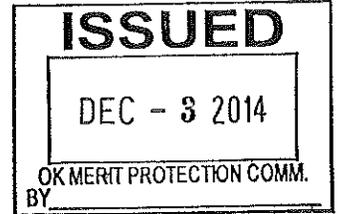


OKLAHOMA MERIT PROTECTION COMMISSION

STATE OF OKLAHOMA



LEA CHARLOTTE ORKABI MENDINGHALL, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 OKLAHOMA DEPARTMENT OF )  
 HUMAN SERVICES, )  
 )  
 Appellee. )

Case No. MPC-13-171

**FINAL ORDER**

This matter came on for hearing on the merits before the undersigned duly appointed Administrative Law Judge on the 17<sup>th</sup> and 18<sup>th</sup> days of November, 2014, at the Merit Protection Commission offices in Oklahoma City, Oklahoma. Appellant, Lea Charlotte Orkabi Mendinghall (“Ms. Orkabi Mendinghall” or “Appellant”), was present in person. Appellee, Department of Human Services (“DHS” or “Appellee”) appeared by and through counsel, John E. Douglas, and table representative, Lisa Boler.

Appellant, a permanent classified employee of Appellee, was terminated effective at the end of her shift on April 9, 2013, pursuant to 74 O.S. § 840-6.5, OKDHS:2-1-11, and Merit Rule 455:10-11-17.

The record was opened and the hearing began. Arguments of Appellant and Appellee’s counsel were heard, and the sworn testimony of eight witnesses was received. Exhibits were

introduced as Exhibits 1, 2, 3, 4, 5, 6, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, and 22, all of which are incorporated herein and made a part hereof.

After careful consideration of the record, including all relevant evidence, testimony, and exhibits, the undersigned Administrative Law Judge issues the following case background, summary of testimony, findings of fact, conclusions of law, and order.

### **CASE BACKGROUND**

Ms. Orkabi Mendinghall worked as an Adult Protective Services Specialist II in the Adult Protective Services Division (“APS”) of DHS. At about 11:00 a.m. on December 29, 2012, two officers of the Guthrie Police Department and one Logan County Deputy Sheriff, went to Appellant’s residence looking to arrest Appellant’s husband, Brenden Mendinghall, on outstanding felony warrants out of Payne County. Appellant and her husband were home, but neither of them responded to the officers’ knocking and requests to open the door. Although Ms. Orkabi Mendinghall has consistently taken the position that she did not hear the officers identify themselves as police during their morning appearance at her house, the clear evidence presented establishes that the officers did announce themselves as police from the beginning. The officers remained outside Appellant’s home for approximately an hour, but neither Appellant nor her husband emerged.

The officers left Appellant’s home around noon. About an hour later the two Guthrie Police Officers returned to Appellant’s home without the Deputy Sheriff. The officers again knocked on Ms. Orkabi Mendinghall’s door. Ms. Orkabi Mendinghall and the Guthrie Police Officer who testified agree that on the afternoon visit, the officers announced themselves as police. On their return to Ms. Orkabi Mendinghall’s home in the afternoon, Ms. Orkabi

Mendinghall admitted the officers to her home. The officers arrested Ms. Orkabi Mendinghall's husband, but did not arrest Ms. Orkabi Mendinghall.

Ms. Orkabi Mendinghall informed her supervisor, Anthony Adigwe, of the incident at her home later that afternoon by telephone, and met with Mr. Adigwe in person the next week when both were back in the office. Mr. Adigwe informed Appellant that the situation was serious and advised her to meet with the officers who came to her home to explain the situation from her perspective and "work it out" with them. Although Ms. Orkabi Mendinghall later informed Mr. Adigwe that she had talked to the officers, Ms. Orkabi Mendinghall later informed Mr. Adigwe that her communication with the police department had been to contact the officers' supervising officer to complain of their treatment of her. Her specific complaint was that the officers had apparently referred to her as "suspect" in a written report.

On or about February 15, 2013, Ms. Orkabi Mendinghall was arrested and charged with felony harboring a fugitive from justice in violation of 21 O.S. § 440 in the District Court of Logan County in the case styled, *The State of Oklahoma, Plaintiff, vs. Lea Charlotte Orkabi, Defendant*, Case No. CF-2013-61. The charges against Ms. Orkabi Mendinghall did not result in a conviction.

On the date of her arrest, Ms. Orkabi Mendinghall sent an email to several DHS employees in which she made statements that were clearly untrue. The Appellee took the position in the Notice of Final Formal Disciplinary Action – Discharge (Exhibit 4) that Ms. Orkabi Mendinghall lied to the Department in the email by stating that as soon as she heard the police identify themselves she opened the door "immediately", and by claiming that she did not know there were warrants out for her husband's arrest. The evidence presented at the hearing clearly indicates that the Department's conclusion regarding Ms. Orkabi Mendinghall's veracity

was correct. Ms. Orkabi Mendinghall did, in fact, know that there were warrants out for her husband's arrest and knew – along with her neighbors – that the police were outside her home from the time they first appeared on the morning of the incident.

The Department ultimately terminated Ms. Orkabi Mendinghall for lying to her supervisors in violation of OKDHS:2-1-7(i)(2)(F). In addition, the Department terminated Ms. Orkabi Mendinghall because it found she violated OKDHS:2-1-7(i)(5) because her failure to cooperate with police was conduct unbecoming a public employee.

### SUMMARY OF TESTIMONY

The testimony of eight witnesses, properly sworn and under oath, was taken and was made part of the record. The first six witnesses were offered by Appellee. The last two witnesses were offered by Appellant.

#### Jason Hamilton

Officer Jason Hamilton (“Officer Hamilton”) has been a Guthrie Police Officer for nine years. Officer Hamilton went to Ms. Orkabi Mendinghall’s residence on the morning of December 29, 2012 with another Guthrie Police Officer and a Logan County Deputy Sheriff to arrest Ms. Orkabi Mendinghall’s husband on felony warrants. Officer Hamilton testified, in part, that:

- The officers identified themselves loudly as police officers when they first arrived at Ms. Orkabi Mendinghall’s residence;
- The officers knocked on the residence door and on the side of the residence so loudly that Ms. Orkabi Mendinghall’s neighbors exited their own house;
- After approximately an hour, the three officers left Ms. Orkabi Mendinghall’s residence for lunch;

- Officer Hamilton called Ms. Orkabi Mendinghall's DHS telephone from the Guthrie Police Department in an effort to reach her and believed that Ms. Orkabi Mendinghall, as a Guthrie resident, would readily recognize the telephone number as the police department's number;
- On their return to Ms. Orkabi Mendinghall, Officer Hamilton again identified himself and, this time, Ms. Orkabi Mendinghall opened the door;
- Ms. Orkabi Mendinghall's residence is a wood frame home of approximately 1,000 square feet;
- The officers were in uniform during both visits to Ms. Orkabi Mendinghall's home;
- The officers drove to Ms. Orkabi Mendinghall's home in two police units and one deputy sheriff's vehicle that were clearly marked as police vehicles and parked the vehicles in front of Ms. Orkabi Mendinghall's home;
- Officer Hamilton believed that if Ms. Orkabi Mendinghall had been asleep in her bed during the officers' morning visit to her home, she would have heard them knocking and identifying themselves as police;
- Officer Hamilton was worried for Ms. Orkabi Mendinghall's safety in the home because he knew that her husband was a substance abuser who had been involved in the death of another woman;
- Officer Hamilton had no doubt that Ms. Orkabi Mendinghall heard the officers identify themselves outside her home, including during their initial visit;
- At no time did Ms. Orkabi Mendinghall tell Officer Hamilton that she failed to answer the door because she felt threatened by her husband;

- Ms. Orkabi Mendinghall told Officer Hamilton that her husband told her if she opened the door he would go to jail.

The undersigned found Officer Hamilton to be a credible witness.

**Paul Martin**

Deputy Paul Martin (“Deputy Martin”) has been a Logan County Deputy Sheriff since 2010. Deputy Martin went to Ms. Orkabi Mendinghall’s home with Officer Martin and another Guthrie Police Officer on December 29, 2012, to arrest Ms. Orkabi Mendinghall’s husband. Deputy Martin testified, in part, as follows:

- When the officers arrived at Ms. Orkabi Mendinghall’s home, they took turns knocking on the front door and on the side of the house;
- The officers identified themselves audibly as “officers” or “Sheriff’s office” while they were knocking;
- The officers’ knocking was loud enough to be heard inside the residence;
- The officers’ knocking was loud enough to bring neighbors out of their homes;
- The knocking would have woken a sleeping person inside the residence;
- Deputy Martin knocked so hard on the side of the house that the force of the knock caused something inside the home to fall off the wall;
- The officers were at Ms. Orkabi Mendinghall’s home during the morning visit for approximately an hour;
- The officers’ marked cars were parked in front of the residence;
- The officers were in uniform;
- Deputy Martin did not return to Ms. Orkabi Mendinghall’s home after the officers left for lunch;

- Ms. Orkabi Mendinghall's arrest resulted from normal procedure following charges filed by the Logan County District Attorney;
- Deputy Martin had worked with Ms. Orkabi Mendinghall previously and had attended calls with her;
- Deputy Martin expected that Ms. Orkabi Mendinghall, as a professional worker, would cooperate with police.

The undersigned found Deputy Martin to be a credible witness.

**Stacey Reed**

Stacey Reed ("Ms. Reed") worked for Appellee as an Adult Protective Services Specialist III until November 14, 2014, and was a backup supervisor in the APS unit in which Ms. Orkabi Mendinghall worked. Ms. Reed was the unit supervisor on December 29, 2013, because her supervisor, Anthony Adigwe, was on annual leave. Ms. Reed testified, in part, as follows:

- On December 29, 2012, Ms. Reed provided Officer Hamilton with Ms. Orkabi Mendinghall's DHS cell phone number at Officer Hamilton's request;
- Officer Hamilton advised Ms. Reed that he was at Ms. Orkabi Mendinghall's home to arrest Ms. Orkabi Mendinghall's husband and, later in the day, advised Ms. Reed that Ms. Orkabi Mendinghall was safe;
- When Ms. Reed's supervisor, Anthony Adigwe, returned to work a few days later, Ms. Reed informed him of the incident involving Ms. Orkabi Mendinghall, and was advised that Mr. Adigwe was already aware of the situation;
- Ms. Reed provided her written statement as shown on page 14 of 23 of Exhibit 2.

The undersigned found Ms. Reed to be a credible witness.

**Anthony Adigwe**

Anthony Adigwe (“Mr. Adigwe”) has been employed by DHS for fourteen years, and has been a supervisor since 2004. At the time of Ms. Orkabi Mendinghall’s discharge, Mr. Adigwe was the supervisor in charge of the 5-6 people in his unit, including Ms. Orkabi Mendinghall. Mr. Adigwe testified, in part, as follows:

- Ms. Orkabi Mendinghall called Mr. Adigwe by phone on December 29, 2012, to inform him of the incident at her home and to tell him the police had arrested her husband;
- During the call on December 29, 2012, Ms. Orkabi Mendinghall indicated that the police were outside her home for several hours;
- Upon Mr. Adigwe’s return to the office a few days later, Mr. Adigwe met with Ms. Orkabi Mendinghall about the incident and told her that the matter was very serious and that they should try to smooth it over with law enforcement;
- Mr. Adigwe viewed the matter as very serious, in part, because APS workers need the assistance of law enforcement officers to perform their official duties;
- Mr. Adigwe and Ms. Orkabi Mendinghall called the police officers together, but the police did not want to discuss the matter with Mr. Adigwe;
- Ms. Orkabi Mendinghall later told Mr. Adigwe that she had discussed the matter with the officers involved;
- After the police arrested Ms. Orkabi Mendinghall at the office, Ms. Orkabi Mendinghall told Mr. Adigwe that she had, in fact, gone to the police only to complain to Officer Hamilton’s supervisor that she was classified as a “suspect” in the written police report of the incident;

- When Ms. Orkabi Mendinghall called Mr. Adigwe on December 29, 2012, Ms. Orkabi Mendinghall told him that she had not answered the door because her husband told her that the police were there to arrest him;
- On the day of the incident at Ms. Orkabi Mendinghall's home, Ms. Orkabi Mendinghall did not tell Mr. Adigwe the police failed to identify themselves, although she did tell him that later;
- Mr. Adigwe advised Ms. Orkabi Mendinghall that if she had failed to open the door for the officers because she feared her husband or because he forced her to stay away from the door, that she should contact the police and tell them so;
- Mr. Adigwe considered Ms. Orkabi Mendinghall a good, but not excellent, worker;
- Mr. Adigwe believes one of Ms. Orkabi Mendinghall's downfalls as a worker is that she is an argumentative person;
- Ms. Orkabi Mendinghall told Mr. Adigwe that she knew the police were outside her home and that she did not open the door;
- Ms. Orkabi Mendinghall's statement in her email to her supervisors that she opened the door immediately when she knew police were outside was inconsistent with her direct statements to him;
- Mr. Adigwe considered Ms. Orkabi Mendinghall's actions work related because the APS division has to maintain a good working relationship with police.

The undersigned found Mr. Adigwe to be a credible witness.

**Lisa Boler**

Lisa Boler ("Ms. Boler") has been employed by DHS for fourteen years and has been in the APS division for ten years. At the time of Ms. Orkabi Mendinghall's encounter with the

police officers and subsequent termination, Ms. Boler was a district manager supervising thirty-seven counties in Northwest and Southwest Oklahoma. Ms. Boler testified, in part, as follows:

- Ms. Boler first became aware of Ms. Orkabi Mendinghall' incident with the police as a result of a January 2, 2013 email from a Payne County DHS child welfare worker;
- Ms. Boler called Mr. Adigwe on January 2, 2013, and Mr. Adigwe advised her that Ms. Orkabi Mendinghall admitted that she failed to open the door when she knew the police were outside;
- Mr. Adigwe told Ms. Boler that he advised Ms. Orkabi Mendinghall to talk to the police officers involved to try to rectify the situation;
- Ms. Boler conferred with her supervisor, Rebecca McGowan, and they jointly decided Ms. Orkabi Mendinghall should not work any cases with law enforcement until they determined the facts of the incident at Ms. Orkabi Mendinghall's home;
- When Ms. Orkabi Mendinghall was subsequently arrested on February 15, 2013, Ms. Boler was at an HR training with Donna Kays, Becky McGowan, Barbara Kidder and a representative of the DHS human resources department;
- When Ms. Boler and the others returned to the office from the conference, they read the arrest affidavit related to Ms. Orkabi Mendinghall's arrest and the human resources department advised them to proceed with Ms. Orkabi Mendinghall's discharge;
- Barbara Kidder made the ultimate decision to discharge Ms. Orkabi Mendinghall;
- Only Ms. Boler, Donna Kays, Becky McGowan, Leanne Saunders, and Barbara Kidder had input into the decision to discharge Ms. Orkabi Mendinghall, and neither Mr. Adigwe nor Ms. Reed participated in the decision;

- The fact that Ms. Orkabi Mendinghall's husband was a felon was not a factor in the decision to terminate Ms. Orkabi Mendinghall;
- The supervisors involved in the decision to terminate Ms. Orkabi Mendinghall did not conduct a formal investigation of the incident at Ms. Orkabi Mendinghall's home because they believed the police officer's report was sufficient and because they had spoken to Mr. Adigwe and reviewed the officer's affidavit;
- Ms. Orkabi Mendinghall was dishonest because she told her supervisor that she did not open her door for police because, if she did, her husband would go to jail, but later told the Department that she opened her door immediately when the officers identified themselves.

The undersigned found Ms. Boler to be a credible witness.

**Barbara Kidder**

At the time of Ms. Orkabi Mendinghall 's incident with the officers and at the time of Ms. Orkabi Mendinghall 's termination, Barbara Kidder ("Ms. Kidder") was Deputy Director of APS for DHS. She headed the division from 1988 until her retirement in 2014. Ms. Kidder testified, in part, as follows:

- She made the decision to terminate Ms. Orkabi Mendinghall jointly with Becky McGowan;
- Ms. Kidder found Ms. Orkabi Mendinghall's statement in her February 15, 2013 email to several Department employees "that she didn't know the police were out there" to be inconsistent with her statements on December 29, 2014 that (a) she was scared because the police didn't identify themselves, and later (b) that her husband told her not to open the door or he'd go to jail;

- Ms. Kidder determined that Ms. Orkabi Mendinghall's inconsistent statements to various people regarding the incident at her home differed in ways that she considered dishonest;
- Ms. Orkabi Mendinghall's response to the Department's notice of proposed discipline (Exhibit 3) does not mention that her husband told her not to open the door because it was the police, but stated that she didn't open the door to an unknown presence, and that the police report itself indicates that there was no unknown presence outside her home;
- It is important for APS workers to have good relationships with police officers with whom they may need to work;
- It is important for APS workers, who have frequent interaction with the judicial system, to be honest and truthful in their work.

The undersigned found Ms. Kidder to be a credible witness.

**Lea Orkabi Mendinghall**

Appellant first read all of the Appellee's requests for production of documents and requests for admission and Appellant's responses thereto into the record. Ms. Orkabi Mendinghall then testified, in part, as follows:

- No one identified themselves as police outside her residence on the morning of December 29, 2012, or if they did, they whispered it because she didn't hear it;
- During the banging outside her house, Appellant was pregnant, in bed, and blocked from the door by a person known to have a history of domestic abuse;
- Ms. Orkabi Mendinghall was aware that her husband was on probation and had a history of domestic violence, but was unaware of the extent of his criminal history;

- Ms. Orkabi Mendinghall opened her door “within seconds” of Officer Hamilton announcing himself;
- Ms. Orkabi Mendinghall’s husband told her that the banging outside their home was done by a neighbor with whom he had had a problem;
- Ms. Orkabi Mendinghall’s husband was physically blocking her from the door;
- Ms. Orkabi Mendinghall told Officer Hamilton that when she saw the missed call from the Guthrie Police Department on her cell phone on December 29, 2012, she wondered what was going on;
- Although Ms. Orkabi Mendinghall stated in her response to Appellant’s Request for Admission Number 21 that the Court did not find probable cause she was harboring a fugitive, when asked on cross-examination to admit that the Judge at her preliminary hearing found probable cause, Ms. Orkabi Mendinghall testified that “I don’t recall - - I don’t know what you’re talking about”;
- While someone was banging on her home on the morning of December 29, 2012, Ms. Orkabi Mendinghall’s husband got out of bed, but not to look out the window and never went into a room from which he could see outside;
- After the banging on her home had gone on for about twenty minutes, Ms. Orkabi Mendinghall and her husband got out of bed and exited the bedroom into the living room;
- From the living room, Ms. Orkabi Mendinghall could clearly see through the front window -- because there were no blinds closed on the window -- that there were no police cars outside;

- After Ms. Orkabi Mendinghall and her husband got out of bed, they had a conversation about the possibility that it had been the police at their door;
- When the police returned to her home, Ms. Orkabi Mendinghall did not believe they were there to take her husband away, but believed they were there about what had happened in the morning;
- Ms. Orkabi Mendinghall's husband kept her from answering the door, but she would not have answered the door if he had allowed it while the banging was going on;
- Ms. Orkabi Mendinghall never told anyone that the reason she didn't open the door was that her husband told her he would go to jail if she did so;

The undersigned did not find Ms. Orkabi Mendinghall to be a credible witness.

**Tonya Willard**

Tonya Willard ("Ms. Willard") has worked for DHS for twenty-two years, and has worked in the APS division for fourteen or fifteen years. Ms. Willard testified, in part, as follows:

- Ms. Willard was employed in the same unit as Ms. Orkabi Mendinghall;
- Ms. Willard was concerned about Ms. Orkabi Mendinghall's wellbeing because she knew Ms. Orkabi Mendinghall's husband had a history of domestic violence and because she saw signs that Ms. Orkabi Mendinghall's husband was trying to isolate her from others, including Ms. Willard;
- Ms. Willard was in Guthrie on December 29, 2012, and decided to drive by Ms. Orkabi Mendinghall's home to check on her;

- When she arrived at Ms. Orkabi Mendinghall's home, Ms. Willard saw two police cars at the residence and encountered an officer who told her to stay away from the house;
- Ms. Willard waited in the street and saw Ms. Orkabi Mendinghall in handcuffs through the open front door of the house;
- Ms. Willard could only see Ms. Orkabi Mendinghall through the door because the front window to the home was covered, as Ms. Orkabi Mendinghall's husband normally kept it;
- An officer told Ms. Willard to leave, so she drove away;
- Ms. Willard returned to Ms. Orkabi Mendinghall's home later in the day when Ms. Orkabi Mendinghall called her to say the police were gone;
- Ms. Willard testified that it is necessary for APS workers to be honest in their dealings with police officers and courts, and to be honest in what they tell them.

The undersigned found Ms. Willard to be a credible witness.

#### **FINDINGS OF FACT**

The parties stipulated that the Merit Protection Commission has jurisdiction over this matter, that the Merit Rules apply, and that this appeal was timely filed. The parties further stipulated that Appellant was a permanent, classified employee of Appellee, and that she was terminated. All stipulations of the parties are incorporated herein as findings of fact.

In addition, the undersigned makes the following findings of fact:

1. Appellant's termination was effective at the end of her shift on April 9, 2013.
2. The police identified themselves audibly when they knocked on Ms. Orkabi Mendinghall's door on the morning of December 29, 2012.

3. Ms. Orkabi Mendinghall refused to open the door for police officers for over an hour on December 29, 2012.

4. Ms. Orkabi Mendinghall refused to open the door specifically because she knew the police were outside her home and because she and her husband feared they would arrest her husband.

5. Ms. Orkabi Mendinghall knew she had received a call from the Guthrie police department on December 29, 2012.

6. Ms. Orkabi Mendinghall lied to Appellee when she indicated she did not know the police were outside her residence until their return on the afternoon of December 29, 2012.

7. Ms. Orkabi Mendinghall lied to Appellee when she indicated she opened the door immediately upon the knockers identifying themselves as police.

8. Ms. Orkabi Mendinghall told inconsistent stories to different people to explain why she did not open her door and the inconsistencies, when considered in total, rise to the level of untruths.

9. Ms. Orkabi Mendinghall lied to her supervisor, Mr. Adigwe, when she told him she had contacted the police officers who came to her home in an effort to smooth things over with them.

10. Ms. Orkabi Mendinghall failed to tell her supervisor that, instead of trying to work things out with the police officers involved that she had, in fact, contacted their supervisor to complain that she had been classified as a suspect in the police report they filed.

11. Ms. Orkabi Mendinghall's dishonesty with her supervisors and police interfered with her ability to perform her duties as an APS worker.

12. Ms. Orkabi Mendinghall's refusal to cooperate with the police officers who came to her house to arrest her husband interfered with her ability to perform her duties as an APS worker.

13. Ms. Orkabi Mendinghall's subsequent decision to complain that the officers had named her as a suspect in their police report interfered with her ability to perform her duties as an APS worker.

13. Ms. Orkabi Mendinghall's refusal to cooperate with law enforcement officers in order to protect her husband is conduct unbecoming a public employee.

14. Ms. Orkabi Mendinghall's refusal to cooperate with police officers causes discredit to Appellee.

15. Ms. Orkabi Mendinghall's dishonesty causes discredit to Appellee.

16. The appointing authority's decision to terminate Ms. Orkabi Mendinghall was just, fair, and consistent with the principals of progressive discipline.

### **CONCLUSIONS OF LAW**

1. The Oklahoma Merit Protection Commission has jurisdiction over the parties and subject matter in the above-entitled matter.

2. Any findings of fact that are properly conclusions of law are so incorporated herein as conclusions of law.

3. Merit Rule 455:10-11-17 states that a permanent classified employee may be terminated for any of the reasons set forth in Merit Rule 455:10-11-14, which include, *inter alia*, misconduct, insubordination, conduct unbecoming a public employee, and any other just cause.

4. Merit Rule 455-10-9-2 states that the Appellee bears the burden of proof in an adverse action and must prove by a preponderance of the evidence that just cause exists for the action taken and that the discipline imposed was just.

5. The Personnel Act and Merit Rules provide that an employee must receive notice of the proposed action, which shall include the statute, rule, policy, etc., which was violated, the specific acts or omissions which are the cause of the suspension, an explanation of the evidence justifying the suspension, and the employee must be given an opportunity to respond to the proposed suspension either in writing or orally. 74 O.S. § 840-6.4; OAC 455:10-11-15.

6. OKDHS:2-1-7(i)(2)(F) states that it is misconduct for an employee to be dishonest by, among other things, making false reports or claims, falsifying official forms or other documents, and knowingly withholding information of official interest.

7. OKDHS:2-1-7(i)(5) states that conduct unbecoming a public employee includes “any failure by an employee of good behavior either during or outside duty hours, which is of such a nature that it causes discredit to OKDHS”.

8. Appellee, Department of Human Services, has met its burden to prove, by a preponderance of the evidence, that Appellant, Lea Charlotte Orkabi Mendinghall, violated OKDHS:2-1-7(i)(2)(F) by being dishonest in her reports of the incident that occurred at her home on December 29, 2012.

9. Appellee, Department of Human Services, has met its burden to prove, by a preponderance of the evidence, that Appellant, Lea Charlotte Orkabi Mendinghall, violated OKDHS2:1-7(i)(5) by engaging in behavior unbecoming a public employee.

10. Appellee has further met its burden to prove, by a preponderance of the evidence, that it followed all procedural prerequisites to the Disciplinary Action.

11. Appellee has further met its burden to prove, by a preponderance of the evidence that just cause exists for the action taken and that the discipline imposed was just and appropriate under the circumstances.

**ORDER**

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** by the undersigned Administrative Law Judge that the petition of Appellant is hereby **DENIED** and her termination is sustained.

DATED this 28<sup>th</sup> day of November, 2014.



Matt Hopkins, OBA# 16666  
Administrative Law Judge  
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