

**DEPARTMENT OF
VETERANS AFFAIRS**

Memorandum

Date: 09/28/2023

From: VA Police Officer: Dominic LOPEZ

Subj: Co-Worker Reveal Information that She Believe Lead to the Time Card Allegation that Resulted In Disparate Treatment, Harassment, and Discrimination.

To: Angela Hussein, Contract EEO Investigator, Computer Evidence Specialists, LLC

INTRODUCTION:

I, Dominic LOPEZ, a male of Mexican descent, and a Protected Class under the Civil Rights Act of 1964, have the following information regarding the effects of the Hostile Work Environment (HWE) and Sexual Harassment I have been subjected to and the adverse impact that it has had on my life.

ORIGIN OF INFORMATION:

On September 27, 2023, I actively participated in a Microsoft TEAMS conference with Ian Dume, an EEO assistant of the Phoenix VA Healthcare System. The purpose of the call was to discuss a highly significant matter concerning sexual harassment and an administrative fact-finding investigation involving Joshua FISTER, as Senior level law enforcement administrator of the Phoenix VA Police Department. FISTER's actions were proven to be in direct violation of the VA Sexual Harassment Policy/Directives and governmental law.

During this meeting and subsequent discussions, Dume explicitly confirmed that the Phoenix EEO Office had received my written correspondence detailing the allegations of sexual harassment. It is important to note that these allegations were initially brought forward by a Special Emphasis Program Manager.

REPORTED SEXUAL HARASSMENT:

On July 19, 2023, the Facility Harassment Prevention Program Coordinator was officially notified to initiate a comprehensive fact-finding process. This investigation aimed to address the inappropriate comments, gestures, and actions of a sexual nature that FISTER had directed towards me and several within the presence of other officers during the incident.

ADMINISTRATIVE INVESTIGATION/FACT-FINDING:

On August 3, 2023, Monette Bobadilla, a Registered Nurse, conducted a thorough fact-finding investigation into the allegations I had made. The purpose of this investigation was to shed light on the situation and determine the truth behind the claims. As a result of the fact-finding process, it was unequivocally established that FISTER had indeed engaged

in inappropriate conduct of a sexual nature. This conduct subjected me to the distressing experience of sexual harassment.

DISCOVERED FALSE STATEMENT ON SWORN AFFIDAVIT:

However, there is a deeply troubling aspect to my current EEO case that revolves around FISTER. In his sworn affidavit (EEO complaint of Discrimination filed by Dominic LOPEZ, Case No. [REDACTED]), specifically in response to Question #52 (which alleges the wrongful suspension of my arrest authority), FISTER made a shocking admission regarding the simulated masturbation incident. This incident involved FISTER pretending to spit in his hand, and simulating masturbation towards an unsuspecting female employee – all of which took place right in front of me and other officers. FISTER went on to mention:

(52. If so, please provide your firsthand knowledge, and include the dates)

"I know the date because DL filed a different EEO complaint that occurred while we were both in full duty uniform at the 32nd Street Clinic. That complaint was closed as unfounded."

This revelation raises substantial concerns about FISTER's behavior and underscores the urgent need for a thorough investigation and appropriate actions to address these deeply troubling incidents. It is crucial to clarify that this specific question was unrelated to the present matter, and I did not file an EEO complaint but rather a Sexual Harassment Complaint. FISTER's intentional reference to the previous complaint, which was indeed affirmed, seems to be a clear effort to undermine the credibility of the current EEO complaint and create a false impression of similarity between the two cases.

POSSIBLE VIOLATION OF LAW (PERJURY/FALSE STATEMENTS):

FISTER's deliberate statement, "***That complaint was closed as unfounded,***" raises serious concerns regarding his intentions to conceal factual information and provide false information in his affidavit, thereby attempting to shield himself from the exposure of his violations of the sexual harassment policy. Consequently, there is substantial evidence indicating that FISTER knowingly and willingly submitted contradictory and false evidence in a sworn affidavit. It is important to note that this affidavit was provided to an authorized contract EEO Investigator who possesses the authority to issue sworn statements.

This conduct by FISTER is in direct contradiction to the provisions outlined in 18 U.S. Code § 1621 and/or 18 U.S. Code § 1001, which pertain to perjury and false statements under federal law.