly or attempted to terminate their employment, [REDACTED] provided names of two female staff who she believed [REDACTED] and [REDACTED] also treated poorly and forced terminations.

[REDACTED] stated the agency employs 30 staff and only five to seven of the staff are male. [REDACTED] also stated that while serving on hiring panels [REDACTED] has stated she did not want to hire male applicants because they reminded her of three former Board employees, [REDACTED]. [REDACTED] did not provide details of any specific recruitment or candidate of which [REDACTED] made these comments. [REDACTED] stated the only witness to these comments by [REDACTED] was [REDACTED] sister-in-law.

#### **Interview:**

On February 2, 2015, immediately after [REDACTED] interview, [REDACTED] was interviewed. During his interview [REDACTED] admitted to having a close personal relationship with [REDACTED]. [REDACTED] stated he did not know [REDACTED] well.



During his interview [REDACTED] admitted to carpooling with [REDACTED] daily but denied [REDACTED] ever showed favoritism to him. During the interview, [REDACTED] focused on his belief that [REDACTED] did not complete a thorough investigation before determining to end his assignment. [REDACTED] admitted that he heard nothing from [REDACTED] about terminating his employment, but rather resigned based on [REDACTED] statement that [REDACTED] intended to terminate his employment at some undetermined time.

[REDACTED] stated [REDACTED] plan to terminate his assignment was discriminatory due to him being the only male in the unit. [REDACTED] stated the three women in the unit complained about him because he is male. [REDACTED] also stated as proof of discrimination that the agency employs 30 women and only five males.

Exhibit B provides a list of all current Board employees. The Board currently employs 42 employees, of which 8 are male. Of the 42 current employees, six were hired while [REDACTED] was in the capacity of [REDACTED]. Of the six hires, two are male. Prior to her serving as the [REDACTED], [REDACTED] only had hiring decision authority for the [REDACTED]. During the time period [REDACTED] managed the [REDACTED] twelve employees were hired into the Investigations Unit. Three of the twelve hires are male.

Exhibit C provides a list of Board separations within the last five years. In total, 27 employees were separated. There were six dismissals over the past five years; five of the dismissals were female. There was one layoff of a male employee.

Interviews:

On February 5, 2015 and February 13, 2015, [REDACTED] was interviewed. [REDACTED] stated that prior to [REDACTED] appointment as the [REDACTED], [REDACTED] always did the right thing.

[REDACTED] stated she was hiring an investigator in approximately May 2014 and she wanted to hire [REDACTED], who had been working for the agency through Ranstad. [REDACTED] stated [REDACTED] did not want [REDACTED] hired because he is male. [REDACTED] indicted [REDACTED] stated repeatedly that she wanted to hire [REDACTED] and she did not understand the reason [REDACTED] had issues with the appointment. [REDACTED] also stated that [REDACTED] interjected herself into the hiring process when she did not belong in the process and that [REDACTED] had no involvement in the hiring process.

[REDACTED] stated [REDACTED] did not like males and has told [REDACTED] on at least nine occasions over the last eight years that males do not respond well to female bosses. [REDACTED] stated [REDACTED] is more firm with males than with females. She named three male former employees and stated that [REDACTED] did not treat the men well. [REDACTED] named [REDACTED].

[REDACTED] stated that [REDACTED] did not allow her to hire male applicants. When asked if [REDACTED] has hired any male applicants while she has reported to [REDACTED], [REDACTED]

stated [REDACTED] has allowed her to hire males but she has had to really plead with [REDACTED] to approve the hires.

Ms. Ashley inquired if the Human Resources Manager or other members of hiring panels might have heard the alleged biased comments made by [REDACTED]. [REDACTED] stated that only [REDACTED] would have witnessed [REDACTED] comments about male applicants.

During the fact finding review Ms. Ashley asked [REDACTED] how she knew [REDACTED]. [REDACTED] stated she could not recall how she knew [REDACTED] or where or when she met him. After Ms. Ashley questioned how she could not recall where she knows [REDACTED] from, Ms. Shepherd stated she met [REDACTED] at a community event.

Ms. Ashley showed [REDACTED] her emergency contact information displayed in the Human Resources Information System (HRIS) computer application. In the application [REDACTED] was listed as [REDACTED] secondary emergency contact. In the emergency contact application screen [REDACTED] had provided [REDACTED] contact information and stated he was her brother. The HRIS screen is provided as Exhibit D.

Ms. Ashley presented the information to [REDACTED]. [REDACTED] initially denied knowing [REDACTED] and stated she did not know how or why he was listed as her brother. After several follow-up questions [REDACTED] admitted to knowing [REDACTED] father and stated she may have listed [REDACTED] father, who is also named [REDACTED], as her emergency contact and stated [REDACTED] father is one of her closest friends. [REDACTED] could provide no reason for identifying [REDACTED] as her brother, but indicated she thinks of him as a brother.

A review of HRIS shows that on February 25, 2009, [REDACTED] updated her emergency contacts through YES, the employee self-service website. Her updates included the following:

- First contact – [REDACTED] – spouse
- Second contact – [REDACTED] – brother
- Third contact – [REDACTED] – mother-in law

[REDACTED] denies any marital or blood relationship between her and [REDACTED]. However, due to her denial of her relationship with [REDACTED] and her familial relationship with [REDACTED], [REDACTED] is not considered a credible witness.

#### [REDACTED] Interview:

On February 5, 2015 and February 13, 2015, [REDACTED] was interviewed. [REDACTED] denies terminating [REDACTED] temporary assignment and indicated that [REDACTED] advised [REDACTED] he was being separated. [REDACTED] stated she had not made the decision to terminate [REDACTED] temporary assignment and she had hoped to move [REDACTED] to another area in the agency; however, she did not have the opportunity to consider other options due to [REDACTED] notice to [REDACTED]. [REDACTED] stated [REDACTED] was a hard worker who produced impressive job performance and she would have liked to retain him at the Board and find a position to hire [REDACTED] that was separate from [REDACTED]. [REDACTED] also stated that although



██████████ needed coaching on developing her supervisory skills, she was a valuable employee who had performed well for the Board.

██████████ denies making derogatory comments about male employees or applicants and denies comparing male applicants to past employees. From January 28, 2006 to April 6, 2014, ██████████ managed the ██████████. ██████████ indicated that occasionally when former law enforcement officers are hired into the Board's investigative positions, she and the prior law enforcement officer have not always agreed on the handling of complaints. ██████████ stated that the former law enforcement officers have tended to handle administrative investigations as if they were criminal investigations, which is not consistent with the mission or culture of the agency.

██████████ provided the hire information for two of the three prior male employees referenced by ██████████. Two of the referenced employees are former law enforcement officers.

A review was completed of the Investigator recruitments conducted by ██████████ over the last few years. During these recruitments a total of 247 applications were received. Of the 247 applications 66 were male. Any names in which the gender could not be speculated by the name were counted in the male totals. In total, only 26.7 percent of the Investigations applicants were male. Of the 66 male applicants approximately 70 percent of their resumes indicated their investigative experience was primarily criminal in nature.

██████████ Interview:

On February 13, 2015, ██████████ was interviewed. ██████████ stated that she had intervened in the hiring process of ██████████ and ██████████ into the Investigations unit because of rumors that ██████████ was related to ██████████ and also because both ██████████ admitted to having a friendship relationship with both ██████████ outside of the office. ██████████ stated ██████████ gender had no impact on her concerns with placing him in positions reporting to his close friends.

██████████ denied hearing ██████████ make negative or gender biased comments about male employees or applicants. ██████████ also stated that no employee or applicant has ever complained to her about ██████████ having biases toward males or treating males unfavorably. ██████████ stated that while the two law enforcement employees worked for ██████████, she had advocated for each of them on several occasions for various reasons.

██████████ indicated that the agency does not employ many male employees. ██████████ stated that historically mostly females apply for their positions and therefore, the percentage of males in the agency is low.

**CONCLUSION:**

No evidence was found to substantiate ██████████ or ██████████ allegations of gender discrimination by ██████████ or ██████████. ██████████ was not a Board

employee; rather he is an employee of Randstad Staffing and was serving on a temporary assignment at the Board. [REDACTED] experienced no adverse action while serving his temporary assignment at the Board. Rather, he abruptly ended his assignment when he walked off the job.

**Prepared by:**

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