COMMONWEALTH OF KENTUCKY
FRANKLIN CIRCUIT COURT
DIVISION _____
CASE NO. _____

DAISY OLIVO PLAINTIFF

V.

LEGISLATIVE RESEARCH COMMISSION DEFENDANT
Room 300, Capitol
Frankfort, KY 40601

SERVE certified mail:

Attorney General
Andrew Beshear
1024 Capital Center Dr., Ste 200
Frankfort, KY 40601

COMPLAINT AND JURY DEMAND

JURISDICTION

1. The Plaintiff, Daisy Olivo, brings this action against the Defendant, the Legislative Research Commission (hereafter "LRC"), pursuant to KRS 61.102 and 61.103(2).

FACTS

2. Plaintiff, was, at all times mentioned herein, an employee of the LRC, an arm of the General Assembly that is subject to the statutory provisions of KRS 61.102, et seq. Plaintiff began working for the LRC in January, 2016, as Communications Director for the Kentucky House Republican Leadership.

3. Plaintiff's job duties include, but are not limited to, real-time communication with the press and public, issuing press releases, managing, supervising, and evaluating the employees in the communications department.

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4. Plaintiff became aware of an inappropriate relationship between then House Speaker, Rep. Jeff Hoover, and one of the employees whom Plaintiff supervised (hereinafter Jane Doe).

5. Plaintiff reprimanded Doe on multiple occasions for, then, consensual, but inappropriate conduct with Rep. Hoover while in the employ of the LRC.

6. In December, 2016, Ginger Wills became Chief of Staff (hereafter "COS") for Rep. Hoover.

7. In February, 2017, COS Wills called Plaintiff and another communications staffer into a meeting and explicitly asked if Hoover and Doe were engaged in a sexual relationship. The Policy Director of the Speaker's Office, was also present in this meeting and discussion.

8. During this February, 2017, meeting, COS Wills stated to Plaintiff and the other staffer that COS Wills believed Doe was the aggressor in the relationship and had forced the Speaker into a "submissive" relationship, which was damaging Rep. Hoover's ability to do his job and, therefore, COS Wills intended to "create a path to terminate [Doe]."

9. Plaintiff objected to the recommended course of action of COS Wills based upon the consensual nature of the inappropriate sexual relationship between Rep. Hoover and Doe. COS Wills then stated that Doe eventually would need to be relieved of her duties and that a personnel case should be built against her for her behavior.

10. Doe notified Plaintiff that she was taking four (4) months of leave that was to begin on May 22, 2017, as part of her military duty.

11. Upon that notice of military leave by Doe, COS Wills called Plaintiff to her office and gave her an instruction to "keep [Doe] happy" until Doe leaves for her military duty for four months. COS Wills informed Plaintiff that Wills intends to terminate Doe before, or shortly after, Doe returned from her four-month military leave.

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12. Eventually, Doe shares with Plaintiff a written timeline of "events" between Doe and Speaker Hoover, including the physical and sexual encounters.

13. Doe, shortly before returning to work at the LRC from her military leave, begins calling Plaintiff and stating Doe does not think that she can return to work as she now views it as an environment of sexual harassment created by Speaker Hoover.

14. On September 5, 2017, Plaintiff confronts Speaker Hoover in a 90-minute conversation about the inappropriate relationship with Jane Doe, as well as the hostile work environment being created by COS Wills towards Jane Doe, and the overall toxic environment under Speaker Hoover's and COS Wills' leadership.

15. On September 15, 2017 Plaintiff had a follow up meeting with COS Wills and Republican Caucus General Counsel, Laura Hendrix, regarding the relationship between Hoover and Doe and the hostile work environment now being created by COS Wills. Plaintiff specifically addressed the September 5th meeting that she had with Speaker Hoover and new allegations of a hostile work environment for the communication staff, as a result of the September 5th meeting. Plaintiff reported that COS Wills was responsible for telling Majority Staffers that the entire communications shop "was dysfunctional and a problem" in the wake of the September 5th meeting.

16. Doe returned to work, and on or about October 16, 2017, informed Plaintiff that she had made a settlement demand on Speaker Hoover and others for sexual harassment, and on COS Wills for creating a hostile work environment. Doe proceeded to share with Plaintiff three (3) years of text messages that she maintained with Hoover as well as a detailed timeline of physical, sexual encounters that she had engaged in with the Speaker, both during work hours, and outside of work hours.

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17. A short time later, Plaintiff is informed by Doe there has been a secret settlement to avoid media scrutiny, and that it was paid off the public record with private funds pooled from prominent campaign donors.

18. On October 26, 2017, Doe entered Plaintiff's office and informed her that she was instructed by attorneys to deliver a message that Plaintiff was to cease discussing the sexual harassment alleged by Doe or filing any reports about the hostile environment created in the Communications office. Doe also informed Plaintiff that Speaker Hoover and COS Wills stated that Plaintiff would lose her job.

19. On October 26, 2017, after meeting with Doe, Plaintiff e-mailed the LRC's General Counsel and the Human Resource Director her concerns about the discussion with Doe. Plaintiff reported her concerns for Doe's emotional well being, and reported Does's fear of appraisal and physical harm after entering a settlement agreement under "duress". Plaintiff further reported that Doe, after disclosing her fears to Plaintiff, proceeded to go missing from several days of work causing further concern by Plaintiff for Doe's well being.

20. On October 27, 2017, COS Wills instructed Plaintiff to direct all employees with Harassment concerns to her attention going forward.

21. On Wednesday, November 1, 2017 Plaintiff met with LRC General Counsel Greg Woosley and HR Director Tim Holbrook for about three hours and disclosed to them the inappropriate relationship between Hoover and Doe, the hostile work environment created by COS Wills, and the secret settlement between Speaker Hoover, COS Wills, Doe, and others. Plaintiff also noted that it was inappropriate to require LRC employees to now report harassment allegations about Legislators to the COS, who, herself, was accused of retaliation against a reporter.

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22. The following day, Plaintiff receives the following email from Wills:

From: Wills, Ginger (LRC)
Sent: Thursday, November 2, 2017 10:40 AM
To: Olivo, Daisy (LRC) <Daisy.Olivo@LRC.KY.GOV>
Cc: Druen, Tommy (LRC) <tommy.druen@LRC.KY.GOV>
Subject: Media Inquiries for Speaker Hoover

Daisy-
Per conversation with Speaker, please direct all media inquiries for Speaker Hoover to Tommy Druen until further notice.
Thanks!

Ginger H. Wills
Chief of Staff
Office of the Speaker
Kentucky House of Representatives
Room 332 Capitol Annex Building
Frankfort, KY 40601
(502) 564-4334
Ginger.Wills@LRC.KY.GOV

23. Said e-mail, effectively eliminated Plaintiff's job duties, as she was the Communications director and in charge of media relations.

24. Since her reports and disclosures, Plaintiff has been ostracized from her job duties and subject to retaliatory actions.

25. Plaintiff met again with LRC General Counsel Greg Woosley and HR Director Tim Holbrook on November 15, 2017, and reported that the hostile work environment created by Doe's allegations and settlement remain 100% intact. Plaintiff further reported that other Legislators were now trying to intimidate her and staff, and relayed one incident where House Representative Bam Carney was attempting to surreptitiously take a photo of Plaintiff and a co-worker.

26. On November 17, 2017, Plaintiff called and then met personally with House Budget Director, Frank Willey, to discuss the pending Pension legislation and the lack of information

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given to communication staff, and as a result, the damaged ability to do proper communications for all 64 members of the House Majority Caucus.

27. Willey informed Plaintiff that there would be no information to share with her and that he would not e-mail her information in the future, based on her intention to "twist facts" and "pit people against one another."

28. Willey went on further, and alluded to Plaintiff that she was just like the Governor in always twisting the truth, and referenced the Governor's comments on teachers hoarding sick days, and alluded that this type of behavior was the cause of Rep. Hoover losing his speakership, and that he wouldn't work with her in the future to avoid exposing himself to the same type of damage, effectively prohibiting Plaintiff from doing her job.

29. Plaintiff reported to Speaker Hoover, COS Wills, General Counsel Hendrix, and made disclosures to Woolsey and Holbrook that are protected by KRS 61.102 regarding "actual or suspected violation of any law, statute, executive order, administrative regulation, mandate, rule, or ordinance of the United States, the Commonwealth of Kentucky, or any of its political subdivisions, or any facts or information relative to actual or suspected mismanagement, waste, fraud, abuse of authority, or a substantial and specific danger to public health or safety."

30. Since her reports and disclosures, Plaintiff has been subject to ongoing retaliation that has interfered and prohibited Plaintiff from doing her job.

31. At no time prior to or following Plaintiff's disclosures made pursuant to KRS 61.102, did Plaintiff's personnel file contain any indication that any disciplinary actions, performance improvement plans, or similar corrective action had ever been taken against her due to unsatisfactory performance.

COUNT I
Violations of KRS 61.102 et. Seq. (Kentucky Whistleblower Act)

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32. Plaintiff incorporates the averments contained in paragraphs 1 through 31, as delineated and set forth above, and incorporates same as if originally set forth herein.

33. Plaintiff, at all times mentioned herein, was employed by the Commonwealth of Kentucky, and as such, was an employee protected under the Kentucky Whistleblower Act (KRS 61.102, et seq.).

34. Plaintiff reported multiple ethical and mismanagement issues to Speaker Hoover, her supervisor COS Wills, the General Counsels of the Commission, and the LRC HR Director Tim Holbrook.

35. Soon after Plaintiff reporting her disclosures, as described above, Plaintiff was retaliated against by Rep. Hoover and COS Wills when her job duties were removed and given to Tommy Druen.

36. Removal of Plaintiff's job duties for reporting official misconduct is prohibited by KRS 61.102.

COUNT II
Violations of KRS 61.102 et. Seq. (Kentucky Whistleblower Act)

37. Plaintiff incorporates the averments contained in paragraphs 1 through 36, as delineated and set forth above, and incorporates same as if originally set forth herein.

38. Plaintiff was subject to further reprisal in violation of KRS 61.102 as stated in paragraphs 26-28.

39. Plaintiff has effectively been prevented from performing her job as Communications Director for her reports made pursuant to KRS 61.102.

40. Said retaliation is in violation of KRS 61.102.

WHEREFORE, the Plaintiff respectfully prays and demands on both Counts as follows:

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A. For trial by jury;

B. For compensatory and punitive damages;

C. For her reasonable attorney fees and costs pursuant to KRS 61.990(4)

D. For any and all other relief to which the Plaintiff may appear entitled.

ZIEGLER & SCHNEIDER, PSC

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