



September 14, 2022

***Kristin Oliver, Human Resources Director
Torrance County
PO Box 767
205 S Ninth Street
(505) 544-4350***

INVESTIGATION REPORT

Entity: Torrance County

Complainant: ██████████

Subject(s): Yvonne Otero

Case Type: Hostile Work Environment, Harassment, Discrimination

Date of Incident: Beginning date (ongoing)

Assigned Date: 8/31/2022

Investigator: Jason Cogdill

CONFIDENTIAL REPORT

SCOPE

The scope of this investigation is centered on allegations of use of narcotics while on duty, illegal possession of prescription narcotics, and abuse/misuse of authority specifically related to interactions between Yvonne Otero and [REDACTED]

ALLEGATIONS

The allegations in the complaint were identified as harassment, sexual harassment, drug use/abuse, and possible criminal activity.

TORRANCE COUNTY EMPLOYEES

[REDACTED]

Yvonne Otero, Torrance County Clerk

SUPPORTING DOCUMENTATION

Complaint Submitted by [REDACTED]
Screenshots of text messages between Otero and [REDACTED]
Torrance County Code of Conduct Manual
Torrance County Personnel Ordinance, 2019

HISTORY

[REDACTED] has been with the Torrance County Clerk's Office for approximately [REDACTED]. She alleges Yvonne Otero has asked her to obtain prescription narcotics for personal use. [REDACTED] alleges Otero threatened her [REDACTED] employment if she did not get the pills for her. [REDACTED] also alleges Otero uses Cocaine and, on at least one occasion, used a "taser" to wake [REDACTED] up when [REDACTED] had fallen asleep while at work.

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK

INVESTIGATION DETAILS

This investigation was assigned to Universal Investigation Services on August 31, 2022, at the request of Torrance County Human Resources Director Kristin Oliver. The complaint filed did not specify what policies were alleged to have been violated but stated the matter has been ongoing since October 2021.

The complaint can be summarized in that [REDACTED] felt obligated to provide Otero with prescription medication even though she knew it was illegal, and if she did not, believed she would lose her job given Otero's position of authority above her. [REDACTED] also alleges the inappropriate behavior by Otero of shooting her with nerf darts, using a taser to wake her up, having sex in her office, and the comments and jokes made by Otero that were sexual in nature as well as Otero's punching of a door while at the office.

After reviewing the complaint, I contacted Kristin Oliver. Ms. Oliver provided me with some screenshots of text messages related to this case. The screenshots are included in the "exhibits" attachment to this report.

The employees listed above were identified as needing to be interviewed. Arrangements were made to conduct the interviews on September 07, 2022. All interviews were conducted in Estancia, NM, at the Torrance County Government Building. The interviews were recorded, which will be included in the case file. Below is a synopsis of each interview and the information gained from them; all subjects were read aloud the Garrity Admonition and signed a copy of the same

[REDACTED] (Complainant) 9/7/2022 @ 1033 HRS

[REDACTED] has been employed with Torrance County for approximately [REDACTED] as an [REDACTED] in the Clerk's Office. During her employment, [REDACTED] went under Family Medical Leave Act (FMLA) to address a condition that caused her to [REDACTED]. She told me she does not believe Otero appreciates she has the condition, and on at least three (3) occasions, Yvonne Otero utilized a "taser" to [REDACTED]. [REDACTED] said she had [REDACTED] at the office, and Otero "sparked" a taser near her ear [REDACTED]. [REDACTED] told me three (3) other employees, [REDACTED] witnessed the incident at least once. [REDACTED] said that Otero has also shot her with "Nerf" darts to [REDACTED].

[REDACTED] said Otero is very open about her use of Cocaine. She makes statements about being able "to handle her drugs" and has had multiple conversations with her regarding her (Otero's) use of Cocaine.

[REDACTED] told me Otero had requested she illegally obtain prescription pills for her, even though Otero did not have a prescription for them. [REDACTED] said that because she feared for her job, she did obtain the pills for Otero. She said Otero allegedly told her there would be "mutually assured destruction" and "if she (Otero) goes down, they will all go down; she (Otero) will make sure." [REDACTED] told me she has seen Otero take pills on at least one

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK

occasion during normal work hours. [REDACTED] did provide text messages confirming the request for pills and comments about Cocaine; they are included in the exhibits.

[REDACTED] told me Otero often makes comments of the “sexual harassment” nature while at work, specifically in the form of inappropriate jokes, comments, dancing, and “twerking.” She also alleges Otero has an inappropriate physical (sexual) relationship with the Fed-Ex driver in her office during work hours. She said she has not seen them having sex but has seen him with his “hands all over her” and heard inappropriate noises from her office when he is there.

[REDACTED] 9/7/2022 @ 1128

[REDACTED] has been with the Torrance County Clerk’s Office for about [REDACTED] and works in the same office as the parties involved in this investigation.

She told me she recalled the incident involving the taser and said she did not see it but did hear it. She said when it happened, she was at her desk, she heard the taser “spark,” and when she looked up, she saw Otero standing next to [REDACTED]. She also confirmed that Otero has shot at employees with a “Nerf” gun.

[REDACTED] told me she was familiar with the request for [REDACTED] to get narcotics for Otero. She said [REDACTED] approached her, showed her the text messages, and asked her what she should do, and [REDACTED] told her not to respond and to save the text messages. [REDACTED] told her the requests were wrong and to not engage in the behavior.

She told me since Otero took office, the work environment has not been the same, and the employees are “not as much of a team,” stating Otero “does whatever she wants.” She describes Otero’s behavior as “child-like” at times and said Otero does engage in inappropriate conversations, talking about sex in general and “getting laid.”

When I asked her about the allegation of Otero having sex with the Fed-Ex delivery guy during work, she said all she could say was he comes in about once a month, and they go into Otero’s office and close the door. She did not elaborate.

I asked [REDACTED] to explain her observation regarding the interaction between Otero and [REDACTED]. She told me their interaction seems “ok” but has noticed [REDACTED] crying after some of them.

During my interview with [REDACTED], she did appear to be forthcoming. However, she was visibly nervous and somewhat vague with her answers

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK

9/7/2022 @ 1205 HRS

has been employed with Torrance County for approximately and currently holds the position of . I asked specific questions regarding the allegations listed in complaint.

When asked about Otero's use of Cocaine, she said she was "not aware she does" however did say she was suspicious about it based on Otero's behavior and things she has said, such as taking "a little bump to get through." She also told me she believes Otero's behavior is consistent with someone under the influence of Cocaine, and she does believe she has witnessed Otero under the influence of the drug.

said approached her about the prescription medications and showed her the text messages between her and Otero. told me she advised not to engage in the transaction saying, "don't do it."

She said she did witness Otero "spark" the taser right behind ear when had fallen asleep at work. told me the incident was witnessed by and herself. She went on to say she believed it to be inappropriate. feels Otero treats differently than other employees and believes it is due to her frustration over sleeping disorder. told me she believes Otero's behavior indicates that she has let the position of Clerk "go to her head."

When I asked her about performance as an employee, she told me she was a good employee, but sometimes wanted to do too much, meaning she would do more than the task at hand required. As such, she believed this created more work for but said she believed it was a "learning curve" for .

I asked about the allegations surrounding Otero and the Fed-Ex driver. She told me she believes they have sex in the office during regular business hours, although she has never witnessed it. She said she believes this to be the case because of comments made by Otero, such as "I needed that," "that was a good stress reliever," and "that's how you break in the new Probate Judge's desk."

told me approached her about someone being logged into her work computer while she was on FMLA. (*This investigation revealed Otero had taken the computer home and allowed her brother, a non-county employee, to use the computer for personal reasons*). When learned about this, she told to take the computer to HR so it could be examined.

told me she encouraged to move forward with an investigation into the matters at hand but wanted her to do it on her own and not feel forced to do so.

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK

Mary Yvonne Otero 9/7/2022 @ 1245 HRS

Yvonne Otero has been with Torrance County since 2004 and was elected Torrance County Clerk approximately two (2) years ago.

In speaking with Otero, I explained the purpose of the investigation was to look into allegations brought forth by an employee. My questions to her were going to be direct and to the point. Otero said she understood.

I asked her about the incident involving [REDACTED] and the taser. Otero admitted she did bring a taser to the office and said, "maybe I did light it, but only "as a joke." She said the taser was mainly used as a precautionary measure for her own protection.

I asked her specifically about the allegation of cocaine use while at work, and she admitted she does use Cocaine for about six (6) years but has never used it at the office. She told me her doctor is aware of her use, which helps her manage her ADHD. When I asked her about her requesting prescription pills from [REDACTED] she admitted she made the request as she was between prescriptions and doctors. She stated she never threatened [REDACTED] employment if [REDACTED] did not get the pills.

I asked her if she allowed her brother to use [REDACTED] computer while [REDACTED] was on F [REDACTED] MLA, and she admitted she did. Otero told me she took the computer home and allowed her brother to use it to look for work.

I asked her about her relationship with the Fed-Ex driver, and she admitted the two were seeing each other, and when he would come to the office, they would go inside her office and shut the door. She said they never had sex at the office.

Finally, I asked her to tell me about the allegation of her punching a door at the office. She said she did, out of frustration, punch the door. She said she knew she was wrong to have done so and apologized to those who witnessed the incident.

Note: During the interview, Otero was sniffing and appeared to have a "stuffy nose"; this could be consistent with the symptoms of someone who regularly uses Cocaine.

APPLICABLE POLICIES

TORRANCE COUNTY PERSONNEL ORDINANCE 2019

7.2 Code of Conduct

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK

County employees shall endeavor to conduct themselves in a professional manner when dealing with the public and other employees. The Human Resources Director shall provide each employee with a copy of the County's Code of Conduct, violation of which shall result in disciplinary action and possible termination.

7.4 Discrimination and Harassment, Including Sexual Harassment

Torrance County strictly prohibits any form of unlawful discrimination based on race, color, religion, gender, gender identity, sexual orientation, national origin, age, disability, political affiliation or lack thereof, or any other status. Improper interference with the ability of the County's employees to perform their expected job duties will not be tolerated.

The County endeavors to maintain an environment that is free from all forms of discrimination, including harassment.

A. Discriminatory practices include but are not limited to:

1. Discrimination based on race, religion, gender, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, and/or disability. Harassment is a form of discrimination.

2. Sexual harassment includes but is not limited to: requests for sexual favors, unwelcome sexual advances and other non-verbal, verbal or physical conduct of a sexual nature that creates a hostile environment for persons of either gender, sex-oriented verbal kidding, teasing, jokes, comments, display of sexually suggestive objects or pictures, physical contact such as hugging, patting, or brushing up against another's body.

3. A hostile environment is a result of severe or pervasive harassment that substantially interferes with an individual's work performance. The harassment must have been unwelcomed and offensive to the victim and of a nature that would be offensive to the reasonable person.

4. The hostile-environment standard applies to harassment on the basis of race, religion, sex, sexual orientation, gender identity, color, ancestry, serious medical condition, national origin, age, or disability.

5. Examples of harassing conduct include but are not limited to:

- a. Sexual harassment: Gender-based jokes or comments.
- b. Race or national-origin harassment: Epithets, slurs, or negative stereotypical comments, jokes or cartoons,
- c. Age harassment: Remarks or jokes relating to a person's age.

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK

d. Disability harassment: Disparaging remarks, slurs or jokes relating to a person's physical or mental disability.

e. Religious harassment: Coercion of employee participation in religious activities, verbal attacks, or religious slurs.

f. Employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, religion, sexual orientation or ethnic group, or individuals with disabilities.

g. Denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, sexual orientation, national origin, or an individual with a disability.

h. Retaliation against an employee who takes one of the following actions:

Filing a complaint of discrimination, participating in a discrimination investigation, opposing discriminatory practices, or exercising any other right under federal or state anti-discrimination laws. The County will not tolerate employment-based retaliation and any violation should be reported immediately.

B. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during County business trips, business meetings, and business-related social events

7.6 Workplace Violence

Torrance County provides a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy. All employees, including managers and supervisors, are responsible for using safe work practices, for following all directive, policies and procedures, and for assisting in maintaining a safe and secure work environment.

A. Prohibited conduct.

Torrance County does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from the following behaviors including but not limited to: Making threats or engaging in violent activities, causing physical injury to another person, making threatening remarks, and aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress, intentionally damaging County property or property of another employee, committing acts motivated by, or related to, sexual harassment, harassment or domestic violence.

7.7 Drug and Alcohol Abuse and Testing Policy

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK

Torrance County is committed to a goal of a drug and alcohol free workplace in compliance with the Drug-Free Workplace Act of 1988. The County's drug and alcohol abuse and testing policy shall be governed by Resolution

INVESTIGATIVE FINDINGS

The following findings were made based on a preponderance of evidence from witness testimony and/or evidence. The quality of evidence and not the quantity of evidence was used in making the determinations.

7.4 Discrimination and Harassment, Including Sexual Harassment

The testimony and evidence revealed that Otero made comments and jokes that were inappropriate and violations of this policy. When confronted, Otero admitted to the conduct. Therefore, this allegation against Otero is **SUBSTANTIATED**.

7.6 Workplace Violence

Based on witness testimony and Otero's admission, she used a taser in "Spark Mode" to [REDACTED]. Therefore, this allegation against Otero is **SUBSTANTIATED**.

7.7 Drug and Alcohol Abuse and Testing Policy

Otero admitted to using Cocaine for the past six (6) years, although she denied using it at work. There was no testimony that Otero used drugs at work, but the witnesses suspected she was under the influence. In the absence of physical/medical evidence, there is no proof Otero violated the drug policy. Therefore, this allegation against Otero is **UNSUBSTANTIATED**.

A. Prohibited conduct.

Otero admitted to asking [REDACTED] to get her prescription narcotics in the form of pills even though she did not have a prescription for them. [REDACTED] produced evidence in the form of text messages (included in the attachments to this report) proving this to be factual. Although this investigation is not criminal in nature, the activity described above is cause for concern and may warrant further action, however, there is no evidence that Otero

CONFIDENTIAL REPORT

threatened [REDACTED] employment if she could not produce the narcotics. Therefore, this allegation against Otero is **UNSUBSTANTIATED**.

7.2 Code of Conduct

Otero admitted to having a relationship with the Fed-Ex driver but said they did not engage in sexual relations at the office. No one ever saw them having sex at the office, and statements and noises alone, do not necessarily prove sex was occurring, therefore this allegation against Otero is **UNSUBSTANTIATED**.

– End of Report –

Submitted By:

Jason Cogdill

**Private Investigator
Universal Investigation Services, LLC
Date: September 14, 2022**

CONFIDENTIAL REPORT

UNIVERSAL INVESTIGATION SERVICES — YVONNE OTERO, TORRANCE COUNTY CLERK