

10:00am

Marty: We are on the record right now for Kathy Foy. It's about 10:00 AM and I'm going to interview her with respect to the allegations involving Commissioner Poling. Thank you for meeting with me today. My name is Martha Lemert. Can you state your name and your position with the county?

Kathy Foy: I am the County Recorder.

Marty: And how long have you been the County Recorder?

Kathy Foy: Since 2019.

Marty: And that's an elected position?

Kathy Foy: Yes, ma'am.

Marty: OK, and generally speaking, what do you do as the County Recorder?

Kathy Foy: We are the keeper of all the land records, meaning, deeds, mortgages, surveys, splits.

Marty: Have you observed or experienced any conduct by Commissioner Poling in the county government workplace that you think was unlawful, questionable, intimidating, or inappropriate? If so, please describe the conduct in detail.

Kathy Foy: OK, we'll start off first by, the election. When Chuck was running for commissioner, he was already on the County Council. He, he wants power and he wants anybody he can, that he can get under his thumb, he wanted them to run for precinct committeemen. So he had one of his people drop off about 30, at one time; anyway, there was a dispute on some of them with the election board and the county. The party chair because some of them weren't registered voters or they hadn't voted Republican, and so there was a meeting where the county chair would present to the election board, this is why I don't think these can run. Chuck was there. He was yelling comments to the board, and at one point he told the election board president that he would take him outside and, well, do that...

Marty: ... he said that during an election board meeting?

Kathy Foy: Yes.

Marty: Was that recorded? Was that recorded or public record?

Kathy Foy: I'm not sure, I'm not sure, and it was something, that probably wasn't his exact words but it was something to that effect.

Marty: OK, and would this have been pre-2024 election or...?

Kathy Foy: Yes...

Marty:time frame. OK, ...

Kathy Foy:or, it was right, wait a minute, yeah, because they would have been filing for office, so it was early 2024. because they were filing to run in the election. They file in January. So then—

Marty:and why were you present at those meetings? Were you the secretary?

Kathy Foy:I am the secretary for the Republican Party. And so then we had a caucus because our treasurer, Tiffany, resigned. She had told me she wanted out because Chuck won.

Marty: Did she explain more about that or why that was?

Kathy Foy: I think it has to do with a family issue, because her dad was a sheriff's deputy, and he threatened to kill, when she was younger, to kill him and his family because he arrested Chuck for something, and they had to pull Tiffany and her sister out of school because they, that's how much they thought the threat was. So Tiffany did not like him and was not gonna work for the county if he was commissioner, so she resigned. So we had a caucus to vote in a new

Marty:treasurer.....

Kathy Foy:treasurer. So at this caucus, one of the guys there, one of Chuck's buddies, questioned the authenticity of the caucus because he questioned if some people were eligible to vote in it. Because precinct committeemen run in the election, any empty precinct.....

Marty:any vacancies in the precinct chairs...

Kathy Foy:vacancies, the party chair can fill them. Those, the paperwork for that gets filed with the state. Anybody appointed. Anybody running on the ballot gets filed with the clerk. So this guy is questioning if some of these people could vote in it, which, you know, we explained to them the procedure.

Marty: And who was that guy that was questioning?

Kathy Foy: Todd Glancy.

Marty: OK.

Kathy Foy: So I know....

Marty: What did Todd Glancy do about that situation?

Kathy Foy: He sued the—

Marty: Sued who, the county?

Kathy Foy: The county -- because he wanted the County Clerk and the Election Deputy fired, saying they mishandled things. She tried telling them it was a party issue. So then they were also coming after Darren.

Marty: And Darren is the party chair? OK.

Kathy Foy: And Chuck—I know on two occasions, I've seen him in Darren's face, inches from his face, telling him he was coming after him, because anybody that doesn't agree or do what Chuck wants, they're the enemy and they get retaliated against. So, and I believe Todd Glancy was going to run for party chair, 'cause he was sending emails out all about it. So, anyway, they—

Marty:he sued the city—

Kathy Foy: Yes, he sued—

Marty:Or the county?

Kathy Foy: He sued the county, and apparently nothing became of it because it got dropped because they told him he didn't have a case.

Marty: What involvement did Commissioner Poling have in that lawsuit?

Kathy Foy: Well, he wrote a statement basically to help this guy's case. And it didn't work, so then when the case gets dropped because they told him he had no case to get them two fired, he hired him in the Area Plan office. And normally—

Marty: So now this person who sued the county is working for county?

Kathy Foy: But he's in an appointed position by the commissioners.

Marty: OK, and what—how does this impact you? I mean, what conversations did you have with Poling regarding this situation?

Kathy Foy: Well, one day I was outside, it was raining in the parking lot, right on the sidewalk, and I had my umbrella and he comes up, comes up to me and gets underneath my umbrella with me.

Marty: In that close?

Kathy Foy: That close. The only—

Marty: Did you invite him under your umbrella?

Kathy Foy: No way.

Marty: OK.

Kathy Foy: The only thing separating us was, was the metal pole....

Marty: ...the metal pole...

Kathy Foy:the metal pole from the umbrella. Yes, and he started initiating an argument with me about the caucus, how it needs redone; Darren's going down because these people shouldn't have been voting. And I said that's not up to you, it's the state, and they were all appointed 30 days before the caucus....

Marty: so that was all good,

Kathy Foy: They were all eligible, it was all good. And the state certified the caucus, so it was done deal. So he, he's yelling and getting angry and walking up, telling me that Darren is not God and he's going down.

Marty: And what did you say to him in response?

Kathy Foy: I said, you're not God either.

Marty: And how did he respond to that?

Kathy Foy: He just stared at me, gave me a dirty look and walked away.

Marty: OK, do you feel like he's retaliated against you since then in any way, because of that, your, your support of the caucus?

Kathy Foy: Oh, for sure.

Marty: How so?

Kathy Foy: And, and he will, because he knows that I don't agree with him, don't care for him, so he will retaliate. So the commissioners decided to ban plants, lamps, and portable heaters. And then they also decided to throw in fake plants, which, it could mean even the tiniest little bit of greenery you might have on a sign or a wreath.

Marty: A sprig or something?

Kathy Foy: Yes, So I had in my office, boxed up, my portable heater, my one fan I had, and three lamps. I forget to take it home over the weekend, and that Monday I had a conference I went to, so I was gone for about three days.

Marty: But you had it boxed up?

Kathy Foy: I had it boxed up in my office--my private, closed, locked office. It was in the box on the floor. So when I come back to work, it was gone. And then I noticed that my Scentsy warmer, candle warmer....

Marty: ...right, it was gone too?

Kathy Foy: It was gone too. And my chief deputy said her diffuser was gone and something else, it might have been another two Scentsy warmers, I can't remember. So I asked them if they had boxed those up, because while I was gone, the maintenance guy, Mike Simonson, Chuck's friend, would go around and to my office after hours and point out things that needed taken or, or he would—he came in and told the girls he was getting ready to take all this stuff of mine, decor that he said wasn't allowed anymore, and the girls said let us take it, we'll get it out of here. So they took it and put it in their cars, waiting for me to come home, come back.

Marty: Right.

Kathy Foy: So when I get back and that box is gone, I thought they took it to their car. They said no, we didn't take it. So I go up to HR and to—I make a scene and yell at him that I want my shit back, that he can't be taking it from my office. So he calls maintenance, because I, I don't know if he had heard—

Marty: Was that the prior HR person?

Kathy Foy:Yes, the prior HR...

Marty: Justin?

Kathy Foy:Justin 'Cause Beth was there too and she had just started, so I kind of felt bad because she was new and here I was up there upset, yelling. So I go down to the basement and tell Simonson I want my shit back. And he's arguing with me, telling me he will not give it to me unless he follows me out to my car to put it up. I said I don't have my keys on me, I'm taking it back up to my office and I will take it out to my car when I go to lunch, but he was not going to destroy it. I told him it was theft, so he's kind of arguing with me and he goes to make a phone call, I'm assuming to Chuck, and he slams the door in my face. So I tell him to fuck off, and then at this point I believe Justin and Beth come down and he tells Mike that, give it to him and he will go outside with me.

Marty: And, and go outside with you why?

Kathy Foy: To take it to my car, 'cause it wasn't even allowed to be on the premises.

Marty: And so what happened next?

Kathy Foy: So I know— well, before I went down there, I, I knew that another office had Scentsy warmers because their office always smelled so good.

Marty: Which office was that?

Kathy Foy: The Auditor's.

Marty: Yeah.

Kathy Foy: And it probably could have been another office too, but I just always—I go down there the most, and they still have theirs. So, I didn't understand why my office was being targeted by taking that stuff.

Marty: Have you seen other things in the Auditor's area that are supposed to not be there?

Kathy Foy: Yes, a fan. One day, it was really hot last summer, and she had a fan on, and I said, oh, you guys got a fan? She goes, yeah, we hid it. So, but from what I understand, they really dug through and looked through everything in my office when I wasn't there -- to take things.

Marty: And so, what, what interaction did you have with Mike Stinson or Simisen regarding your stuff?

Kathy Foy: When I went down to the basement.

Marty: And, and did you, did you swear at him?

Kathy Foy: Yeah, I told him to fuck off.

Marty: Alright, and what involvement do you think Chuck Poling had with that?

Kathy Foy: Well, the treasurer told me that Mike Simmonson didn't want me to be angry with him because he was only doing what he was told, that he wanted to go and talk to me to get it, when I came into work at 8, and Chuck told him no, go in there and take it out before she gets there at 7.

Marty: And—so what other actions do you think Chuck Poling has taken to retaliate against you or to demean you in some way, whether himself or through others?

Kathy Foy: Well, apparently any video in the county building is public record, so I was told that he, from IT, that Ed Bounds, who is Chuck's buddy, who does podcasts, called IT to request specifically, the basement video of me

Marty: yelling at Mike.

Kathy Foy:Yelling at Mike. So it's not like anybody would know that occurred because it's in the basement.....

Marty: right, members of the public are there....

Kathy Foy: the public does not go in our basement, but whatever. So it was put on the podcast of me saying, you know, negative comments about me and my marriage, who, they don't even know me, you know, the podcaster and his, whoever his little people on the podcast are. They don't know me, they don't know my husband. But I know it was a retaliation from Chuck because he knows I don't care for him and I don't agree with him. He knows I didn't support him in his election. I didn't vote for him because I had the other, the people that ran against him and Shane, I had their signs in my yard. Not Chuck's.

Marty: And so, did you, did, did this podcaster say anything else that was disturbing to you?

Kathy Foy: Yes, my chief deputy was down there with me because one of her items was taken, and on the podcast, the guy, he says something about, watch this girl here, she works for her, or she's her chief deputy, and I can't remember if he said her name but said she's on FMLA 'cause she has PTSD.

Marty: How would the podcaster know that?

Kathy Foy: Well, Chuck—I don't even—I didn't even know why she's on FMLA.

Marty: Was she, did she have a block of leave or intermittent leave under FMLA?

Kathy Foy: Intermittent.

Marty: OK, so how would anybody know that?

Kathy Foy: Only the HR and commissioners know that. So they call her out on her issue, and I, and I, I don't want to give him the satisfaction of another view on his podcast because he is, he's a criminal, he is a thug. He is—

Marty: You're talking about the Ed Bounds, the podcaster.

Kathy Foy: So I never watched the whole thing.

Marty: But you've observed the piece about...

Kathy Foy: The pieces that I told you.

Marty: Yeah. So, has Commissioner Poling ever made physical contact with you or entered your person..., personal space in a way you considered inappropriate, other than the umbrella incident?

Kathy Foy: No, he's just been at the counter in my office before.

Marty: How often is he in your office at the county building?

Kathy Foy: Well, ever since all this, because I believe that wasn't the only time I was on the podcast. I've heard people tell me there's been other mentions of me and stuff, but it seems like ever since then he does not come on my floor period.

Marty: OK, how often do you think he's in the building?

Kathy Foy: Well, he parks on the street side, not in the parking lot, so it's hard to say. I mean, it could be once a week.

Marty: Has ...

Kathy Foy: ... it could be more, I don't know, 'cause he don't come to my office.

Marty: OK, do you think Commissioner Poling is ever following or spying on you?

Kathy Foy: I wouldn't be surprised. I know that I've heard that he watches cameras all the time because he wants to hear what people say, but my office doesn't have cameras yet.

Marty: Has there been a push to put cameras in your office?

Kathy Foy: Yes. Yes.

Marty: Why?

Kathy Foy: Well, they say it's for our protection.

Marty: And what's your push back on that, or response?

Kathy Foy: Well, we have some confidential programs that we protect, the like where police officers, judges live, we redact their information so it's not, and I just emailed the commissioners just about a few weeks ago, that I knew they were wanting to put cameras up, but I did not want them facing my customers or sound because of the confidentiality programs. There's also one-- it's a state thing for people of domestic violence or violent crimes or, you know, if they were raped or, you know, sexually assaulted in any way...

Marty: so there's confidentiality protections for those individuals...

Kathy Foy:yes, for those two through, I believe it's the governor's office. So I requested that, you know, no sound, if they want to, you know, record who comes on and off the elevator, but I didn't want them, because normally they put them behind the counter facing the person at the counter, and so I requested that. So I don't know if that'll happen.

Marty: Have you ever heard Commissioner Poling discussing your voting choices or who you should vote for, or anyone else at the county government?

Kathy Foy: I've seen a video where he, my understanding too, and I believe it's in our policy employee handbook, no campaigning, nothing on county property, especially during county work hours, but there's a video where he was taking Ed Hartman around, introducing him to people, and on the 5th floor was talking to an employee about, you know, voting and how she needs to vote for him, and then he goes out of camera view, and you could hear him start talking low to this girl about getting her a raise if she would vote for him.

Marty: OK, would you consider that to be a violation of county policy?

Kathy Foy: Yes.

Marty: OK, have you ever heard him talk about, Commissioner Poling, discussing a desire for the county to hire his wife?

Kathy Foy: Oh yeah.

Marty: What have you heard about that?

Kathy Foy: I've heard that he was trying, that he was wanting to get rid of the health department lady, the head of the health department, Tara Street, and put his wife in there, and I think she's already on the board in there...

Marty: ... for the health department...

Kathy Foy: Yeah.

Marty: Have you ever heard of him trying to attempt to get other relatives, friends, or other associates hired by the county?

Kathy Foy: Well, there's, yeah, there are...

Marty: Besides the person you mentioned that sued the county and then is now hired on the planning commission.

Kathy Foy: Yeah, I know that Mike Simmison is a friend of his because Mike Simmirson was one from the election board that Chuck wanted him to be a precinct committeeman then but he had no vote history, and I think whatever address was under Mike Simmisson was not what he had, OK, in his filings.

Marty: So he wasn't someone that was allowed to vote in the caucus as a result, correct?

Kathy Foy: Correct, he was not allowed to be a precinct committeeman at all.

Marty: OK, have you ever heard or observed Commissioner Poling appearing to be under the influence of drugs or alcohol during any interaction you've had with him?

Kathy Foy: Well, it would not surprise me because I hear that him and his work crew for his company all meet at his shop and get high before they work, so it wouldn't surprise me...

Marty: but that's.... that's just hearsay....

Kathy Foy: But that's hearsay...

Marty: You haven't experienced that? OK,

Kathy Foy: no.

Marty: Umm, has Commissioner Poling ever shut you in a room with himself or refused to let you leave in any circumstance?

Kathy Foy: No.

Marty: OK. Has his conduct, umm, in any way impacted your ability to work?

Kathy Foy: Not my ability, but it, I love what I do, I love my job, I wish I didn't have a term limit so I could keep doing it till I'm ready to retire, but it makes it a pretty hostile work environment now with Chuck around because, I mean, I feel like you walk on eggshells because you don't know, you know, who's listening, who's a spy for him, 'cause you hear there's spies in the building that go and tell him anything you say, and it's just not a calm, relaxing, enjoyable work environment that it used.

Marty: How, what did it used to be like?

Kathy Foy: Well, the two commissioners prior were probably the two most godliest men I've ever met, and everything just ran smooth, and with Chuck, he thinks it's power for him, he thinks he's my boss, but we're both elected officials.

Marty: Correct.

Kathy Foy: I am my own boss. He's not my boss, but he'll tell you, you know, he, he thinks he is, he tells you he owns the building. Well, the county owns the building, not you personally, but he, he says it's his building, he owns it, he can do what he wants.

Marty: Has he told you that?

Kathy Foy: No, but I've heard people say that.

Marty: Yeah. Have you, does, does he talk about how, how his power in the community and how it reigns?

Kathy Foy: Oh yeah. I've heard him say he's the most, second most powerful in the county, and the sheriff being the most powerful.

Marty: OK, and has he ever, are you aware of him ever threatening other government employees in any context, even outside the county?

Kathy Foy: Oh yeah, we, I did hear about the young girl that wanted to leave the treasurer's office to go to the clerk's, and I heard he grabbed her, pushed her in a room, and slammed the door, and was in her face, yelling at her and telling her that she was gonna be fired come January when the new clerk, who he helped finance his campaign, took office.

Marty: OK, has there been anybody at the city areas that's been impacted by Commissioner Poling?

Kathy Foy: Yeah, I've had, my husband has a high school friend that we have been told by two different people that Chuck is going to, was going to make sure RJ lost his job because he was friends with us, and RJ and Chuck grew up as cousins because their step, both their stepdads were brothers. The Miller boys from Marion, who kinda, they were criminals, kinda like a little mafia, that had stuff over other county officials back in the day, so they would get by with their criminal activity. So my husband's friend RJ turned out good; Chuck did not, and RJ at this point does not have a job with the city anymore. And I did, and RJ is the one who told me that Chuck came in, yelling at RJ's boss and saying he would have his job, which is a city employee, not county.

Marty: OK, so he shouldn't have any influence over that.

Kathy Foy: Chuck has no jurisdiction over the city employees.

Marty: OK, umm, what, umm, what business does, umm, Chuck, Commissioner Poling, do with the, with the county?

Kathy Foy: Too much. Umm, to me, the commissioners accept bids for projects and vote on which one they want. I don't think it's right that Chuck's bids would be in the running because that's, to me, that's biased, of course. Of course he's gonna pick his company so he can make more money, so he can double dip from the county, get a paycheck and get paid from the county, and how fair is it if he knows what these other people bid, he's gonna send his bid in under that....

Marty: and he can undercut it...

Kathy Foy: he can undercut it just to get the bid. I mean, there was a long time where every time you pull in the parking lot there was one of his trucks there...

Marty: doing work at the county?

Kathy Foy: Yeah. Yeah.

Marty: OK, and have you provided any written statements or have any video evidence or anything related to anything you said here today?

Kathy Foy: Well, I believe that the footage of him under my umbrella, the IT did have it. I told them to save it, I don't know if they still did or not, but there's no sound, you can just see it.

Marty: Was it under, was it outside the county building?

Kathy Foy: It was right outside the building.

Marty: OK, can you check to see if they still have that, can we try and get a hold of that?

Kathy Foy: Yes, and I have a copy of the thing he wrote too in support of Todd Glancy when he sued the county to try to get Pam and Nancy fired.

Marty: Did you think it was odd at that point that he was, was he a County Council member at that point?

Kathy Foy: he was on the County Council...

Marty: and he's supporting someone suing the county?

Kathy Foy: Yeah, and you know, it's always been, if I sued the county, you know, for some compensation of something, part of the deal would be, OK, we're gonna give you X amount of dollars, but you gotta resign, which I'm assuming would be so I don't sue him again for more money for something else, you know? So, to me, it was, I couldn't believe it, well I could, coming from Chuck, that this guy tried to sue the county, but now we're going to hire him as head of the area plan office. Makes no sense to me.

Marty: How has Commissioner Poling's presence impacted the work environment within county government for others. I mean you have protection as a county elected official?

Kathy Foy: I know all my girls in my office are scared 'cause I don't know if he has said that or they've heard him say that he can come in and fire them for any reason, which my understanding is it's my office, he cannot....

Marty: ...right, that you're the elected official over that office.

Kathy Foy: They're nervous, I mean, they're always scared something's gonna be said, or them seen doing something, get in trouble for something, that he's gonna fire them, so it's, and, you know, which he can't do anything to me, besides slam me on a podcast, but, yeah.

Marty: So how would you describe the morale right now within the county government?

Kathy Foy: Low, very low.

Marty: OK, is there any issue with any of the other commissioners in terms of the morale, or is it simply Commissioner Poling?

Kathy Foy: Its him. OK, because Shane did tell me that he was, he brought up to Chuck about letting us bring plants back because, which I understand, you know, and I'll be the first to tell you, in my office, we probably had too many plants, but with them sitting in the windows and the registers being right under, like if water got in it and leaves or, you know, debris from your plants, they want to get the air system good. So now that it's up and good, they got it all cleaned up, Shane wanted us to be able to bring a plant, he said, you know, maybe just one on your desk, everybody can have one on their desk. And he said Chuck hit the roof when he said that, because Chuck said something to him about it 0- we give them an inch and they'll take a mile, whatever that means. So with Chuck it's all control and power.

Marty: Is there any, are you aware of any other incidences or communications that, where you think Commissioner Poling has behaved inappropriately that we haven't talked about?

Kathy Foy: Anything else is like what I've seen on recorded meetings where I thought he was out of line and inappropriate, yelling at people, or

Marty:you mentioned the county election board meeting, but was there commissioner meetings....

Kathy Foy: like there's commissioner meetings, I think a council meeting, and he even, I just remembered this other story. Ed Hartman, who's now going to be the new commissioner come January. When the county was -- when solar was a thing -- and Chuck and all his buddies were anti-solar, Ed Hartman came in wanting me to do a search through my records of anybody who had a solar, excuse me, solar lease, that was so many acres, so many years, lease, blah blah blah blah blah, and I informed him we have public stations for anybody to search what they want, I am not a licensed or bonded title searcher. I'm not a searcher. If you have a specific document you want me to look up, I'll get it...

Marty:right, but you're not a researcher.....

Kathy Foy:, yeah, so he went made a big deal, called an attorney, and even went to the council, and it's brought me up more than once that I did not deserve a raise 'cause I wasn't doing my job, and now he's gonna be the new commissioner too, so Chuck's got now a partner in crime in there.

Marty: Are there other people that may have relevant information that you think would be willing to?

Kathy Foy: Yeah, so, I mean, I've heard stories of how he's mistreated, you know, several people in the county, not that I've witnessed it, like I said, the only thing I've witnessed is what I've seen, like videos, recordings of meetings and stuff that I've heard, you know, about Tara Street, in her face, and whether he was tapping her with his finger, just pointing his finger in her chest. And I've heard of Gracie in the treasurer's office, grabbing her, shoving her in a room, and yelling in her face. I heard Beth, that he grabbed her and pulled her in a room and was in her face yelling. I've heard he did it to Shane, I mean, and there's instances in the clerk's office too, I know.

Marty: How would you describe Commissioner Poling?

Kathy Foy: Very aggressive, very in your face, very loud, tries to be intimidating, which it's mainly just towards women.

Marty: OK, you think he treats women differently?

Kathy Foy: Oh yeah, oh yeah.

Marty: How so?

Kathy Foy: Well, because the boys, guys are good old boys, unless you're against him. But I think he's probably more threatened, like afraid a guy would more retaliate or punch him, where he probably don't think a woman will, because, you know, part of his, he had his record expunged when he ran for commissioner.

Marty: What was his record?

Kathy Foy: I do have a copy of that, someone gave me.

Marty: Can you provide them?

Kathy Foy: Yes, it had basically domestic violence, I think, from beating up his wife, threatening, intimidating, which that's, that's him. I was in an abusive relationship back when I was younger, and he acts exactly how this ex-boyfriend of mine did, and it was always girls because he knew he was stronger than them, and that's how Chuck acts to me.

Marty: Umm, is there anything else that you think is relevant that we haven't talked about that you want to share?

Kathy Foy: I don't, I can't think of anything.

Marty: OK, well again, if you think of something later on, you can reach out. I appreciate your time,

Kathy Foy: I know we had to record this again....

Marty: ... and I apologize. I feel like I might have forgot something, so hopefully you have it down...

Marty: ... I think I caught most of the things that we originally talked about here, so I appreciate it.

Kathy Foy: Good.

Marty: We're ending here today at about 10:54.

10:54am