



City of Cleveland
Justin M. Bibb, Mayor

Department of Public Safety
Karrie D. Howard, Director
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December 2, 2022

Commander Michael Butler #6133
C/o Third District Headquarters
4501 Chester Avenue
Cleveland, Ohio 44103

Re: CPD2017-0069

Commander Butler #6133:

This letter is to advise you, Commander Michael Butler #6133, of the result of the administrative pre-disciplinary hearing you attended on Friday, October 21, 2022. The hearing was held to address the results of an internal investigation wherein you were alleged to have engaged in improper procedures and/or misconduct. You were charged with a series of rule violations, which follow:

FACTUAL SUMMARY

In 2017, upon taking the position of Special Events Coordinator for the Cleveland Division of Police, you, Commander Michael Butler #6133 did fail to give full disclosure in writing of your business and financial relationship with security companies of Willo Security, Gant and Associates and LEMS. Your role of Special Events Coordinator did create the outside appearance of impropriety and/or a conflict of interest. You engaged in conduct that would tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public and diminished the esteem of the Division of Police based on outside entities investigating you and your associates.

STATEMENT OF POLICY

In part: The Manual of Rules sets forth the conduct and behavior to be followed by officers and employees. Any violation of these rules shall be a basis for disciplinary action. Disciplinary action includes, but is not limited to, verbal and written reprimands and the preferring of divisional charges which can result in suspension, loss of pay, demotion or termination. The rules and standards contained in this manual shall apply whether the officer or employee is on or off duty. Where a conflict exists between a Rule and a General Police Order, the Rule provision shall be adhered to.

RULES, POLICIES AND PROCEDURES

26 U.S. Code § 7201 - Attempt to Evade or Defeat Tax

26 U.S. Code § 7206 – Fraud and False Statements

Ohio Revised Code- Section 5747.15- Failure to File or Remit Tax- Filing Frivolous, Dilatory or Fraudulent Claim

Ohio Revised Code 718.35 Fraud

General Police Order 1.3.33: Duty to Avoid the Appearance of Impropriety

General Police Order 1.07.06: Disciplinary Guidance (effective November 12, 2019)

Manual of Rules for the Conduct and Discipline of Employees of the Cleveland Division of Police: 2.01 and 5.01.

SPECIFICATIONS

Specification #1: (CPD2017-0069) On or about June 6, 2017, you, Commander Michael Butler #6133, were complicit in assisting Harry Gant in attempting to evade or defeat tax imposed by Title 26 U.S. Code and failed to pay taxes under Ohio Revised Code Section 5747 by making cash payouts totaling \$7,175 to officers knowing they weren't going to receive 1099's. This conduct would constitute a crime under the laws of the United States and the State of Ohio, all in violation of Manual of Rules 2.01 and 5.01. (*Group III Violation*)

Specification #2: (CPD2017-0069) In 2017, upon taking the position of Cleveland Division of Police Special Events Coordinator, you, Commander Michael Butler #6133, did fail to give full disclosure in writing of your business and financial relationship with security companies of Willo Security, Gant and Associates and LEMS. Your role of Special Events Coordinator did create the outside appearance of impropriety and/or a conflict of interest, all in violation of General Police Order 1.3.33. (*Group III Violation*)

Specification #3: (CPD2017-0069) On or about February 3, 2018, you, Commander Michael Butler #6133, did willfully attempt to evade or defeat tax imposed by Title 26 U.S. Code and failed to pay taxes under the Ohio Revised Code Section 5747 when you failed to claim at least \$7,500 in earnings from Harry Gant (Gant and Associates) on your 2017 tax statement, all in violation of Manual of Rules 2.01 and 5.01. (*Group III Violation*)

Specification #4: (CPD2017-0069) On or about February 5, 2017, you, Commander Michael Butler #6133, did willfully attempt to evade or defeat tax imposed by Title 26 U.S. Code and failed to pay taxes under the Ohio Revised Code Section 5747 when you claimed \$15,431 in income from Willo Security on your 2016 tax statement when in fact you received \$23,289.05 in compensation after taxes. This conduct would constitute a crime under the laws of the United States and the State of Ohio, all in violation of Manual of Rules 2.01 and 5.01. (*Group III Violation*)

Specification #5: (CPD2017-0069) On or about February 5, 2017 through on or about February 5, 2018 and through your money transactions with Harry Gant, Willo Security and LEMS, you, Commander Michael Butler #6133, did engage in dishonest, untruthful and fraudulent behavior when you failed to disclose your full earnings from these business entities to the federal government, all in violation of General Police Order 1.07.06. (*Group III Violation*)

Specification #6: (CPD2017-0069) It was determined that, you, Commander Michael Butler #6133, did engage in conduct that would tend to diminish the esteem of the Division of Police or its personnel in the eyes of the public. You did diminish the esteem of the Division based on the outside entities investigating you and your associates, all in violation of Manual of Rules 5.01. (*Group II Violation*)

These specifications are in violation of the rules and procedures of the Division of Police, Department of Public Safety.

PREDISCIPLINARY HEARING

In attendance at the administrative pre-disciplinary hearing that Assistant Director of Public Safety George Coulter Presided over, were you, President James O'Malley, Second Vice President Daniel Bernath and Attorney Joseph Mando of the Fraternal Order of Police, Lodge 8, Attorney George Crisci representing the City of Cleveland Department of Law, Lieutenant Jarod Schlacht and Sergeant Mitchell Sheehan of the Internal Affairs Unit, Commander Brian Carney of the Bureau of Compliance, Sergeant Reginald Lanton of the Chief's Office, Sergeant Kelly Smith and Assistant Director Jakimah R. Dye of the Department of Public Safety.

During the hearing, you acknowledged receipt of the charge letter; you and your representatives waived the reading of your charge letter and were then afforded the opportunity to be heard. You entered a plea of "Not Guilty" to Specification #1, Specification #2, Specification #3, Specification #4, Specification #5 and Specification #6 as set forth in the charge letter.

HISTORY, FINDINGS AND CONCLUSIONS

Discipline History

No active discipline history.

Findings and Conclusions

- ***Mitigating and Aggravating Factors***

Aggravating: Supervisory or command rank of the officer, multiple violations. Failed to provide full and complete disclosure of financial authority.

Mitigating: No active discipline. Verbally informed immediate supervisor.

- ***Anomalies***

The conduct described in the specifications, which occurred in 2017 are governed by the March 1, 2002, 1.1.11; the conduct described in the specifications, which occurred in 2018 are governed by the January 1, 2018, 1.07.06.

Disciplinary Conclusion

A thorough review was conducted by the Department of Public Safety. I have carefully reviewed the evidence incorporated into the record by reference, statements made at the hearing, and pertinent rules, policies and procedures. I have determined that you, Commander Michael Butler #6133 violated of Manual of Rules 2.01 and 5.01 when you were complicit in assisting Harry Gant in attempting to evade or defeat tax imposed by Title 26 U.S. Code and failed to pay taxes under Ohio Revised Code Section 5747 by cashing a business check made out to Gant and Associates into your personal checking account and returning cash to Harry Gant. This conduct would constitute a crime under the laws of the United States and the State of Ohio. During your hearing, you admitted to making a deposit into your personal checking account from a check signed over to you from Harry Gant. You deposited this money into your personal account and immediately withdrew \$7,175 dollars. This money was either income made by you with no taxed paid or you assisted Harry Gant in paying his employees cash, in which no

payroll tax was paid until there was a federal indictment in which Harry Gant paid restitution in terms of his plea agreement (*Specification #1*).

You violated General Police Order 1.3.33 when you took the position of Special Events Coordinator and failed to give full disclosure in writing of your business and financial relationship of Willo Security, Gant and Associates and LEMS. Your role of Special Events Coordinator did create the outside appearance of impropriety and/or a conflict of interest. There is documented reported history of the persons previously serving in the role of Special Events Coordinator and the need for disclosure and the specific actions taken to eliminate conflict and the appearance of impropriety. The previous two (2) persons serving in this capacity took action to distance themselves from the appearance of impropriety and helped set a standard that you were fully aware of. Even when you were previously serving in a supervisory role as the Lieutenant of Field Operations, there were steps taken to bypass you in the chain of command because of your continued external relationships with several security companies. During your hearing, you admitted to not providing written disclosure and full disclosure of your relationships with multiple security companies as required by policy. This was either a disregard for policy or an egregious error in judgement, neither of which can be justified by a supervisor of your rank and experience. Multiple events coordinators reported that your failure to fully disclose this information compromised the implementation of new enhanced security protocols for special events by appearing to increase the need for contracted security while you had direct relationships with several security companies (*Specification #2*). Although the \$7,500.00 in question was reported as income by Gant and Associates, it cannot be proven that this was income for you (*Specification #3*). There are conflicting statements as to whether you were untruthful or grossly negligent (the latter not being the basis for criminal culpability) in failing to disclose your full earnings from multiple business entities to the federal government (*Specification #4 and Specification #5*). You violated Manual of Rules 5.01 when you understood how the public could negatively perceive your actions, but still did not take the appropriate actions to eliminate this conflict. As reported by multiple event coordinators from the City of Cleveland, your actions did diminish the esteem of the Division of Police and its personnel in the eyes of the eyes of the public (*Specification #6*).

As a trusted leader of this Division, you are expected to act in a manner that exemplifies the expectations of a supervisor. Subordinates will rely on your actions as an example to justify their own and you must be mindful of that. Citizens expect more of their public servants and as a supervisor your actions should always be based in building and maintaining public trust. Regretfully, this was not the case in any of these situations. The Cleveland Division of Police cannot operate and professionally meet its objectives while tolerating a less than professional work environment, compliance with professional expectations; or being subject to utter disregard for policy that erodes public trust. The conduct noted above has no place in any Department or Division within the City of Cleveland.

Based on the foregoing, I find you **"Guilty"** of Specification #1, Specification #2 and Specification #6 and **"Not Guilty"** of Specification #3, Specification #4 and Specification #5 and find that there is just cause to impose discipline. Your current civil service rank is Captain, which was also your rank at the time of the above specifications. Effective immediately your appointment as Commander is revoked, and consistent with City of Cleveland policies and procedures, **I am demoting you from your civil service rank of Captain to Lieutenant, effective Friday, December 2, 2022.** Pursuant to General Police Order 1.07.06, J. 3, b, with the finding of guilt on three (3) Group III Violations, this corrective action is within the **First Group III range of the discipline matrix** where aggravating factors (*supervisory or command rank of the officer, multiple violations, failed to provide full and complete disclosure of financial authority*) outweigh mitigating factors (*no active discipline, verbally informed immediate supervisor*). **Additionally, you shall, within five (5) work days of receiving this letter, read General Police Order 1.3.33 and Manual of**

Rules 2.01 and 5.01 and be reinstructed by a superior officer on that Order and those Rules.

It is the Division's earnest desire that that this letter will serve as a deterrent against future acts of this nature. Any prospective acts of same or similar conduct may lead to progressive discipline. Pursuant to the terms and conditions of the collective bargaining agreement between the City of Cleveland and the CPPA, a record of the disciplinary actions or penalties will not be considered after three (3) years from the date of the action.

Sincerely,

A handwritten signature in black ink, appearing to read 'Karrie D. Howard', with a stylized, cursive script.

Karrie D. Howard, Chief Director
Department of Public Safety

KDH:DAD:kas

cc: George Coulter, Assistant Director, Department of Public Safety
Jakimah R. Dye, Assistant Director, Department of Public Safety
Nicole Carlton, Assistant Director, Department of Public Safety
Dorothy Todd, Deputy Chief, Chief of Staff
Daniel Fay, Deputy Chief, Administrative Operations
Harold Pretel, Deputy Chief, Homeland Special Operations
Sammy Morris, Acting Deputy Chief, Field Operations
Brian Carney, Commander, Bureau of Compliance
William Menzalora, Chief Assistant Director of Law
Michael Pike, Assistant Director of Law
Amanda Boutton, Assistant Director of Law
Christopher Viland, Superintendent, Internal Affairs Unit
Jarod Schlacht, Lieutenant, Internal Affairs Unit
Kenneth Ryan, Lieutenant, Officer-in-Charge, Personnel Unit
James O'Malley, President, Fraternal Order of Police Lodge #8
Cynthia Oliver, Sergeant, Officer-in-Charge, Timekeeping Unit
Melissa Dawson, Sergeant, Officer-in-Charge, Employee Assistance Unit
Paul Patton, Chief Human Resources Officer
Mary L. Bradley, Executive Director, Civil Service Commission
Michael Evanovich, Investigator, Department of Justice
Richard Rosenthal, Member, Monitoring Team
Jason Goodrick, Executive Director, Cleveland Community Police Commission
Ayesha Bell Hardaway, Interim Monitor, Monitoring Team