

EXHIBIT

A

DECLARATION OF [REDACTED] PURSUANT TO 28 U.S.C. SECTION 1746
UNDER THE PENALTY OF PERJURY

1. I am [REDACTED] I am over the age of 18 and make this Declaration based on personal knowledge.
2. I am a former employee of Ameriserve International, Inc. (“Ameriserve”). I was hired by Ameriserve on or around March 30, 2020, as a Client Services Coordinator. I was in this role until May 15, 2021, when I was promoted to Program Coordinator. I was promoted again in July 2023 to Lead Program Coordinator (“LPC”), where I was charged with managing the Program Coordinators, overseeing their work, as well as the work of Client Services Coordinators. As an LPC, I reported to Area Director Kyle Clemens and Director of Residential Services and Day Habilitation Services Eric Seitz, who is also an Ameriserve Board Member.
3. As an LPC, I attended managerial meetings held every Friday, requiring attendance by all LPCs and other supervisory managers to whom LPCs reported, including Ameriserve’s executive management. In addition to the Friday meetings, there were meetings held on Mondays that required the attendance of all Ameriserve managers, including managers in Compliance, Residential, Day Habilitation, and other areas. In 2023, shortly before becoming LPC, I also began sitting in on Executive Meetings, because I was slotted to become the Area Director of the Southwest Iowa region. The Executive Meetings were held once a month and typically covered changes in policy, hiring needs, and financial matters.
4. In 2021, soon after I was promoted to Program Coordinator, I began experiencing sexual harassment from the head of the maintenance department, Kevin Conn, Sr. (“Kevin”). Kevin was Executive Director Dana Nielsen’s right-hand man. As head of Maintenance, he would oversee the employees handling maintenance orders relating to residential homes, other Ameriserve property, and vehicles. Kevin would spend hours chatting with Dana Nielsen in Dana Nielsen’s office, and the two of them would socialize outside of work. Kevin would regularly make sexual comments about what I and other female employees were wearing and how we looked.
5. I complained about Kevin’s sexual harassment several times to numerous managers,

including Kyle Clemens, Eric Seitz, and Jim Westphal. Other employees complained about Kevin's sexual harassment, too. In response to complaints of harassment or discrimination, I and other employees were asked to direct such complaints to Director Eric Seitz. There was no Human Resources department at Ameriserve, by design. When Director Seitz received complaints concerning harassment or discrimination, he would ask the complaining employee to email him a written statement, which he would then file away in a blue folder. He would not follow up on these complaints; rather, he asked for the complaining employees to make statements just to make them feel better. The blue folder maintained by Director Seitz was essentially a "black hole" for complaints of harassment and discrimination.

6. In the fall of 2023, another employee called me to complain about Kevin's harassment. I proceeded to escalate this complaint to Eric Seitz by emailing him about the complaint, with copy to Kyle Clemens, Lead Client Services Coordinator Ashley Partridge, and another manager, Alex Peterson. I recall Eric Seitz being extremely upset that I did not send the email to him alone.

7. The many complaints about Kevin's harassment, including sexual harassment, led to a discussion during one Friday managerial meeting in November 2023, where many of us sought to have Kevin's employment terminated. Executive Director Dana Nielsen and Director Eric Seitz tried to come up with a counseling plan to keep Kevin employed. Nielsen began the meeting by presenting that option and then left the room for the rest of us to discuss. Almost everyone present had concerns that they had target on their backs if they voted to terminate Dana Nielsen's right-hand man. In the end, after some verbal assurances by CFO Steve Pearson that he owned a majority of shares and would not allow for retaliation, the vote was to terminate Kevin.

8. However, Kevin remained on the payroll. Kyle Clemens told me that he was put to work fixing buildings in a remote location. My understanding is that he is still on the payroll in the housing expansion areas. I have observed Kevin working on Ameriserve Property because I was made to work with him after we had voted to terminate him. No termination was put into his file. I know this because several people who had access to his personnel files reviewed them and saw that there was no termination paperwork.

9. It was in this environment that Megan Purcell was scheduled to interview for a job at Ameriserve. Megan Purcell interviewed with Kyle Clemens and then LPC Alex Peterson in December 2023. I was scheduled to be at the interview as well, but I had to leave the office early that day. Megan Purcell thereafter received an offer of employment from Ameriserve.

10. Over Christmas break at the end of December, while I was on PTO, Purcell came into the office personally and told Kyle Clemens about her cancer diagnosis. I know of this meeting because Kyle sent an email to myself, Alex Peterson, Eric Seitz, admin Andericka Peel, and, if memory serves, a program coordinator about this. Kyle let me know she had surgery scheduled for Jan 25, 2024, or thereabout. I had suggested to Kyle that she wait until after her procedure in case there were complications because state regulations mandate that training be completed within 90 days of hire. My understanding is that Megan Purcell did not want to delay her start date because she needed the income and she assured us that she would be able to get the training done. Her official start date was sometime in the week of January 8, 2024.

11. One day between January 15, 2024, and January 19, 2024, I was in Eric Seitz's office with Eric, and Dana Nielsen popped his head in the doorway. Nielsen stated: "Megan Purcell has cancer. Get rid of her." I responded to the effect of, "She has colon cancer, and has a procedure scheduled to treat it." Nielsen then responded, "Colon cancer doesn't just go away. Our insurance policy already went up with [REDACTED] kidney shit. Get rid of her." [REDACTED] currently works at Ameriserve's accounting department. [REDACTED] has been working there for about three years and has had to seek a kidney transplant. Dana Nielsen then said that we had to "get rid of" Purcell within her 30-day probation period. Neither I nor Eric Seitz responded to him after that.

12. I thereafter spoke with Kyle Clemens about what Dana Nielsen ordered us to do and said to Kyle that I would not do it. A lot of us were distraught about the decision to terminate Megan's employment. Even Tyna Anderson, Ameriserve's Director of Administration, looked into seeing if Megan would be using our insurance to see if there was a way to keep her employed without having our insurance premium go up.

13. It took a week after Dana Nielsen's instruction to Eric Seitz and me before the task to fire

Megan Purcell fell on Kyle Clemens. Kyle told me that he was upset he was made to do it, but he sent Purcell an email notifying her of her termination.

14. Around late February or early March 2024, CFO Steve Pearson contacted me to come to his office and sign paperwork regarding Megan Purcell's termination to make it look as if her termination was the result of an organizational restructuring. Pearson attempted to explain that Ameriserve had to let some people go in order to have new people come in. He then said that Megan Purcell was the last hired, so that was the reason she was let go. I knew that was false. I recall that Ameriserve hired someone who previously held Purcell's position back into the same position after Purcell was terminated. The form that I was made to sign by Pearson was not a Personnel Action Notice, the form I would typically have to sign when an employee was terminated. What Pearson had me sign was something I never signed before for anyone else. I was not given a copy. Although I knew Pearson was instructing me to sign a false record regarding Purcell's termination, I was afraid to lose my job and said nothing.

15. The treatment of Megan Purcell was not surprising to me given Dana Nielsen's way of management. On another occasion in January 2024, he asked me if it was legal to terminate someone for having joined the army.

16. I gave my notice of resignation on April 26, 2024. On May 2, 2024, Kyle Clemens showed up at a meeting that I was in and walked me out. He told me that he was upset that I was leaving. He told me that he had called one of my current supervisors at my current job to tell her how great I was. He then told me that if I stayed at Ameriserve, that I would have more support. He then said, "just remember you might need Ameriserve down the road and you can fuck us over." I took that as a threat of retaliation if I spoke up about what happened regarding Megan Purcell's termination. Clemens has continued to send me random text messages and phone calls to check in, which I consider to be an effort on his part to intimidate me into remaining silent.

17. On June 21, 2024, I sent the attached form to Friedman & Houlding LLP, Megan Purcell's attorneys, to let them know about what had happened regarding Megan Purcell's termination. *See Exhibit A.*

18. I declare under penalty of perjury that the foregoing is true and correct.



07/18/2024
Dated

Exhibit A

Friedman & Houlding LLP

You have received a new message from your site
www.sexualharassmentlawyerblawg.com

Name: Private

Email: private@private.com

Phone: [000-000-0000](tel:000-000-0000)

Message: You should also look into the sexual harassment that went on at AmeriServe International with Kevin Conn Sr and the "blue folder" of incidents Directors Kyle Clemens and Eric Seitz have and did nothing with... also Megan Purcell was fired with a direct quote from Dana Nielsen, "Our insurance policy already went up with [REDACTED] s kidney shit. Get rid of her"

Additional Details

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<https://www.sexualharassmentlawyerblawg.com/worker-at-disability-residential-services-company-ameriserve-international-inc-fired-for-having-cancer-in-violation-of-the-americans-with-disabilities-act-friedman-houlding-llp-fill/>

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