



June 16, 2021

Dear [REDACTED]

This letter notifies you of the outcome of the investigation of the National Federation of the Blind ("NFB") in response to allegations you, as complainant, made against Dan Wenzel on May 4, 2021, pursuant to the NFB's Code of Conduct (as adopted January 26, 2018, including any amendments) ("Code"). On April 21, 2021, a responsible leader also filed a complaint pursuant to the NFB Code of Conduct reporting that Mr. Wenzel had engaged in the sexual misconduct you have alleged. I am issuing this decision instead of the President given the conflict that he would have on this matter. The President has not played any role in the investigation or the decision relating to this matter. Please note that any allegations that you have made in your complaint related to those other than Mr. Wenzel are being investigated separately.

Pursuant to the Code, the matter was referred to Tonya Baña, Esquire, an outside lawyer, to conduct an independent investigation, make findings of fact, and recommend any disciplinary actions to be imposed by the NFB. I have been advised that you were afforded a full and fair opportunity to provide information to Ms. Baña in connection with the investigation.

On June 11, Ms. Baña provided her findings and recommendations.

- I have adopted her recommended disciplinary actions based on the finding(s) that the misconduct alleged against the respondent is substantiated.

#### Summary of Findings of Independent Investigator

Based on the totality of the evidence and information gathered and reviewed during the investigation, it is my opinion that the evidence supports the following findings of fact:

- a. Mr. Wenzel engaged in inappropriate sexual conduct in the performance of his duties for the Federation.**

The evidence establishes that Mr. Wenzel engaged in inappropriate sexual conduct with another member in the course of performing his duties for the Federation.

- b. Mr. Wenzel abused his position as an NFB leader by exploiting his relationship with the Federation for his own sexual gratification.**

There is conflicting and inconclusive evidence as to whether the sexual conduct that occurred between Mr. Wenzel and the member was consensual. Regardless of whether the sexual encounter that occurred was consensual, Mr. Wenzel's conduct was an abuse of power. Mr. Wenzel's relationship with the Federation placed him in a position of power and the member may reasonably have believed that rejecting his sexual advances would negatively affect her participation in the organization. Further, the sexual encounter with Mr. Wenzel left the member feeling "ashamed" and it is the reason she "walked away from the NFB."

**c. Mr. Wenzel's conduct violates the NFB Code of Conduct.**

Section III of the NFB Code of Conduct sets forth the Federation's Non-Discrimination and Anti-Harassment Policy. The definition of "sexual harassment" expressly includes sexually motivated verbal or physical conduct toward an individual that "has the purpose or effect of unreasonably interfering with an individual's performance or involvement in the organization" or "otherwise adversely affects an individual's opportunities for participation/advancement in the organization." As discussed more fully above, Mr. Wenzel engaged in inappropriate sexual conduct with a member that unreasonably interfered with and/or adversely affected her participation in the Federation. Accordingly, Mr. Wenzel engaged in conduct that violates the Federation's Non-Discrimination and Anti-Harassment Policy.

Section V of the NFB Code of Conduct contains the Federation's Conflict of Interest Policy. Federation leaders "are expected to avoid all conflicts of interest," which expressly includes "when a person's personal or professional interests interfere or even just appear to interfere [] with the interests of the Federation." Mr. Wenzel's abuse of his position as an NFB leader for his own sexual gratification is plainly antithetical to the interests of the Federation. Accordingly, Mr. Wenzel violated the Federation's Conflict of Interest Policy.

**Disciplinary Actions**

Under the authority of the Vice Presidency of the National Federation of the Blind, effective immediately the following disciplinary actions have been taken:

1. Mr. Wenzel is prohibited from holding or running for any elected positions or serving on any organizational committees within the National Federation of the Blind or any of its divisions, state affiliates, or local chapters for a period of five (5) years from the date of notification.
2. Mr. Wenzel was strongly advised to refrain from conduct that may cause a similar complaint in the future along with notification that additional complaints of this nature may lead to his expulsion from the organization.
3. Mr. Wenzel has been directed to avoid having any personal contact with you.

### **Anti-Retaliation**

Any retaliation by the respondent, directly or indirectly, against the complainant or any witness will result in immediate disciplinary action. If you perceive such retaliation has occurred, please either notify Ms. Baña in writing or file a new complaint under the Code of Conduct procedures.

### **Right to Appeal**

Any person (including the complainant or respondent) who is dissatisfied with the resolution of this matter may file an appeal with the NFB's Board of Directors. Within its sole and absolute discretion, the board may hear the appeal or decline to hear an appeal. If the board agrees to hear an appeal, it may impose new, different, fewer, more, less severe, or more severe disciplinary actions than those set forth in this notice. The deadline for filing an appeal is thirty days from the date of this letter. Absent extenuating circumstances, the failure of a person to file a timely appeal shall preclude that person's right of appeal. If an appeal is timely filed, the appeal letter shall contain a full and detailed explanation of the reasons any findings or disciplinary actions are believed to be incorrect. Appeals must be directed to me in the Office of the President. During the appeal process, the board may access the results of the underlying investigation.

### **Disclosures**

Although complaints and supporting documentation submitted pursuant to the NFB's Code of Conduct investigation process and the deliberations of the NFB's Board of Directors are considered strictly confidential, the NFB reserves the right to disclose this matter (including the results of the investigation and a copy of this letter) to the extent deemed necessary or appropriate by the NFB in its sole and absolute discretion. Such disclosures may include communications to appropriate government agencies or law enforcement authorities; or to appropriate NFB officials or affiliates for the purpose of communicating and enforcing the disciplinary actions, if any, that have been taken.

Sincerely,

*Ron Brown*

Ron Brown, Second Vice President  
National Federation of the Blind

National Federation of the Blind

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