

Janet M. Brockwell, M.D.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

6/14/2009

Dear Ms. Haller,

This letter is being written to appeal to you regarding the problem which has arisen involving my employment as the physician at the Cambridge Developmental Center. I pray that you would indulge my need to explain the events of my being hired, and how I became aware of my apparently being in violation of a policy, specifically CaDC HR 19.

In January 2006, I was asked by Dr. Andy Eddy, the Physician Administrator at CaDC, and formerly the state Medical Director for ODMRDD, "if I would like to work at the Developmental Center". I said that I certainly would be interested if they needed a doctor there. I felt strongly that being able to serve the medical needs of this group of adults with cognitive impairment and developmental disabilities in my own community was a special calling. I filled out an application and on it, clearly stated that I was the Guernsey County Coroner.

I conversed with Stacy in HR a number of times about the position, and she set up my interview. Superintendent Dee Corbett and Program Director Cathy Ballinger were both present at the interview as were a couple of other individuals whom I don't recall. The interview was performed the day I was leaving for Florida on vacation, and it was unhurried and informative. I was given a notebook of policies to read before I started work. These were all Medical policies. I was told that my first day of hire would be March 6th, because it was the first day of a pay period. I made clear to them at that time my commitment to the center. At no time then or since until March of this year was any conflict with my position as the county coroner mentioned.

When I went in to the HR office, Tammy sat with me to sign forms having to do with the job, and we talked about a list of topics, (of which I still have a copy), none of which concerned my being an elected official or any employment

conflicts. I did sign a form with ORC 124.57 on it, but, I had no personal reference as to what a "classified" employee was or what it meant, and I honestly took the statement to mean that you couldn't campaign or "talk politics" while working for the state. (Because of this, I was kind of shocked that some political affiliations were so apparent in regard to some of the employees in the period preceding the election.) When I was given a card to sign up for being a union member, I called Dr. Eddy and asked him if I had to join the union. He said that "if I wanted to be paid for on call time, that I should be in the union". So, I signed the card. The status of my being "non-union" or "union" or "classified" as opposed to "unclassified" never was discussed, and I wouldn't have known to ask. As a matter of fact, any understanding of that information that I have come to understand, has become clear to me only in the very recent past.

No one at any time informed me, i.e., no ethics training was given to me nor were any employment conflict issues communicated to me, until Troy McCollister told me in March of this year that I should not have run for office in 2008, and that it presented any problem. Needless to say, I was taken aback.

Apparently there was an ethics training in February (when I was on vacation) at the CaDC and reportedly, a "night shift TPW" asked Troy if it was OK to work at the center and be the coroner. Troy then took this issue to his superiors for clarification at that time. When I was informed, I felt like I was blind-sided, both because I knew nothing of the prohibition against running for office and because this went up the ladder, so to speak, before I knew anything about it. I never had the chance to explain my side of the story to anyone but Troy, and I complained to him about feeling like I needed to talk to someone. I felt that serious decisions were being made about my employment status which did not include any input from me directly or that due process was exercised on my behalf.

This is a very small county, and Tammy in HR said to me when this issue came to light, "I even voted for you, Dr. Brockwell, and I didn't think about it". Stacy in HR told me essentially the same thing. Again, when I signed the form with 124.57 on it, at the time of my being hired, I took it to mean that no political activity was allowed- in my understanding, meaning no "campaigning", "political talk" or asking for campaign contributions. There is no explicit language in that 124.57 that specifically mentions running for office and no one informed me of any conflict that either before or after the election until March of this year.

There are some things that I feel I need to get off my chest. First, I would never knowingly break any rule or policy that I was aware of. I was not shown CaDC policy HR 19 until one of the nurses here hunted it up for me in May after this came up. The copy I saw was "Revised April 2009". I have searched through the policies I had been issued both at the time of my being hired and since, and they are all "M" policies having to do with medical issues. Believe me, it disturbed me profoundly when I was apprised of the problem, and that I was not made aware of this policy at the time of my hiring or in the interim. (Troy was not the superintendent here until November 2008.)

The threat of being "subject to dismissal from my job" stated in HR 19 would have made a clear impression on me, (taking into account that I would have been informed of HR-19 and what being a "classified" employee meant at the time of my employment by the State of Ohio) and I would have made professional decisions accordingly. Neither Troy nor Dee Corbett before him showed me this policy, even at the time this problem was brought to my attention. Also, it is notable that I have filled out a form for the Ohio Ethics Commission yearly since I have been coroner and paid \$40 per year to file it. For the last three years, under the section where I note "sources of income", I have recorded that the State of Ohio pays me as a physician, and that the Guernsey County Commissioners pay me as the coroner. No one from the Ethics Commission has ever questioned this.

I have been a good and faithful servant to the clients at the center and to the State of Ohio, to whom I have committed my time and care. I provide medical care to the clients and am asked to see staff for minor acute problems, I participate in team meetings, communicate regularly with the guardians and families of the clients, listen to the concerns of the TPWs, nurses, and other staff concerning the clients' care, review significant UIRs, help with the composition of MUI reports if my advice is needed, and am a member of the Special Called Committee, No one ever approached me to tell me about the implications of union membership, other than what Dr. Eddy told me, and I know my check reveals union dues are taken out of my wages.

Ironically, even though the coroner runs in a "partisan" election, in Guernsey County, there has never to my knowledge, been more than 1 candidate running (and that's since 1945). I have no campaign committee, I use zero funds, I do not campaign, and people volunteer to sign my petitions. My total budget is under \$60,000. I don't control any federal funds. I don't really have control, political or otherwise about my elected position except for maintaining a high degree of

professionalism under very difficult circumstances. Another irony is, I was asked more than once by the last coroner, Dr. Jesse Kellum, if I would become the Coroner and after I finally agreed, I was appointed in 1997. Through the years, people in the county have remarked that it is peculiar that the coroner is an elected official at all. I serve on the Ohio State Coroners Association Board of Directors.

You can ask Judge Ellwood, Judge Nicholson, the county prosecutor, Dan Padden, the Guernsey County Sheriff, Mike McCauley, the Ohio State Highway Patrol, the police departments, United Ambulance personnel, the volunteer squads, the fire departments, and the people of Guernsey County who has been the most dedicated and responsive coroner Guernsey County has ever had. I even reviewed a couple of deaths for Mick Ihlenfeld. This entailed a good deal of time and thought. Formal reports were submitted to him after my reviews.

Only since I read CaDC policy HR 19 in the very recent past have I fully understood the problem with my employment. It was not really clear to me what the conflict was before that time. Then, the proposal that I be on a contract for the state or the county emerged as a possible solution. Troy and I had a number of discussions about this, and he suggested that I be switched to another job classification. He found out that this could not be accomplished (?). I consulted with my county prosecutor, Dan Padden, who was of the opinion, based on the ORC, that I should be "unclassified", because of my being a physician in a State run MRDD facility. I believe he had a conversation with you. The Ohio State Coroners Association was of the same opinion as Dan. Troy has showed me that the Ohio Administrative Services denote physicians to be "classified" employees. I wish that someone could explain that inconsistency to me. One thing I do know is, it would have been better for me to have known about any employment conflict at the time I took the position here at CaDC. I certainly would have pursued a remedy to this problem at that time if I had known this would impact my employment at CaDC or my elected office.

I have never had a chance for my side of the story to be heard by other than Troy, and all communication has been secondhand verbal communication from him about this. Troy has not been adversarial and I appreciate his support for me. However, I still feel wronged, to be quite honest, like I have to fall on a sword for something I did not do, nor would I have done, had I been educated and informed about the conflict when I was hired. I feel like I'm in a legalistically generated bad dream. I am mortified that I violated some policy. I feel humiliated

about having to change my status in either of my employment positions when I feel like I did not knowingly break any rule. This really bothers me, as I have always maintained a high level of professionalism which has been untarnished until now. Believe me, I am a straight up person who tries very hard and earnestly to do what is right in every situation.

Now it has come down to my having to resign one of my positions, to be subject to not maintaining my position at the CaDC, or to resign my position as Guernsey County Coroner, and lose three and one half years of my elected office when I have been given the trust of the people in Guernsey County to serve in that capacity. All of this seems to me to be an unfair solution to a problem not of my making, and honestly, where no one has been harmed. I offered in a conversation with Troy to get a signed affidavit stating I would not run for office in 2012 to resolve this. I can't undo the 2008 election, but for all the reasons stated above, I fail to understand the push for me to compromise myself in either professional position under the circumstances. Even for hardened criminals, extenuating circumstances are taken into account at the time of meting out the sentence.

I know that "the governor's counsel" wants this resolved by July 1st. Would it be possible to have this matter reconsidered in light of what I have said? I have repeatedly told Troy that I do not want to pursue a legal solution, but after mulling this over for far too many hours, I believe that this is a pretty serious problem requiring me to rethink that position.

Thank you for your time and consideration in this matter.

Sincerely,



Janet M. Brockwell, M.D.
Physician CaDC

cc: Troy McCollister, CaDC Superintendent
Dan Padden, Guernsey County Prosecutor

Cambridge Developmental Center Inter-Office Communication

TO: Janet Brockwell, Physician
FROM: Stacey Tharp, Hearing Officer
SUBJECT: Pre-Disciplinary Meeting
DATE: July 27, 2009

Notice is hereby given that a Pre-Disciplinary Meeting has been scheduled for you concerning the following charges: **Failure To Follow Policy 124.34; Political Activity** In particulars to wit:

That during November, 2008, you ran for Political Office (Coroner) while actively employed by the State of Ohio.

I will conduct a meeting on this matter on **Friday, July 31, 2009 at 1:00 p. m.**, in the **Human Resource Conference Room, Building 703.**

At this hearing, you may substantiate why you believe the proposed charges are not justified. Should you decide to exercise your right to such a hearing, you may obtain the assistance of a Union Steward. Management will submit evidence to support its proposed action. You will also be given an opportunity to submit evidence and ask questions, comment, refute or rebut the proposed charges.

After the meeting, I will consider the evidence and testimony submitted and make a recommendation to the Superintendent. The disciplinary action for the above offenses will be in accordance with the current Agreement between the State of Ohio and SEIU 1199 and the Department's Disciplinary Grid, and can range from a suspension to discharge.

This letter will be the only formal notice of the meeting. If there are any changes you will be notified. Absent any extenuating circumstances, failure to attend this meeting will result in a waiver of your right to a hearing.

cc: Troy McCollister, Supt.
SEIU 1199

Acknowledgment of Receipt

Received: Janet M. Brockwell Date: 07/30/09

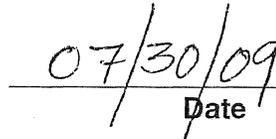
Served by: Sammy Parr HCMA Date: 07/30/09

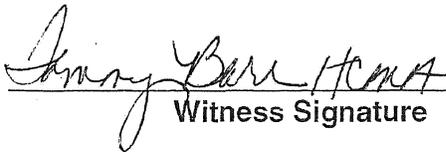
Prepared by the Division of Human Resources, Office of Labor Relations
June 28, 2000

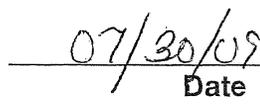
ACKNOWLEDGE OF NOTICE
WAIVER OF PREDISCIPLINARY HEARING

I acknowledge receipt of this notice and hereby waive my rights to a predisciplinary conference. I realize that by signing this waiver, I give up the right to have a predisciplinary conference and to present my arguments and to question witnesses.


Employee Signature


Date


Witness Signature


Date

+++++

I acknowledge receipt of this notice and choose *NOT to waive my right to a predisciplinary conference.*

Employee Signature

Date

Witness Signature

Date

**Cambridge Developmental Center
Hearing Officer's Report**

TO: Troy McCollister, Superintendent
FROM: Stacey A. Tharp, Hearing Officer
DATE: July 31, 2009
RE: Report and Recommendation for Janet Brockwell, Physician

INTRODUCTION

On July 27, 2009, I scheduled a pre-disciplinary hearing for Janet Brockwell. Dr. Brockwell waived her right to a predisciplinary hearing.

ISSUE

Is there just cause for Janet Brockwell, Physician to receive discipline for the alleged charge of Failure to Follow Policy, 124.34; Political Activity.

MANAGEMENT POSITION

Management was seeking the appropriate discipline to be imposed for the charge of Failure to Follow Policy, 124.34; Political Activity. To support this charge, Management presented the following evidence:

That during November, 2008, Dr. Brockwell ran for Political Office (Coroner) while actively employed by the State of Ohio.

UNION POSITION

Hearing was waived by Dr. Brockwell.

DISCUSSION

Dr. Brockwell has been employed with CaDC as a Part Time Physician since 03/06/06. She has no disciplines on file.

In November of 2008, Dr. Brockwell ran, unopposed, as Coroner for Guernsey County. At the time of the election, and for several months after, neither Dr. Brockwell nor Management were aware that her election to County Coroner was a violation of the Political Activity Clause with the State of Ohio.

When the issue was presented to Management, great lengths were taken to research the Political Activity Clause. Dr. Brockwell assisted with the research, hoping to come to a resolution that would allow her to be a productive employee for both employers. It is to be noted that Dr. Brockwell had no indication that there would be any conflict of interest when she ran for Coroner.

08/03/2009 14:21 FAX 614 461 1549

DISTRICT 1199

002/002

Aug-03-2009 01:58pm From-CADC PERSON

7404 20309

T-832 P.002/002 F-036

OHIO DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL
DISABILITIES
CAMBRIDGE DEVELOPMENTAL CENTER
"LAST CHANCE"
DISCIPLINARY AGREEMENT

This agreement made by and between the Cambridge Developmental Center, the SEIU/District 1199 and Janet Brockwell, parties hereto.

Whereas, just cause exists to warrant removal of the employee;

Whereas, the parties wish to reach full and final resolution to the discipline pending and establish terms and conditions of the employee's future employment;

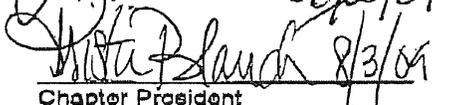
Now therefore, all parties hereto, in consideration of the mutual covenants and agreements to be performed, as hereinafter set forth, agree as follows:

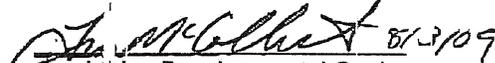
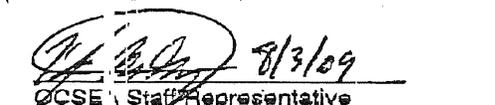
1. In lieu of removal for Failure To Follow Policy 124.34; Political Activity, the employer shall hold the removal in abeyance and enter into a two (2) year, Last Chance Agreement, provided there are no further infractions of work rule or policy.
2. The parties agree that, if within 2 years from the date of this agreement, the employee violates any work rule or policy, or the terms of this agreement, such violation will result in removal.
3. By virtue of signing this agreement, the employee and Union agree not to grieve or otherwise appeal the discipline, which is cause for this agreement, or to grieve or appeal the agreement itself.
4. This agreement shall not be used or referred to for the purposes of any potential progressive discipline that may arise in the future.

The terms of this Agreement shall be extended for any period equal to employee leaves of fourteen consecutive days or longer (including any period of disability separation), except for approved periods of vacation leave.

Any grievance arising out of this disciplinary action shall have the scope of the arbitration of the grievance limited to the question of whether or not the grievant did indeed commit the acts leading to the removal. The arbitrator shall have no authority to modify any disciplinary action received unless the arbitrator finds that the grievant did not commit the acts leading to his/her discipline.

All parties to this agreement hereby acknowledge and agree that this Agreement is in no way precedent setting. This Agreement shall not be introduced, referred to or in any other way utilized in any subsequent arbitration, litigation, or administrative hearing, except as may be necessary to enforce its terms.


Employee 08/03/09

Chapter President 8/3/09
SEIU/1199

 8/3/09
Cambridge Developmental Center
 8/3/09
OCSE Staff Representative

CAMBRIDGE DEVELOPMENTAL CENTER

POLICY NUMBER: HR-4

REVISED: April 2010

SUBJECT: EMPLOYEE POLITICAL ACTIVITY

I. PURPOSE

To establish guidelines for the conduct of certain political activities by CaDC employees per the Ohio Revised Code on Political Activity Prohibited.

II. PERMITTED POLITICAL ACTIVITIES

A. A classified employee may, during off hours, participate in the following political activities;

1. Register and vote;
2. Express opinions, either orally or in writing;
3. Volunteer financial contributions to political candidates or organizations;
4. Circulate petitions on legislation relating to his/her employment;
5. Attend political rallies that are open to the general public;
6. Sign nominating petitions in support of individuals;
7. Display political pictures in his/her home;
8. Wear political badges or buttons, or display political stickers on private automobiles.
9. Serve as a precinct election official.

III. PROHIBITED POLITICAL ACTIVITIES

A. A classified employee will be prohibited from participation in the following political activities;

1. Participation in a partisan election as a candidate for office;
2. Declaring candidacy for an elected office which is filled by partisan election;
3. Circulating official nominating petitions for any candidate participating in a partisan election;
4. Holding an elected or appointed office in any political organization;
5. Accepting appointment to any office normally filled by election;
6. Campaigning by writing for publications, by distributing political material or by making speeches on behalf of a candidate for elective office;
7. Soliciting, either directly or indirectly, any assessment, contribution or subscription for any political party or candidate;
8. Soliciting the sale of or selling political party tickets;
9. Engaging in political activities at the election polls, such as soliciting votes;
10. Acting as recorder, checker, watcher, challenger, or any office of any party or organization;
11. Engaging in political caucuses.
12. Participation in a political action committee which supports partisan activity.

IV. UNCLASSIFIED

If you are an unclassified employee, you may generally participate in any political activities, but may not do so during regular work hours.

V. ENFORCEMENT

Any classified employee who engages in any of the activities listed in Paragraph III is subject to removal from his/her position.

Page 2 of 2
HR-4

VI. IMPLEMENTATION

This policy is consistent with the Ohio Revised Code governing classified state employees and/or Political Activity. It becomes effective immediately.

VII. CONTACT PERSON:

Tammy Barr
Tammy Barr, Human Capital Management, Mgr.

4/6/2010
Date

VIII. APPROVAL

Troy McCollister
Troy McCollister, Superintendent

4/7/2010
Date

Roever, Michael

From: Judy Nagy [Judy.Nagy@odh.ohio.gov]
Sent: Thursday, May 12, 2011 11:05 AM
To: Roever, Michael
Subject: FW: Inspector General Report
Attachments: JanetBrockwell.xlsx

Hi Michael,

It was a pleasure meeting you the other day. Attached, please find a query for records that Janet Brockman was assigned to based on the death being a coroner's case. We are not able to capture the actual time when the record was completed, just the date.

Please let me know if this meets your needs and whether you will need to review any of the certificates in question.

Regards-
Judy

"This e-mail is intended for the sole use of the intended recipient and may contain privileged, sensitive, or protected health information. If you are not the intended recipient, be advised that the unauthorized use, disclosure, copying, distribution, or action taken in reliance on the contents of this communication is prohibited. If you have received this e-mail in error, please notify the sender via telephone or return e-mail and immediately delete this e-mail."

This message was secured by ZixCorp^(R).

State File Number	Date of Death	Coronor Complete	Cor Complete Date	Cor Complete User	Physician Assigned
2011028270	4/11/2011	Y	4/13/2011	Brockwell, Janet	BROCKWELL, JANET M
2010003078	1/19/2010	Y	1/22/2010	Brockwell, Janet	BROCKWELL, JANET M
2010003079	1/22/2010	Y	1/25/2010	Brockwell, Janet	BROCKWELL, JANET M
2010007939	1/28/2010	Y	1/30/2010	Brockwell, Janet	BROCKWELL, JANET M
2010014180	2/21/2010	Y	2/24/2010	Brockwell, Janet	BROCKWELL, JANET M
2010014185	2/27/2010	Y	3/2/2010	Brockwell, Janet	BROCKWELL, JANET M
2010034656	4/30/2010	Y	5/3/2010	Brockwell, Janet	BROCKWELL, JANET M
2010039834	5/17/2010	Y	5/20/2010	Brockwell, Janet	BROCKWELL, JANET M
2010046002	6/7/2010	Y	6/10/2010	Brockwell, Janet	BROCKWELL, JANET M
2010052225	7/3/2010	Y	7/6/2010	Brockwell, Janet	BROCKWELL, JANET M
2010069214	9/4/2010	Y	9/7/2010	Brockwell, Janet	BROCKWELL, JANET M
2010071943	9/7/2010	Y	9/15/2010	Brockwell, Janet	BROCKWELL, JANET M
2010084993	10/30/2010	Y	11/1/2010	Brockwell, Janet	BROCKWELL, JANET M
2011003245	1/9/2011	Y	1/12/2011	Brockwell, Janet	BROCKWELL, JANET M
2011019598	3/8/2011	Y	3/15/2011	Brockwell, Janet	BROCKWELL, JANET M
2010007933	2/6/2010	Y	2/8/2010	Brockwell, Janet	BROCKWELL, JANET M
2010016211	3/4/2010	Y	3/9/2010	Brockwell, Janet	BROCKWELL, JANET M
2010020412	3/13/2010	Y	3/16/2010	Brockwell, Janet	BROCKWELL, JANET M
2010020419	3/19/2010	Y	3/23/2010	Brockwell, Janet	BROCKWELL, JANET M
2010031239	4/17/2010	Y	4/21/2010	Brockwell, Janet	BROCKWELL, JANET M
2010031240	4/19/2010	Y	4/21/2010	Brockwell, Janet	BROCKWELL, JANET M
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2010055569	7/3/2010	Y	7/7/2010	Brockwell, Janet	BROCKWELL, JANET M
2010065288	8/23/2010	Y	8/25/2010	Brockwell, Janet	BROCKWELL, JANET M
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2010077027	9/29/2010	Y	10/1/2010	Brockwell, Janet	BROCKWELL, JANET M
2010090243	11/5/2010	Y	11/9/2010	Brockwell, Janet	BROCKWELL, JANET M
2010094166	11/23/2010	Y	11/24/2010	Brockwell, Janet	BROCKWELL, JANET M
2010107058	12/21/2010	Y	1/1/2011	Brockwell, Janet	BROCKWELL, JANET M
2011006156	1/21/2011	Y	1/26/2011	Brockwell, Janet	BROCKWELL, JANET M
2011033592	4/23/2011	Y	4/26/2011	Brockwell, Janet	BROCKWELL, JANET M
NULL	4/29/2011	Y	5/2/2011	Brockwell, Janet	BROCKWELL, JANET M
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2010001606	1/9/2010	Y	1/12/2010	Brockwell, Janet	BROCKWELL, JANET M
2010001612	1/15/2010	Y	1/19/2010	Brockwell, Janet	BROCKWELL, JANET M
2010011065	2/16/2010	Y	2/18/2010	Brockwell, Janet	BROCKWELL, JANET M
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2010063160	8/7/2010	Y	8/12/2010	Brockwell, Janet	BROCKWELL, JANET M
2010067309	8/26/2010	Y	8/29/2010	Brockwell, Janet	BROCKWELL, JANET M
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2010095947	11/2/2010	Y	11/3/2010	Brockwell, Janet	BROCKWELL, JANET M
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2011003252	1/15/2011	Y	1/20/2011	Brockwell, Janet	BROCKWELL, JANET M
2011006157	1/23/2011	Y	1/24/2011	Brockwell, Janet	BROCKWELL, JANET M
2011030121	4/5/2011	Y	4/12/2011	Brockwell, Janet	BROCKWELL, JANET M
2010001607	1/10/2010	Y	1/12/2010	Brockwell, Janet	BROCKWELL, JANET M
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2010034658	5/1/2010	Y	5/3/2010	Brockwell, Janet	BROCKWELL, JANET M
2010035848	4/30/2010	Y	5/4/2010	Brockwell, Janet	BROCKWELL, JANET M
2010037265	5/16/2010	Y	5/17/2010	Brockwell, Janet	BROCKWELL, JANET M
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2010052227	7/3/2010	Y	7/7/2010	edward VS SUPERVISOR	BROCKWELL, JANET M
2010052224	7/4/2010	Y	7/7/2010	Brockwell, Janet	BROCKWELL, JANET M
2010054121	7/3/2010	Y	7/10/2010	Brockwell, Janet	BROCKWELL, JANET M
2010062753	7/19/2010	Y	7/26/2010	Brockwell, Janet	BROCKWELL, JANET M
2010067310	8/25/2010	Y	8/29/2010	Brockwell, Janet	BROCKWELL, JANET M
2010073194	9/12/2010	Y	9/14/2010	Brockwell, Janet	BROCKWELL, JANET M
2010081153	10/10/2010	Y	10/14/2010	Brockwell, Janet	BROCKWELL, JANET M
2010084296	10/14/2010	Y	10/18/2010	Brockwell, Janet	BROCKWELL, JANET M
2010095946	11/27/2010	Y	11/30/2010	Brockwell, Janet	BROCKWELL, JANET M
2011023726	3/21/2011	Y	3/24/2011	Brockwell, Janet	BROCKWELL, JANET M