



GABRIEL &
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Attorneys At Law

Investigation Report

FROM: Stacy Gabriel

TO: Kurt Christianson, City Attorney

DATE: October 8, 2025

RE: *Investigation re: (1) Chief Stephanie Foley's Harassment Complaint v. Mayor Scott Jablow and (2) Mayor Jablow's Harassment Complaint v. Chief Foley*

I. SCOPE OF INVESTIGATION

The City of Sedona ("City") engaged this external investigator to investigate the above-referenced complaints. Chief Foley submitted her complaint on July 28, 2025.¹ The Mayor submitted his initial complaint on August 11, 2025; he amended it on August 13 and again on August 22.²

II. INVESTIGATION PROCESS

This investigation consisted of reviewing the complaints and relevant background documents, City/Council policies and procedures, and the City Code. In addition, this investigator interviewed the witnesses listed on Exhibit A. The relevant sections of the City policies, procedures, and City Code are summarized on Exhibit B. Documents reviewed and recordings of witness interviews can be produced upon request.

¹ On 7/23/2025, the Chief submitted a notice of intent to file a harassment complaint against the Mayor, as well as a complaint against Sergeant Laura Olson (formerly Leon) and requested the City seek to identify the anonymous source(s) who sent disparaging emails to Council and the media about the Department. However, the Chief withdrew these two requests in her 7/28/2025 Harassment Complaint against the Mayor.

² The Mayor's Complaint listed six issues he wanted investigated: "1. Harassment and retaliatory conduct directed toward me in my capacity as Mayor; 2. Leadership deficiencies and lapses in judgment by Chief Foley 3. Dysfunctional internal culture and declining employee morale within SPD 4. Inconsistent complaint handling, lack of transparency, and selective accountability 5. Misrepresentation of interagency participation and public misinformation 6. A formal request for a second, independent investigation into these matters." The City limited the scope of this investigation to issue 1 for the reasons outlined in the City Attorney's 8/13/2025 email to the Mayor.

III. EXECUTIVE SUMMARY

Chief Foley's allegations against the Mayor are substantiated, in part. Specifically, the evidence supports the finding that the Mayor has subjected the Chief to a hostile work environment by interfering with and undermining her management of the Department with the goal of forcing her removal. However, the evidence does not support her allegation that the Mayor's actions were motivated by her gender.

The Mayor's allegations against the Chief are not substantiated. The evidence does not support his claim that the Chief has subjected him to harassment or retaliation.

IV. BACKGROUND

A. Chief Foley's Employment and Performance History

Foley has worked for the Sedona Police Department ("Department") since January 2005. She was hired as Dispatcher and became a sworn police officer in December 2005. Over the next 17 years, she was progressively promoted to Sergeant (2016), Lieutenant (2018), Deputy Chief (2021) and Chief (2022). As Chief, she reports to the City Manager. Karen Osburn was City Manager from 2022 until Osburn retired in April 2024. Osburn was succeeded by Anette Spickard, the current City Manager.

Chief Foley has no record of disciplinary action.

Over the last few years, Foley received an overall performance evaluation rating of "Exceeds Expectations" from three different supervisors – former Chief Charles Husted (2021/2022), Osburn (2022/2023), and Spickard (2024/2025).³ In these evaluations, she was rated "Meets Expectations" or higher in each performance category.

Foley's 360 anonymous evaluations completed in 2022, 2023 and 2024 reflect that the majority of her direct/indirect reports and peers have a high degree of confidence in her leadership. Both Osburn and Spickard share this view. Osburn stated that when she was leading the Chief hiring process after Husted announced his retirement, she was on the fence between two finalist candidates – Foley and an external candidate. She was concerned Foley was "too green to step into the Chief position." To assist her evaluation, she invited the Department staff to meet with her privately to provide feedback about Foley. A large number of staff (both sworn and unsworn) accepted her invitation. The majority supported Foley and her promotion. This weighed heavily on Osburn's promotion decision.

With that said, Foley has faced criticism by some Department employees throughout her tenure as Chief. In February 2024, the Council and HR Manager Russ Martin, received an anonymous email accusing the Chief of mismanagement of operational and personnel matters, which created a toxic work environment and low employee morale. In March 2024, three then-members of the Department – former Deputy Chief Ryan Kwitkin, Sergeant Laura

³ According to HR Manager Russ Martin, Foley did not receive a 2023/2024 performance evaluation because it was due while she was under investigation for creating a hostile work environment (discussed below) and Spickard was new to her role as City Manager.

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Olson and former Executive Assistant to the Chief Sherri O'Connor – reported similar concerns to Martin. The City referred their allegations to an external investigator to investigate. After interviewing numerous witnesses, the investigator issued a report in May 2024 concluding that none of the allegations were substantiated.

Following the investigation into Foley, HR conducted a separate investigation into allegations of misconduct by Kwitkin that were exposed during the Foley investigation. In June 2024, Martin issued a report substantiating most of the allegations against Kwitkin. Based on these findings, and after due process was afforded to Kwitkin, his employment was terminated, effective July 2024. Kwitkin has filed a wrongful termination lawsuit against the City, which lawsuit is pending. Between August-October 2024, Kwitkin continued to email the Council allegations of mismanagement by the Chief.

B. The Mayor's Service and Censure History

The Mayor was elected to Council in 2014. He served two successive four-year terms as a Councilor. He was elected Mayor in 2022 and re-elected in 2024.

The Mayor received two private and one public censure pursuant to Rule 2.L of the City Council Rules of Procedure. Both private censures were verbally issued by Vice Mayor Holli Ploog with the support of several other Councilors.

Vice Mayor Ploog issued the first private censure on March 29, 2024, in response to learning during a Council meeting that the Mayor, without the knowledge of the Council or the City Manager, asked an employee, Karen Kwitkin (wife of Ryan Kwitkin), to change her job title from Assistant to the City Manager to Assistant to the City Manager *and Mayor*. Ploog admonished the Mayor that he had overstepped his role and to stop meddling in Department affairs. She reminded him of the established protocol that Council not engage directly with City staff about personnel or operational matters.

Ploog issued the second private censure on November 18, 2024, in response to information relayed to Ploog from Joanne Keene (former Sedona Deputy City Manager and current Flagstaff Deputy City Manager). Keene told Ploog that during an interaction with the Mayor at an event he commented something to the effect, "I'm working really hard to get the Police Chief fired." Keene stated she was "appalled" by his comment, as was Ploog. When Ploog confronted the Mayor about this information, he denied making the comment, but she did not believe him as he had repeatedly made it clear to Ploog that he wanted the Chief fired.

On September 10, 2025, the Mayor was publicly censured by a 5-2 vote of the City Council on the basis of seven alleged infractions: (1) interference with city staff and departments, (2) creating and fostering a hostile work environment, (3) breaking the confidentiality of attorney-client privilege, (4) circumvention of city council process, (5) acting beyond the authority of the office of Mayor, (6) acting unilaterally and (7) violating the principles of ethical conduct for elected officials. After initially declining the Council's call to resign, the Mayor tendered his resignation on and effective September 30, 2025.

V. THE CHIEF'S COMPLAINT AND FINDINGS

A. Summary of Allegations

The Chief summarizes her allegations as follows:

Over the past three years, since being promoted to the position of Chief of Police, I have endured constant and continuous scrutiny, micromanagement, and undermining of my position of authority by Mayor Scott Jablow. This harassment includes ongoing interfering with day-to-day operations within the police department and attempts to intervene with police department policy. It is my opinion that this is gender-based discrimination by Mayor Scott Jablow, since I am a female Police Chief. Gender-based discrimination and harassment is defined as intimidation or hostility based on sex or sex-stereotyping that is not motivated by sexual interest or intent but done to reinforce policing's hypermasculine subculture and organizational structure that is largely based on toxic masculinity. See Harassment Complaint at pdf 1.

The Chief's Complaint itemizes 40 alleged incidents of harassment by the Mayor between August 3, 2023 through July 16, 2025⁴ and attaches supporting documentation. These incidents have been consolidated into categories and addressed below.

B. Alleged Incidents of Harassment and Findings

1. *The Mayor Interferes in Department Matters*

Allegation: The Mayor excessively meddles in the Department's day-to-day operational and personnel decisions with the goal of undermining her authority and sowing doubt about her competence so as to get her removed.

Findings: This allegation is **SUBSTANTIATED**

As detailed herein, the weight of the evidence reviewed by this investigator supports the finding that the Mayor has subjected the Department and Chief to excessive scrutiny beyond what is appropriate for an elected official as set forth in the City Council Rules of Procedure and City Code. See Exhibit B.

To be clear, the Mayor's meddling is not isolated to the Department or the Chief. Other City leaders, such as Husted, Dickey, Osburn, Spickard, and Commander Chris Dowell, reported that they too have experienced interference by the Mayor. Spickard shared that the City Clerk and Tourism Department Heads have also complained about the Mayor's improper contact with their employees. However, the witnesses note (and this investigator finds) that his scrutiny of the Chief is more frequent and critical than what others have experienced.

⁴ The Chief shared that the harassment started shortly after she was promoted to Chief in 9/2022, but she did not start documenting the incidents until she realized the Mayor's actions were systemic and targeted in nature.

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The Mayor's interference does not take the form of direct confrontation with the Chief. In fact, they both described their interactions as awkward, but professional. Rather, his interference takes the form of challenging her day-to-day operational decisions through repeated requests for information. His requests are directed to the City Manager and occasionally to the Chief and/or her staff. More recently, the Mayor has sought information through public records requests. **[Foley Complaint, Ex. 10 at pdf 50-64; Ex. 13]**

Following are examples of the Mayor's information requests and actions directed at the Department:

- Asking that the daily Police Briefing include data on the number of traffic citations and warnings issued per shift by a specific traffic officer who the Mayor has criticized for being overly aggressive in issuing citations. **[Foley Complaint, Ex. 1]**
- Seeking information about a speeding incident that led to the discipline of the above-referenced officer several years earlier during Husted's tenure and pushing for that officer to be retroactively issued more severe discipline. **[Foley Complaint, Ex. 11]**
- Inviting himself to a lunch with Spickard, Foley and County Supervisor Donna Michaels, admonishing Spickard she was not allowed to meet with other elected officials without him present, especially regarding the Department.
- Contacting Spickard and Dickey over the weekend to complain that the Department failed to properly manage traffic congestion. **[Foley Complaint, Ex. 14]**
- Demanding that Erin Loeffler be stripped of her "Lieutenant" job title because she is not a sworn officer.
- Demanding to know the tactical equipment assigned to officers. **[Foley Complaint, Ex. 8]**
- Demanding that Spickard find out if a dispatcher was disciplined for not giving him "VIP treatment" when he called into a 911 dispatch line.
- Exerting pressure on the Department (and other City officials) to move forward with procuring License Plate Reader ("LPR") technology.
- When the public scrutiny of the LPR technology increased, asking Dowell to find "some positive news stories to help support the public narrative" about LPR technology without Foley or Spickard's knowledge. **[Foley Complaint Ex. 17]**
- Demanding information about the City's level of participation in the Regional Consolidation 911 Communications Feasibility Study ("Feasibility Study") to determine if the Chief misrepresented to the City Manager that Sedona had participated in the study based on a report from Yavapai County Sheriff David Rhodes that Sedona had not participated. **[Foley Complaint, Ex. 19]**
- Seeking information from the Yavapai County Sheriff's Office to determine if the Chief lied about Sedona's level of participation in a drug program (see below).

While the line between appropriate Council oversight and inappropriate meddling into operational/personnel decisions can be blurry at times, this is not one of those times. The Mayor's effort to influence the Department's day-to-day decisions flies in the face of Sedona's Council-Manager form of government and the City Council Rules of Procedure. See Exhibit B. His interference with the Department is problematic because it appears to be motivated by a desire to uncover negative information about Foley to support a case to

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remove her as Chief. The personal and targeted nature of the Mayor's scrutiny of the Department is evidenced by several facts.

First, the requests escalated in frequency and intensity after the 2024 hostile work environment complaints against Foley concluded with an unsubstantiated finding. The Mayor disagreed with that finding and accused the investigator (without evidence) of bias. Since then, the Mayor unilaterally set about seeking information to expose the Chief's alleged mismanagement of the Department. Ploog and Spickard reported that the Mayor told them he intended to scrutinize the Chief/Department even more aggressively in response to her filing a harassment complaint against him.

Second, the Mayor has not directed these aggressive tactics at any other Department or Department Head.

Third, the Mayor's scrutiny of the Department appears to be in direct reaction to allegations that came to the Mayor's attention from anonymous sources and former disgruntled Department employees of dubious credibility.⁵

Fourth, the Mayor's information requests have not uncovered malfeasance on the Chief's part and have been affirmatively debunked.

For example, the Mayor was highly critical of the Chief's alleged reluctance to deploy Department resources to ease traffic congestion. However, Dickey, who was previously the Director of Public Works and now oversees that department as Deputy City Manager, rejects this criticism. Dickey stated that he has worked closely with Foley and she has been a "tremendously better" partner than her predecessors in trying to mitigate Sedona's intractable traffic problem. He credits the Chief for taking the lead in developing a traffic control plan and putting effective measures in place that have alleviated traffic congestion.

The Mayor also falsely accused the Chief of lying to the City Manager that the Department participated in the Feasibility Study when it had not. The source of this information was Yavapai County Sheriff Rhodes who led this initiative. However, the Chief produced evidence demonstrating the Department meaningfully participated in the process, although not to the same level as other municipalities due to Sedona's unique status as being located across two counties. The Department provided information to the consultant and attended bi-weekly meetings with the consultant, including a half-day in-person session. At the Mayor's urging, the Department continued to attend meetings related to the formation of a consolidated dispatch center even after the consultant issued a report in February 2025 advising against consolidation. Spickard shared with this investigator that it was actually the Mayor, not the Chief, who lied to her when he claimed Loeffler told him she was in support of the initiative when, in fact, Loeffler told him the opposite at the Regional Communications Meeting they jointly attended on June 16, 2025. [**Foley Complaint, Ex. 16**]

⁵ Kwikin (terminated for misconduct), Sherri O'Connor (resigned during performance management process), former Lt. Scott Martin (terminated during probation for poor performance), former Police Officer Kyle Nudelman (resigned while under an IA investigation for misconduct).

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More recently, the Mayor accused the Chief of misrepresenting that Sedona participates in the County-wide Partners Against Narcotics Trafficking program ("PANT"). On August 13, 2025, he wrote to Spickard:

On June 17, 2025, I attended a Sex Trafficking event at the Mary Fisher Theaters, where I was approached by YCSO Sheriff David Rhodes. In my capacity as Mayor of Sedona, Sheriff Rhodes expressed concern that no SPD officers have participated in the PANT (Partners Against Narcotics Trafficking) program for several years.

I believe it was during our regular one-on-one meeting on June 24, 2025, that I relayed Sheriff Rhodes' comments and concerns to you. Several days later, you informed me that you had spoken with Chief Foley, who stated that SPD has indeed been participating in the PANT program and suggested that Sheriff Rhodes 'doesn't like her' and may be spreading misinformation, or words to that effect.

On August 12, 2025, I submitted a public records request (see attached) to YCSO for SPD attendance records to verify participation in the PANT program. Within a few hours, I received two separate confirmations from YCSO (see attached):

1. From Kelly Fraher, Sheriff Rhodes' Executive Assistant: *"PANT has also not had an assigned Detective from Sedona in a number of years; perhaps since 2022 or 2023 at the latest."*
2. From Crystal Johnson the Assistant to the Commander of PANT: *"Unfortunately, the Sedona Police Department has not had an officer assigned to our task force since Officer Langmack's reassignment, so no other timesheets are available."*

These official comments from the Yavapai County Sheriff's Office directly conflict with the account you received from Chief Foley. I request a written explanation reconciling these conflicting statements no later than August 19, 2025.

On September 3, Spickard replied:

While I do have the information from PD on what our participation is with PANT and am satisfied with the response, I am unsure why you need this or why you are questioning me about what the Chief has told me about our status with PANT. You asked me to look into it and I did. Our participation with PANT is dependent on staffing availability. We attend the PANT/NARTA board monthly meetings. The Chief attends the majority of the meetings unless she assigns another to attend in her place which is typically Commander Dowell. What is your point that you are trying to make? I completely disagree with your assertion below that Chief has lied to me. She has not. I likely was not specific enough in my

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response to you the first time you asked me about this. In the end, it is not your decision how the city assigns officers to special duty assignments. You may not like it or agree with it, and you are free to complain about it, but it is not your role to run the police department or to engage in discussions with the county Sheriff about how we should be managing officer assignments. If the Sheriff has a concern, you should be referring him directly to me and the Chief. Not once has the Sheriff contacted me about any concerns. As I also shared with you, the Cottonwood PD has pulled out of PANT completely because it was not an effective use of their resources. I also learned that the Sheriff rarely attends these meetings himself. He sends his #2 or #3 in his place regularly. And even though the Clarkdale Chief is the board chair, they do not have any officers assigned to PANT detail. Other agencies such as Camp Verde and Chino have only had intermittent participation. From what I have learned after looking further into this, it is not uncommon or unreasonable for police agencies in the county to have intermittent participation due to staffing levels and other higher priorities. In the future if you get a complaint about PD, please refer those people directly to me.

The Mayor replied on September 3:

Thank you for your response. To clarify, I never used the word ‘lied’; I simply asked you to reconcile the two statements, which you have now done, and I am fully satisfied with your explanation. While your response focused on leadership meetings, Sheriff Rhodes never mentioned leadership—only “boots on the ground” officers. Moving forward, I will be sure to direct Sheriff Rhodes or any other public official to contact you directly with their concerns.

On August 4, 2023, in response to the Mayor asking for data on the number of citations and warnings issued by a traffic officer per shift, Osburn emailed the Mayor:

I'm very reluctant to ask for this. Having the Mayor get into scrutinizing the 12 hour workload of the motor officer, or any city employee other than the CM for that matter, is out of bounds for any elected official who is suppoaed [sic] to be focused on policy and leaving the day to day operations to the CM and dept heads. It would also be inappropriate for me to get into those weeds unless I had some reason to believe the police chief, deputy chief, lieutenant, and sgt weren't doing their jobs in properly deploying and overseeing the work of the two motors (or any other personnel). If you are simply interested in how many citations and warnings are being issued for traffic violations, I'd do a records request for them enmass [sic] (which I think you did not too long ago to look at tickets and warnings issued to residents vs non residents) so you can see that info and trends over time vs checking in on the briefing on a daily basis and coming to me daily when you want to dig even further into why the numbers are what they are. It could be a slippery slope with wanting to

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micromanage this work. Please resist the temptation to do that. [Foley Complaint, Ex. 1]

On February 14, 2024, Osburn sent the Mayor a similar email after he accused the Chief of submitting a “vague” and “misleading” Police Briefing that omitted information about the Department’s response to an alleged weapons threat a local school. She wrote:

Mayor, I will not be forwarding your email. Heather Isom's email indicates that there was an unsubstantiated threat which held no merit, and that the campus was and remains safe. The police briefing was not "misleading," it just didn't say what you believe it should have. If today's incident had "taken a 180 degree turn," councilors would have been advised. I was made aware of the unsubstantiated threat by the police chief this morning and did not believe it warranted a notice to council. The reason you believe ‘council was not properly informed’ was that I made a judgment call that informing you wasn't necessary. *The relentless micromanagement and persecution of the police department has to stop. Please.* [Foley Complaint, Ex. 2 – Emphasis added]

On March 28, 2024, Osburn objected to the Mayor’s request that the City pursue a grant to obtain LPR technology. She wrote:

This isn’t a current project and until it is and until we were to know there is an interest in pursuing this and capacity to implement LPR technology, it wouldn't be reasonable to do any grant seeking.

You continue to pursue this unilaterally without ever having discussed it with council and after I have repeatedly told you that PD is in no position right now to conduct the research necessary to explore how this technology might integrate into their systems, let alone acquire and implement. It may be even longer before anything, even current and more urgent projects like body worn cameras, can advance due to the current disruptions happening in PD.

I suggested it could be brought up at this year’s budget work session for direction to pursue in FY26, should council have interest. Yet you continue to send me information and ask me about it continually as if I should be pursuing this now simply because you've heard about it and want it in Sedona. You know that's not how the process works. [Foley Complaint, Ex. 3]

The following day (March 29, 2024), Ploog delivered this same message to the Mayor when she issued him his first private censure, and again with his second private censure on November 18, 2024. When asked if the Mayor complied with her admonishment, Ploog responded, “absolutely not.” On September 10, 2025, the Council issued the Mayor a public censure, in part, due to his continued interference with City staff.

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Councilman Brian Fultz emailed the Chief on April 18, 2024, expressing his frustration with the Mayor meddling in Department operations. He wrote:

Hi Chief,

At the end of your presentation yesterday, I got pretty agitated and wanted you to know it was because the council, the mayor in particular, was way into the weeds concerning your work. And he's doing it again now here on Thursday morning. I appreciate what you're doing. [**Foley Complaint, Ex. 4**]

The foregoing emails represent just a few documented instances when the Mayor was admonished that his scrutiny of the Department exceeded the boundaries of his role as Mayor. Osburn, Spickard, and Ploog stated that they addressed this issue with the Mayor on multiple occasions and that his response was typically defensive and defiant. Spickard recalled that the Mayor analogized his role to the “CEO of the City.”

When questioned about this allegation by this investigator, the Mayor defended his right as a Councilor and private citizen to expose mismanagement of the Department and that his extensive law enforcement experience makes him particularly suited to lead this effort. It is the Mayor's opinion, based on his personal observations and information shared with him by former and current Department employees, that the Chief is not suitable for the job. He is particularly critical of the Chief's decision to assign Loeffler a Lieutenant job title and her failure to mandate officers work overtime to manage traffic congestion. Although the Mayor claims he respects the Council-Manager boundaries, he feels compelled to shine a light on her alleged deficiencies out of concern for the welfare of the Department, not a desire to get the Chief fired. In fact, he insisted he has never lobbied to remove the Chief.

This investigator is not persuaded by the Mayor's attempt to justify his actions. Although the Mayor insists he respects the boundaries between the Council and staff, his actions plainly do not match his words.

The negative consequences of the Mayor's actions extend beyond creating a hostile work environment for the Chief. His serial information requests have diverted staff members' attention away from their core job duties and consumed limited City resources. City leaders expressed that they find his punitive focus on the Department divisive and distracting. Ploog described the Mayor's effort to undermine Foley as “relentless.” Spickard shared that the Mayor has been “sowing the seeds of doubt” about Foley's competence since she started. He frequently fed Spickard a steady barrage of “negative” information about the Chief coming from unidentified sources that related to alleged events that occurred in the past. The Mayor has pushed Spickard to remove the Chief, but she has pushed back as her own assessment of the Chief's job performance is positive and her research has confirmed that many of his allegations against the Chief were untrue. According to Spickard, the Mayor has not focused this much attention on any other Department/Department Head; he seems “fixated” on the Department and the Chief and his fixation escalated after the HR complaint against Foley was not substantiated by the external HR investigator. Spickard is “very frustrat[ed]” the Mayor has had her “running around to be his private investigator to investigate the Police Department.” She expressed that she has never seen an elected official go after a City leader

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like this in her 30+ year career in City government. Spickard shared that working with the Mayor has made her tenure at Sedona a “pretty awful experience so far.” She expressed that his behavior has caused her to consider quitting. The Chief expressed the same sentiments.

To make matters worse, the Mayor’s attacks on the Department and well-known conflict with the Chief – both of which have been widely covered by the media – have undoubtedly eroded public trust in City government.⁶

2. The Mayor Bypasses the Chief to Undermine Her Authority

Allegation: The Mayor bypasses Foley to obtain information from her subordinates as part of his calculated effort to undermine her authority.

Findings: This allegation is **PARTIALLY SUBSTANTIATED**.

For the most part, the Mayor has directed his information requests about the Department to the City Manager or directly to her at Council meetings. However, Osburn and Loeffler confirmed that the Mayor communicated directly with Kwitkin about Department matters. This continued with Dowell. For example, on June 20 2025 – when the Chief was on PTO – the Mayor called Dowell to discuss the LPR initiative instead of waiting until the Chief returned. Dowell emailed the Chief, Spickard and Dickey on June 21, 2025 as follows:

Last night I received a phone call from the Mayor. The conversation was brief-about two minutes in total. He began by asking if I was still serving as Acting Chief during Chief Foley's absence, and I confirmed that I would be until Monday. He responded, ‘Good, then I can still talk to you.’
[**Foley Complaint, Ex. 17**].

The Chief provided other examples of the Mayor contacting Dowell directly on June 23, 2025 and July 2, 2025 when she was working. [**Foley Complaint, Exs. 18, 20**] Dowell confirmed that these contacts occurred, but that they stopped on or about July 2, 2025, when he requested the Mayor follow the chain of command.

According to the Chief, the most recent example of the Mayor’s inappropriate direct contact with Dowell occurred during the AWTF Luau on July 16, 2025. After the event Dowell reported to her and Loeffler that, during his conversation with the Mayor, the Mayor allegedly commented, “ok you should leave, I just do this to annoy her” [referring to the Chief]. Loeffler confirmed the Chief’s recollection of Dowell’s comment. The Mayor denied making this comment. He recalls that he and Dowell briefly chatted at the event about non-City matters. The Mayor recalled saying, “I better move on because I don’t want to annoy [Foley].” Dowell was equivocal about the words the Mayor used. He explained that they briefly chatted about a non-City topic. The Mayor commented that the Chief was “eyeballing” them and that he thinks this annoys her. He could not recall the Mayor saying he intentionally speaks with Dowell to annoy the Chief, but “the inference was there” and Dowell believes that is the Mayor’s intent. According to the Chief, the Mayor’s comment to

⁶ The Chief and several witnesses believe the Mayor leaked confidential information about the dispute to the media. The Mayor denied this and this investigator found insufficient evidence to substantiate the accusation.

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Dowell was the “breaking point” that caused her to file her complaint because she realized his campaign to discredit her leadership was personal and targeted and would not stop unless she escalated her concerns to a formal complaint.

This investigator further finds the Mayor has made disparaging insinuations about the Chief to two of her direct reports, Loeffler and Dowell. Loeffler elaborated that after the June 16, 2025 Regional Communications Meeting concluded, the Mayor complimented her technical knowledge, adding an aside, “much more than your Chief does.” She viewed his comment as disrespectful and undermining of the Chief. Dowell stated the Mayor told him he has no doubt the LPR project is going forward because Dowell was involved, which Dowell viewed as a swipe at the Chief.

In sum, this investigator finds the Mayor has generally contacted the City Manager to seek information about the Department. However, by his own admission, he has inappropriately crossed the line on a few occasions. More recently, he has availed himself of public records requests because he does not believe Spickard was taking his complaints about the Chief seriously. All this is being done with the intent to undermine the Chief’s credibility within and outside the Department.

3. The Mayor Has Colluded with Department Employees to Get Her Fired

Allegation: The Mayor has colluded with current and former disgruntled Department employees to dig up negative information about the Chief in hopes this will lead to her removal. She specifically believes the Mayor orchestrated the HR complaint filed against her by Kwitkin, Olson, and Sherri O’Connor.

Findings: This allegation is **PARTIALLY SUBSTANTIATED**.

The Mayor denied the collusion allegation and further denied that he is lobbying to get the Chief fired. He acknowledged that he has had contact with several *former* employees who were critical of the Chief’s leadership of the Department, but does not view those conversations as improper because they no longer work for the City.

Although multiple witnesses stated that they believe the Mayor has instigated the anonymous and employee complaints against the Chief, this investigator did not find sufficient evidence to substantiate that belief. Olson denied that the Mayor influenced her decision to notify HR about Foley’s poor leadership and she stood by her criticism of the Chief. Olson further stated that she is not aware the Mayor influenced the decision of Kwitkin or O’Connor to file their respective HR complaints against the Chief. The Mayor’s discussions with former Department employees about their negative experiences with the Chief does not appear to violate any City rule or protocol. Accordingly, the allegation of collusion is not substantiated.

However, this investigator rejects the Mayor’s assertion that he has not lobbied to get the Chief fired. Ploog, Dickey, and Spickard confirmed the Mayor has expressed to them that he wants the Chief removed. He also expressed this sentiment to Flagstaff Deputy City Manager Joanne Keene – a fact the Mayor did not deny. The overwhelming weight of the evidence

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supports the conclusion that the Mayor has embarked on a fishing expedition to get the Chief fired based on personal animus fueled by dubious information shared by unreliable sources.

4. The Mayor's Harassment of the Chief is Gender Based

Allegation: The Mayor's harassment of Foley is gender based.

Findings: This allegation is **NOT SUBSTANTIATED**.

The Chief confirmed the Mayor has not made any sexist remarks in her presence and none have been reported to her or to this investigator. The basis for this allegation is her perception that the Mayor did not subject her male predecessors to the same type of mistreatment described in her Complaint.

As an initial matter, the Mayor denied this allegation. There are several undisputed facts that bolster his denial.

First, Foley waited over three years to report the alleged discrimination, which calls the sincerity of the claim into question.

Second, even if we accept at face value the Chief's unsupported comparison between the Mayor's treatment of her and her male predecessors, that comparison, without more, does not evidence gender bias. This investigator finds it more likely than not that the Mayor's hostile relationship with the Chief is due to his belief that she is unqualified for the job and has not fully supported the Mayor's pet projects, not her gender or his support for a "hypermasculine" police subculture.

Third, all the witnesses except one,⁷ strongly rejected the notion that the Mayor's negative focus on the Chief is gender based. They painted a picture of the Mayor as an "equal opportunity" bully without regard to the person's gender. Husted, Dickey, and former Magistrate Judge Paul Schlegel⁸ (all male) expressed that they, at times, felt bullied by the Mayor to bend to his demands. It was also reported that the Mayor was critical of former male Police Chiefs Ray Cota and David McGill, both of whom were involuntarily separated.

Fourth, the Mayor did not seek to derail Foley's promotion to Deputy Chief or Chief. When Foley was promoted to Chief, the Mayor stated he was "excited" Sedona hired its first female Chief. Osburn confirmed the Mayor expressed this sentiment to her at the time.

Finally, it is undisputed that the Mayor supported the hire of two successive female City Managers. Indeed, Osburn was promoted directly without a competitive recruitment process with a unanimous Council vote. According to Osburn, the Mayor enthusiastically supported her promotion and that support continued during her tenure as City Manager. Spickard was

⁷ Loeffler supported the Chief's gender claim based on her observation that the Mayor went to Husted's second level reports instead of Foley when Husted was out of the office.

⁸ Schlegel was not interviewed. This fact is supported by Schlegel's letter of resignation [Foley Complaint, Ex. 15] and statements from Ploog and Foley based on their conversations with Schlegel.

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selected over several male candidates. Although the Mayor initially favored another candidate, he voted for her during a second round vote.

VI. THE MAYOR'S COMPLAINT AND FINDINGS

A. Summary of Allegations

The Mayor alleges “[t]here is a pattern of conduct by Chief Foley that appears designed to obstruct my lawful oversight and discourage my pursuit of transparency via public records requests.”

B. Alleged Incidents of Harassment and Findings

1. Uptown Trick-or-Treat Event (2023) and Breakfast with Santa (2023)

Allegation: “While speaking briefly with Deputy Chief Ryan Kwitkin during a community event, it was later relayed to me via Karen Kwitkin (Executive Assistant to the former City Manager and spouse of Deputy Chief Kwitkin) that Chief Foley made disparaging remarks about my trustworthiness, stating: ‘*You need to watch what you say to the Mayor. He can’t be trusted.*’ This comment undermines professional collaboration and perpetuates a toxic narrative against elected officials.”

Allegation: “Following another brief interaction at a public function with Deputy Chief Kwitkin, I was informed that Chief Foley again expressed disdain, reportedly stating ‘*the Mayor should learn to stay in his lane.*’ This statement was reported to then-City Manager Karen Osburn but was never formally addressed.”

Findings: These allegations are **NOT SUBSTANTIATED**.

The Mayor did not provide any evidence to corroborate these allegations and the Chief had no recollection of either incident. However, she acknowledged the comments reflect her view of the Mayor and she has expressed this sentiment to HR and other members of City leadership.

Whether the Chief made the alleged comments is highly questionable given the source of the information. The Mayor himself acknowledged that the Kwitkins are not credible people. Even if the comments were made, it is unlikely the Mayor viewed them as rising to the level of harassment as he waited two years to file this complaint and only after the Chief filed her harassment complaint against the Mayor. It is more likely the Mayor alleged harassment as a tit-for-tat response to Foley’s complaint.

2. Targeted Public Records Requests (2024)

Allegation: “The Red Rock News submitted a records request for my personal cell phone records in what appeared to be a coordinated attempt to discredit me by implying conversation with Deputy Chief Kwitkin.”

Findings: This allegation is **NOT SUBSTANTIATED**.

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The Mayor suspects the Chief was behind this, but conceded he has no proof. The Chief denied the allegation.

3. *Baseless Allegations*

Allegation: “I was falsely accused by Karen Osburn of anonymously submitting a letter to RRN regarding Chief Foley—an allegation shared with the full City Council without substantiation.”

Findings: This allegation is **NOT APPLICABLE**.

This allegation is directed at Osburn, not Foley; accordingly, it was not investigated.

4. *Exclusion from Department Ceremonies*

Allegation: “Despite multiple requests, I have been routinely excluded from SPD events (e.g., retirements, promotions and swearing-in ceremonies), unless I learned of them through unofficial channels.”

Findings: This allegation is **NOT SUBSTANTIATED**.

There is no protocol that dictates when Council members should be invited to staff or other ceremonial events. Foley explained there was a time when the Department would recognize internal promotions before the Council; however, Osburn ended this practice because other Departments were offended their promotions were not similarly celebrated and she wanted to respect the boundary between Council and staff. Spickard has essentially followed this practice. Despite this, the Mayor insisted he be notified of Department events and has shown up uninvited to events on a few occasions. Aware of the Mayor’s desire, the Chief has consistently notified Spickard when events are scheduled and leaves it up to Spickard to determine whether to extend him an invitation. The Mayor acknowledged he has no information to suggest the Chief objects to his attendance at these events.

5. *The Chief’s Hostile Work Complaint Filed Against the Mayor*

Allegation: “Chief Foley filed a hostile work complaint against me shortly after public concerns arose regarding her alleged relationship with a City Manager’s Office staff member. The timing of this complaint appears retaliatory and aimed at deflecting scrutiny from her own conduct.”

Findings: This allegation is **NOT SUBSTANTIATED**.

The Mayor offered no evidence to support this allegation and the investigator found no such evidence. The Chief stated that she decided to file a formal complaint against the Mayor after Dowell told her the Mayor stated he talks to Dowell to annoy her. She described this as her “breaking point” after years of putting up with his hostile treatment.

VII. RECOMMENDATIONS

1. Amend Council Rules of Procedure (“Rules”), Rule 2.G(3) as follows: “Councilors should avoid disruption of City staff from their jobs. Accordingly, absent exigent circumstances, direct contact with City staff about City-related business must be directed to the City Manager or, in his/her absence, the acting City Manager or, in his/her absence, another Deputy City Manager. With the approval of the City Manager, a Councilor may have direct contact with a Department Head. This process does not apply to City staff who report directly to the Council.
2. Extend the foregoing protocol to Councilors communications with *former* City employees relating to City business.
3. Amend the Employee Handbook to provide staff with written guidance on how to respond if a Council member contacts them to discuss a work matter or makes an information request.
4. Amend Rule 2.C to specify members of Council must notify the City Attorney or City Manager at least 10 days in advance of submitting a public records request to the City or any other government agency relating to the City or any of its current or former employees. The Councilor must refrain from issuing the public records request until the City Manager and/or City Attorney have an opportunity to discuss with the Councilor.
5. Amend Rule 2.C to specify that Councilors pledge to not submit anonymous information to the media or post anonymous content on social media platforms relating to City matters or current/former City employees, or encourage anyone else to do such anonymous communications.
6. Amend Rule 2.L to allow the Council to move directly to a public censure by a two-thirds vote of Council.
7. Amend the City Code to allow the Council to vote to remove some or all of the Mayor’s administrative duties set forth in City Code § 2.10.040 for no longer than 90 days as part of the formal censure process.
8. Amend the City Code to allow Council to vote to ban a Councilor from the City campus facilities, except for scheduled, in-person Council meetings, for no longer than 90 days as part of the formal censure process.
9. Establish a protocol that governs circumstances when Council should be invited to attend staff events and honorary ceremonies. The protocol should apply equally to all City Departments and Council members.

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10. To identify potential leadership issues and assess overall workplace satisfaction, HR should: (A) periodically conduct skip-level interviews of a cross section of City staff across all Departments; (B) continue to conduct annual Department Head 360 evaluations (anonymous) with input from the entire Department and peers; and (C) continue to conduct exit interviews of departing employees.

**This concludes the investigation*

EXHIBIT A

List of Interviewed Witnesses (Alpha Order)

NAME	POSITION	DATE OF HIRE /APPOINTMENT
DICKEY , Andy	Deputy City Manager	10/2005-current
DOWELL , Chris	Commander	8/2024-4/2025 (contractor); 4/2025-current
FOLEY , Stephanie	Police Chief	1/2005-current
HUSTED , Charles	Former Police Chief	4/2019-9/2022
JABLOW , Scott	Mayor	11/2014-11/2022 (Council) 11/2022-9/30/2025 (Mayor - resigned)
LOEFFLER , Erin	Police Dept Support Services Manager	6/2021-current
MARTIN , Russ	HR Manager	12/2023-current
OLSON (formerly Leon), Laura	Sergeant	10/2018-current (retiring 10/19/2025)
OSBURN , Karen	Former City Manager	3/2012-4/2024
PLOOG , Holli	Vice Mayor	11/2020 - Term ends 11/2028
SPICKARD , Anette	City Manager	4/2024-current

EXHIBIT B

Relevant Policies, Procedures and City Code Provisions

EMPLOYEE MANUAL

Section 608 – POLICY AGAINST HARASSMENT AND BULLYING [relevant sections only]

The purpose of this policy is to reaffirm the City's policy against any form of harassment including sexual harassment, harassment based upon race, gender, national origin, religion, age, sexual orientation, or disability. It also affirms the City's zero tolerance policy towards bullying. This policy will define harassment and bullying, outline supervisors' and employees' obligations, and establish a complaint procedure. This policy will ensure that all City employees and applicants for City positions have the opportunity to bring alleged acts of harassment or bullying to the attention of City management for investigation and resolution.

A. INTRODUCTION

In accordance with the Civil Rights Acts of 1964 and 1991, as amended, sexual harassment is a violation of Title VII of these acts. The City of Sedona prohibits and will not tolerate any form of harassment by any employee at any level.

B. HARASSMENT DEFINITION

....

Any employee's conduct which has the purpose or effect of unreasonably interfering with an individual's work performance or creating any intimidating, hostile, or offensive work environment, based on that individual's race, gender, national origin, religion, age, sexual orientation, or disability, is also unlawful and will not be tolerated.

C. BULLYING DEFINITION

Bullying is defined as a series of persistent, hostile interpersonal interactions that cause substantial distress to another person. It may take the form of deliberate, hurtful repeated behaviors or offenses over a period of time. In contrast, any criticism related to job performance that is given in a dispassionate respectful and non-hostile way is not bullying.

D. COMMITMENT OF THE CITY

The City is committed to protecting all employees from sexual harassment and to create a work environment free from all forms of harassment and bullying. The City respects and understands that all employees have the right to work in a secure environment in which dignity and civility are the norm.

E. OBLIGATION OF HUMAN RESOURCES

The Human Resources Department shall be responsible for formally notifying all employees, department heads, elected or appointed officials, volunteers, and contractors/vendors of the existence of this policy....

CITY COUNCIL RULES OF PROCEDURE AND POLICIES

PRINCIPLES OF ETHICAL CONDUCT FOR ELECTED OFFICIALS

The following principles are meant to reflect a commitment to the integrity, responsibility, and leadership required of those holding public office. Council members pledge to uphold these Principles of Ethical Conduct in their behavior and actions in order to merit the trust bestowed upon them by the citizens they serve.

1. I will put forth honest effort in the performance of my duties.
2. I will make no unauthorized commitments or promises of any kind purporting to bind the City of Sedona Government.
3. I will not use public office for private gain.
4. I will act impartially and not give preferential treatment to any private organization or individual.
5. I will disclose waste, fraud, abuse, and corruption to the appropriate authorities.
6. I will treat everyone with respect and fairness at all times.
7. I will endeavor to avoid any actions creating the appearance that I am violating the law or these ethical standards.

RULE 1 – RULES OF PROCEDURE

Rule 1.A.1 - The purpose of these Rules is to provide standard methods and general policy guidelines for the City Council to use when conducting business with City staff, the general public, and its own members....

RULE 2 – CONDUCT OF COUNCILORS AND ENFORCEMENT

Rule 2.B – Equal Voice and Vote

All members of the City Council, including those serving as Mayor and Vice Mayor, have equal votes. All Councilors should be treated with equal respect.

Rule 2.C – General Rules of Decorum

Rule 2.C.3 - Councilors shall conduct themselves so as to serve as a model of leadership and civility to the community, inspire public confidence in Sedona government, and demonstrate honesty and integrity in every action and statement.

Rule 2.E – Conduct in Unofficial Public Settings

Rule 2.E.1 - Councilors will continue to practice respectful behavior in unofficial public settings.

Rule 2.E.2 - Councilors will always be aware that conversations can have a public presence and therefore ensure that all City-related conversations are appropriate and respectful.

Rule 2.G – Council Conduct With City Staff

1. Councilors shall treat all City staff as professionals.
2. Councilors shall refrain from personal public criticism of an individual employee that goes beyond appropriate criticism or questioning of his/her position on a City matter. Concerns about an employee's performance should be discussed in private and should be brought to the attention of the City Manager.
3. Councilors should attempt to avoid unnecessary or prolonged disruption of City staff from their jobs. Councilors should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their duties, unless there is a compelling time-sensitive concern that must be addressed immediately.
4. Councilors shall refrain from involvement in administrative functions. The role of each Councilor, as an individual, is to represent the community and to share their ideas, recommendations, and point of view during consideration of matters before Council. Councilors shall respect and adhere to the Council-manager structure of the Sedona City government as outlined in City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, committees and City staff. Councilors therefore may not interfere with the administrative functions of the City or the professional duties of City staff; nor impair the ability of staff to implement Council policy decisions. Councilors shall not expressly or implicitly give orders or direction to staff, except through their participation on Council. Councilors shall also refrain from individually directing the City Manager and City Attorney in the performance of his/her job responsibilities.
5. All Councilor requests for research, information or any other staff project shall be directed to the City Manager or City Attorney. No Councilor shall make a request requiring more than one hour researching, compiling information, or otherwise spending staff time without first seeking approval of a majority of City Council. Councilor requests that involve less than one hour staff time, as determined by the City Manager, shall be completed without the need of Council action. Councilors recognize that the City Manager and City Attorney have discretion to take any additional action they believe necessary on a request.
6. Councilors must not attempt to unduly influence City staff on the making of appointments, awarding of contracts, selecting consultants, processing of development applications, or granting City licenses and permits. However, this does not preclude City Council members from being involved in such decisions when they are part of a committee that has been formed for the purpose of recommending the selection of a professional firm or recommending the hiring of a key staff member. In being part of that committee, it is understood that they will be impartial and make their recommendation based on the merits

of the applicants and will recuse themselves from the process if there is a conflict of interest.

Rule 2.J – Improper Influence

Rule 2.J.1 - A Councilor may not use City staff or letterhead to support personal or non-City functions or fundraisers.

Rule 2.L – Rules of Enforcement

Rule 2.L.1 - City Councilors who fail to follow these Rules of Procedure are subject to both private reprimand and formal censure.... If the Mayor is the individual whose actions are being questioned, the same procedure will be followed after a Councilor expresses a concern to the Vice Mayor.

Rule 2.L.2 - If, after a second private reprimand concerning the same behavior, the conduct continues, the matter shall be referred to the City Council to consider whether a public censure is appropriate. Any public censure for violation of these Rules of Procedure can only take place upon a (two-thirds) vote of the entire City Council.

CITY CODE

2.05.010 CITY MANAGER

Sec. 2.05.010.E Powers and Duties - The city manager shall be the chief administrative officer of the city government under the direction and control of the council, except as otherwise provided in this code. He shall be responsible to the council for the proper administration of affairs of the city. In addition to his general powers as administrative officer and not as a limitation thereof, he shall have the following additional powers and duties:

1. Appoint and when necessary for the good of the city, suspend or remove all officers and employees of the city not appointed by the council, except as otherwise provided in this code....
13. Investigate the affairs of the city and any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the city government....

2.10.040 POWERS AND DUTIES OF MAYOR

2.10.040.D - The mayor shall make such recommendations and suggestions to the council as the mayor may consider proper....

2.50.010 POLICE CHIEF

2.50.010.A - The chief of police shall perform duties as may be required of him by law, the city manager and as the council may deem necessary.

B. It is the duty of the chief of police to:

1. Enforce this code and the statutes of the state of Arizona within jurisdictional limits as conferred by law and to arrest and charge the violators thereof;
3. Perform such additional duties as may be required by the city manager;
5. Render such account of the police department, its duties and receipts as may be required by the council, and keep records of the office open to inspection by the council at any time.

2.65 POLICE DEPARTMENT

2.65.020.A Appointment of officers - The chief of police shall be appointed by and report to the city manager and shall serve at the pleasure of the city manager....