

**APPENDIX TO REPORT OF INDEPENDENT INVESTIGATION
REGARDING MR. DAVID JAMISON AND ALLEGED SEXUAL
HARASSMENT AT THE IOWA FINANCE AUTHORITY**

Exhibit:	Page No.
A. The Des Moines Register Article of April 26, 2018: <i>Graphic letter details fired agency head's alleged sexual harassment of a female employee</i>	IFA 001
B. Redacted Version of Letter published in The Des Moines Register	IFA 004
C. IFA Press Release dated June 6, 2018	IFA 007
D. House File 2493, as amended	IFA 009
E. Excerpts of sexual harassment policy from the State of Iowa's Employee Handbook and the Employee Complaint Form	IFA 028
Interview Summary for:	.
Lori Beary	IFA 041
Brian Crozier	IFA 044
Jess Flaherty	IFA 056
Cindy Harris	IFA 059
Steve Harvey	IFA 062
Carolann Jensen	IFA 066
Rhonda Kimble	IFA 070
Elizabeth Krugler	IFA 074
Mary Mosiman and Annett Campbell	IFA 075
Brook Parziale	IFA 077
Wes Peterson	IFA 081
Janet Phipps	IFA 084
Governor Reynolds	IFA 088
Mark Thompson	IFA 092
Dan Welk	IFA 095
Combined Memo	IFA 097

Graphic letter details fired agency head's alleged sexual harassment of a female employee

Brianne Pfannenstiel and William Petroski, The Des Moines Register Published 1:55 p.m. CT April 26, 2018 | Updated 8:20 p.m. CT April 26, 2018



(Photo: Special to the Register)

A state employee claims a state agency director made lewd and inappropriate comments about her sex life and appearance "for years" before he was fired last month.

Gov. Kim Reynolds' office released a letter Thursday containing the graphic allegations amid mounting pressure to disclose the circumstances surrounding the dismissal of former Iowa Finance Authority Director David Jamison, whom she fired last month after receiving "credible" complaints of sexual harassment ([/story/news/politics/2018/03/24/iowa-finance-authority-director-dave-jamison-fired-over-credible-sex-harassment-charges/456164002/](https://www.desmoinesregister.com/story/news/politics/2018/03/24/iowa-finance-authority-director-dave-jamison-fired-over-credible-sex-harassment-charges/456164002/)).

"I want to make you and others aware that Dave Jamison has been sexually harassing me and others in the office for years," the woman wrote in the letter to Gov. Reynolds. "I am terrified about coming forward, but his behavior is escalating and has to stop. It is not safe for women to be around him. I literally don't feel safe."

Jamison, a Republican and former Story County treasurer, did not immediately respond to requests for comment from the Des Moines Register.

ADVERTISEMENT

More: Before the governor fired him, an Iowa executive brokered a \$17 million move now called 'wasteful' ([/story/news/investigations/2018/04/25/iowa-finance-authority-mike-jamison-kim-reynolds-17-m-move-bell-av-hubbell-realty-michael-fitzgerald/547928002/](https://www.desmoinesregister.com/story/news/investigations/2018/04/25/iowa-finance-authority-mike-jamison-kim-reynolds-17-m-move-bell-av-hubbell-realty-michael-fitzgerald/547928002/))

The letter says the agency's attorney and chief administrative officer witnessed Jamison's behavior and spoke to him about it before Reynolds fired Jamison in March and the issue became public.

Also among the woman's allegations about Jamison:

- He regularly talked about his own sex life and routinely made graphic inquiries into hers.
- When the two were required to travel together for work, Jamison would try to get her to come into his hotel room.
- He told her, "I bet you're naughty," and "I bet you're so dirty."
- Every time she tried to talk about a work issue, "he ignores it and talks about sex instead."
- Jamison appeared to know what he was doing was wrong, saying, "I forgot, Matt Lauer told me not to say that," or "you know you could sue me," after making sexually explicit comments. Lauer had been fired late last year over "inappropriate workplace behavior."
- He made apparent threats of retaliation to people who called him out for making derogatory, sexist or racist comments.

Reynolds, in a statement issued Thursday, called the allegations "disgusting and abhorrent."

The disclosure prompted Senate Minority Leader Janet Petersen, D-Des Moines, to call on Reynolds to order an external investigation "into concerns expressed by the victim that there was a culture at the Iowa Finance Authority where she and other staff feared being retaliated against if they filed complaints."

Governor reluctant to release details

Reynolds announced March 24 that she had fired Jamison, a longtime friend, shortly after learning of the allegations.

She declined at the time to release details of those claims, saying she wanted to protect the identity and privacy of the victim.

"For the victims of sexual harassment, coming forward is a hard thing to do," [Reynolds had said at a press conference \(/story/news/politics/2018/03/26/iowa-gov-reynolds-sexual-harassment-firing/459262002/\)](#). "It takes courage. So at the request of the victims, and to protect their privacy, and their identity, there is only so much that I can say about the details of the investigation."

The governor's office, in responding to an open records request from the Associated Press, initially [said it had no records showing why the allegations against Jamison were considered credible \(/story/news/politics/2018/04/23/governor-kim-reynolds-no-records-sexual-harassment-firing-david-jamison/541710002/\)](#) and that it had created no records detailing why he was terminated.

Her staff quickly backtracked, later [acknowledging it did have a complaint \(https://www.apnews.com/c99c6b78e30b4fc697b699ceaf1d1905/iowa-governor-acknowledges-complaint-about-fired-ally\)](#) and that their previous response had been an oversight.

They released that complaint Thursday, saying the victim had given them permission to do so.

"It should only be released on the victim's terms and no one else's," Reynolds said in a statement. "... It takes courage to come forward, and I don't want any victim of sexual harassment to think twice about doing so in the future."

Reynolds has worked with and been friendly with Jamison for decades — a friendship noted by the woman who wrote the letter.

"I know you're friends with Dave and I hate to put this on your shoulders, but I just can't take it anymore," the woman wrote. "I think (the Department of Administrative Services) will just cover for him and I'll end up without a job. Please help me or tell me who to go to."

[According to the Associated Press \(/story/news/politics/2018/04/06/firing-iowa-finance-authority-director-dave-jamison-wanted-catch-up-iowa-governor-kim-reynolds/495011002/\)](#), records show that Reynolds and Jamison planned conferences together for the Iowa State County Treasurers Association, served on its senior policy group and lobbied on its behalf dating back to 1999.

Allegations could constitute a hostile work environment

Carolann Jensen, IFA's interim executive director, said it is agency policy for employees to report instances of harassment to the Department of Administrative Services.

She said when she took over the position after Jamison's firing, she sat down with employees to review that policy and to ensure they understood the process.

It is not clear from the letter and from earlier interviews with Reynolds whether the woman alleging harassment against Jamison filed formal complaints through that channel, with supervisors or others before she approached Reynolds.

Harley Erbe, a Des Moines attorney who represents victims of workplace sexual harassment, said that would be a major question if the victim ever filed a lawsuit.

"There's always going to be an argument that the victim either did not complain enough, did not complain at all or complained in the wrong manner," Erbe said. "That is almost the guaranteed universal defense argument in these cases."

But, after reviewing the letter, Erbe said the claims — if proven to be true — appear to constitute sexual harassment that creates a hostile work environment, which can be prosecuted as a civil case.

"The details in the letter — the bullet points — almost all of them describe conduct that a judge would consider to fall within the definition of sexual harassment," he said.

Other legal questions would remain too, he said, about whether supervisors knew or should have known the behavior was occurring or whether other people also were victims of harassment.

Not the first high-profile allegation

Jamison, who was an at-will employee and could be fired for any reason, was paid a salary of \$131,391 in 2017, state records show.

His dismissal is the latest twist in a series of developments involving sexual harassment at the Iowa Capitol.

Last September, state [officials agreed to a \\$1.75 million settlement \(/story/news/2017/09/28/1-75-million-settlement-reached-iowa-senate-sex-harassment-lawsuit/709098001/\)](#) with former Iowa Senate Republican Caucus Communications Director Kirsten Anderson.

She alleged she was fired in 2013 just hours after filing a complaint alleging a toxic work environment within the Senate GOP Caucus that was fraught with sexual harassment.

Former Iowa Senate Majority Leader Bill Dix, R-Shell Rock, who had insisted Anderson was fired for poor work performance, resigned from the Senate on March 12.

Dix, who is married with three children, quit just hours after a video and photos were posted online that showed him kissing a female Statehouse lobbyist ([/story/news/2018/03/12/video-appears-show-iowa-senate-leader-bill-dix-kissing-woman-des-moines-bar/416553002/](https://www.desmoinesregister.com/story/news/2018/03/12/video-appears-show-iowa-senate-leader-bill-dix-kissing-woman-des-moines-bar/416553002/)) at a Des Moines tavern in what appeared to be a consensual encounter.

Editor's note: Some of the language contained in the letter below is graphic and could offend some readers.

Jamison Complaint Letter (https://www.scribd.com/document/377502108/Jamison-Complaint-Letter#from_embed) by dmronline (https://www.scribd.com/user/251376469/dmronline#from_embed) on Scribd

March 21, 2008

Dear Governor:

I want to make you and others aware that Dave Jamison has been sexually harassing me and others in the office for years. I am terrified about coming forward, but his behavior is escalating and has to stop. It is not safe for women to be around him. I literally don't feel safe.

There are many, many incidents. Here are some examples:

- A few weeks after I started at IFA [REDACTED], Dave began telling me how horrible his home life was and how his wife never has sex with him. He still complains about how bad his sex life is.
- A few months after I started, he began telling me how he frequents Asian massage parlors for the "happy endings." He brags about how the women there tell him how large his penis is.
- Dave constantly talks about how big my chest is and tries to look down my shirt. Shortly after I started at IFA, I began limiting what I wore to try and discourage this.
- On September 26, 2017, at an All Staff Meeting, I sat in the front row and was wearing a pink crew neck sweater. As I stretched my neck, Dave stared at my chest and said, "you can do that again."
- When we were in [REDACTED] for a conference [REDACTED], Dave kept asking me if my boob were real. He gestured across the bar, trying to get me to pull my shirt open and show him my breasts.
- [REDACTED] Dave insisted that a coworker and I go to [REDACTED] Casino with him even though he had been drinking excessively. Upon return, Dave kept trying to get me to come back to his room with him.
- On June [REDACTED] 2016 [REDACTED], Dave kept trying to get me to tell him
 - Where is the craziest place you've had sex?
 - What is your favorite position?
 - Tell me about the biggest cock you've ever had?

He asks these kinds of questions a lot, but I knew this date for sure.

- November [REDACTED] 2016 [REDACTED], he kept trying to get me to come into his hotel room.

Read or Share this story: <https://dmreg.co/2Fj3tT5>

March 21, 2008

Dear Governor:

I want to make you and others aware that Dave Jamison has been sexually harassing me and others in the office for years. I am terrified about coming forward, but his behavior is escalating and has to stop. It is not safe for women to be around him. I literally don't feel safe.

There are many, many incidents. Here are some examples:

- A few weeks after I started at IFA [REDACTED], Dave began telling me how horrible his home life was and how his wife never has sex with him. He still complains about how bad his sex life is.
- A few months after I started, he began telling me how he frequents Asian massage parlors for the "happy endings." He brags about how the women there tell him how large his penis is.
- Dave constantly talks about how big my chest is and tries to look down my shirt. Shortly after I started at IFA, I began limiting what I wore to try and discourage this.
- On September 26, 2017, at an All Staff Meeting, I sat in the front row and was wearing a pink crew neck sweater. As I stretched my neck, Dave stared at my chest and said, "you can do that again."
- When we were in [REDACTED] for a conference [REDACTED], Dave kept asking me if my boob were real. He gestured across the bar, trying to get me to pull my shirt open and show him my breasts.
- [REDACTED] Dave insisted that a coworker and I go to [REDACTED] Casino with him even though he had been drinking excessively. Upon return, Dave kept trying to get me to come back to his room with him.
- On June [REDACTED] 2016 [REDACTED], Dave kept trying to get me to tell him
 - Where is the craziest place you've had sex?
 - What is your favorite position?
 - Tell me about the biggest cock you've ever had?

He asks these kinds of questions a lot, but I knew this date for sure.

- November [REDACTED] 2016 [REDACTED], he kept trying to get me to come into his hotel room.

- October 31, 2017, he made inappropriate comments about my [REDACTED] tshirt that I wore for Halloween.
- During a seven-hour car ride to the [REDACTED], 2018, he kept rubbing the back of my neck, again asking me about the best lover I ever had and the biggest cock I ever had. He was staring at my breasts so much I thought the car was going to go off the road. During the same trip, he made comments about [REDACTED], saying she looked good before but now that she's lost weight, Wow!
- Dave tells sexist and racist jokes and expects you to go along with them or else he treats you poorly. He turns everything anyone says into a sexual innuendo.
- He's told me, "I bet you're naughty," and "I bet you're so dirty."
- Dave has talked about using food items as part of sex. He once texted me a picture of an eggplant. I didn't understand why and he said it was like a penis.
- Dave talks about his sexual experiences, including repeated stories about an older, experienced lover who was kind of a hippie and really knew how to "go down on him."
- Dave talked to me about something he called a "Mandingo Party," where a white man hires a black man to have sex with his wife while he watches. He also showed me pictures. He's asked, "Have you ever had a big black one?"
- Dave makes sexual comments about women he sees or knows. It's hard to think of specifics because it's so common.
- Dave makes a gesture holding up his index finger and middle finger together, then rotates them in a circle. I understood this to mean he wanted to put his fingers inside my vagina.
- He also makes another gesture with his fingers he calls "The Shocker," implying putting fingers in both a woman's orifices.
- Dave is constantly pestering me and others to go out drinking with him. His behavior is worse when he drinks. He wants me to attend events with him that do not pertain to my job. It seems like every time I try and discuss a work issue, he ignores it and talks about sex instead.
- He knows what he's doing is sexual harassment and wrong. After he makes an offensive comment, he'll say, "I forgot, Matt Lauer told me not to say that" or "Did you hear, I hired the law firm of Lauer, Weinstein, and Franken to represent me?"

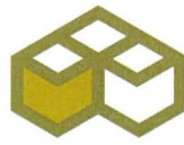
- Brian Crozier, our Chief Administrative Officer, recently reprimanded Dave for saying these things. Dave replied, "You must be allergic to a paycheck." I understood this to be a threat of retaliation.
- IFA's general Counsel Mark Thompson often tells Dave that he needs to stop it or be quiet.
- Dave made fun of the sexual harassment video we had to watch.
- Dave often comments, "You know you could sue me."

I've been doing my best to avoid Dave for months. On January 4, 2018, [REDACTED] he complained that I'm not "fun" anymore. He doesn't keep me in the loop as much as he did when I wasn't so hostile toward his behavior.

I know you're friends with Dave and I hate to put this on your shoulders, but I just can't take it anymore. I think DAS will just cover for him and I'll end up without a job. Please help me or tell me who to go to.

Thank you,

[REDACTED]



IOWA FINANCE AUTHORITY

FOR IMMEDIATE RELEASE

June 6, 2018

Contact:

Ashley Jared, Iowa Finance Authority
515-725-4934

Iowa Finance Authority Internal Review Updates

Financial and Sexual Harassment Review Status

(DES MOINES) – The Iowa Finance Authority today released updates in regards to internal reviews in process at the agency. The Iowa Finance Authority's Board of Directors engaged two firms to conduct separate reviews at their meeting on May 2, 2018. Eide Bailly LLP was engaged to conduct a financial review and attorney Mark Weinhardt was engaged to conduct a sexual harassment review.

"We want to be as transparent as possible throughout this process and will provide updates to the public as they are available," said Iowa Finance Authority Interim Executive Director Carolann Jensen. "The Iowa Finance Authority staff and Board of Directors are eager to receive the timely results of these reviews and implement any needed changes to strengthen our policies and move forward in serving Iowans."

Building Lease

The Iowa Finance Authority Board of Directors today requested that the Executive Director have an external review completed on the financial comparison of rehabilitating the current office location and the leasing of the building at 1963 Bell Ave. in Des Moines. This review will examine all available information on facility options and their associated expenses and is expected to be done promptly.

Financial Review – FY2016-To Date

Eide Bailly LLP was engaged to conduct a forensic accounting and internal control examination of the agency for fiscal years 2016-2017 and current year to date fiscal year 2018. Specific scope and internal controls examination items are detailed below:

- Review the policy and procedures manual for internal control processes over accounting functions.
- Examine specific expense reports, credit card expenditures, and supporting documentation.
- Examine Dave Jamison's discretionary spending via credit card or via company checking account.
- Examine specific use of PayPal for receipt handling and accompanying reconciliation documents.

Eide Bailly LLP has provided an update on the review and notes that interviews with staff have concluded as well as their investigation into the use of the agency's PayPal accounts. They continue to review accounting files and expect to issue the final report no later than mid-August 2018. The full status update is available [here](#).

Financial Review - State Auditor's Office

Representatives from the state auditor's office were onsite at the Iowa Finance Authority in May and are also currently reviewing accounting files.

Financial Review – Jan. 1, 2011-June 30, 2018

The Iowa Finance Authority will enter into a new contract with Eide Bailly LLP to meet the additional

financial review requirements passed by the Iowa Legislature in House File 2493, including a review of financials back to January 1, 2011.

Sexual Harassment Review

The Iowa Finance Authority Board of Directors engaged attorney Mark Weinhardt to conduct an investigation into the allegations of sexual harassment and the degree to which inappropriate conduct of David Jamison was known within the Authority or elsewhere within state government and the response or lack thereof to that conduct.

Mr. Weinhardt will be interviewing Iowa Finance Authority staff members, these interviews are expected to begin soon.

The investigation will include:

- The facts concerning and relevant to the conduct of former Iowa Finance Authority Executive Director David Jamison that led to the termination of his employment with the Authority
- Any incidents or conduct during Mr. Jamison's tenure as Executive Director that were similar in nature to the conduct that led to termination of his employment with the Authority; and
- The degree to which inappropriate conduct of Mr. Jamison was known within the Authority or elsewhere within state government and the response or lack thereof to that conduct.

This report will be submitted to the Iowa Legislature to fulfill requirement of House File 2493.

The Iowa Legislature created the Iowa Finance Authority in 1975 to undertake programs to assist in the attainment of housing for low- and moderate-income Iowans. Since then, the Iowa Finance Authority's role has grown to include 40 affordable housing, water quality and beginning farmer programs. The Iowa Finance Authority is a self-supporting public agency whose mission is to enhance the quality of life for Iowans.

###

House File 2493 - Enrolled

House File 2493

AN ACT

MAKING APPROPRIATIONS TO THE DEPARTMENT OF CULTURAL AFFAIRS, THE ECONOMIC DEVELOPMENT AUTHORITY, THE IOWA FINANCE AUTHORITY, THE PUBLIC EMPLOYMENT RELATIONS BOARD, THE DEPARTMENT OF WORKFORCE DEVELOPMENT, AND THE STATE BOARD OF REGENTS AND CERTAIN REGENTS INSTITUTIONS, AND PROPERLY RELATED MATTERS, AND INCLUDING EFFECTIVE DATE AND RETROACTIVE APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I
FY 2018-2019

Section 1. 2017 Iowa Acts, chapter 169, section 18, is amended to read as follows:

SEC. 18. DEPARTMENT OF CULTURAL AFFAIRS.

1. There is appropriated from the general fund of the state to the department of cultural affairs for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ADMINISTRATION

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions for the department:

.....	\$	84,318
		<u>168,637</u>
.....	FTEs	56.50

The department of cultural affairs shall coordinate activities with the tourism office of the economic development authority to promote attendance at the state historical building and at this state's historic sites.

Full-time equivalent positions authorized under this paragraph are funded, in full or in part, using moneys appropriated under this paragraph and paragraphs "c" through "g".

b. COMMUNITY CULTURAL GRANTS

For planning and programming for the community cultural grants program established under section 303.3:

..... \$ 86,045
172,090

c. HISTORICAL DIVISION

For the support of the historical division:

..... \$ ~~1,488,898~~
3,027,797

d. HISTORIC SITES

For the administration and support of historic sites:

..... \$ ~~213,199~~
426,398

e. ARTS DIVISION

For the support of the arts division:

..... \$ ~~596,094~~
1,217,188

Of the moneys appropriated in this paragraph, the department shall allocate ~~\$150,000~~ \$300,000 for purposes of the film office.

f. IOWA GREAT PLACES

For the Iowa great places program established under section 303.3C:

..... \$ ~~75,000~~
150,000

g. RECORDS CENTER RENT

For payment of rent for the state records center:

..... \$ ~~113,621~~
227,243

h. CULTURAL TRUST GRANTS

For grant programs administered by the Iowa arts council

including but not limited to those programs supporting the long-term financial stability and sustainability of nonprofit cultural organizations:

.....	\$	12,500
		<u>75,000</u>

2. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 2. 2017 Iowa Acts, chapter 169, section 20, is amended to read as follows:

SEC. 20. ECONOMIC DEVELOPMENT AUTHORITY.

1. APPROPRIATION

a. There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated in this subsection, and for not more than the following full-time equivalent positions:

.....	\$	6,700,000
		<u>13,413,379</u>
.....	FTEs	147.45

b. (1) For salaries, support, miscellaneous purposes, programs, marketing, and the maintenance of an administration division, a business development division, a community development division, a small business development division, and other divisions the authority may organize.

(2) The full-time equivalent positions authorized under this section are funded, in whole or in part, by the moneys appropriated under this subsection or by other moneys received by the authority, including certain federal moneys.

(3) For business development operations and programs, international trade, export assistance, workforce recruitment, and the partner state program.

(4) For transfer to a fund created pursuant to section 15.313 for purposes of financing strategic infrastructure projects.

(5) For community economic development programs, tourism

operations, community assistance, plans for Iowa green corps and summer youth programs, the mainstreet and rural mainstreet programs, the school-to-career program, the community development block grant, and housing and shelter-related programs.

(6) For achieving the goals and accountability, and fulfilling the requirements and duties required under this Act.

c. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in this subsection until the close of the succeeding fiscal year.

2. FINANCIAL ASSISTANCE RESTRICTIONS

a. A business creating jobs through moneys appropriated in subsection 1 shall be subject to contract provisions requiring new and retained jobs to be filled by individuals who are citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

b. Any vendor who receives moneys appropriated in subsection 1 shall adhere to such contract provisions and provide periodic assurances as the state shall require that the jobs are filled solely by citizens of the United States who reside within the United States or any person authorized to work in the United States pursuant to federal law, including legal resident aliens in the United States.

c. A business that receives financial assistance from the authority from moneys appropriated in subsection 1 shall only employ individuals legally authorized to work in this state. In addition to all other applicable penalties provided by current law, all or a portion of the assistance received by a business which is found to knowingly employ individuals not legally authorized to work in this state is subject to recapture by the authority.

3. USES OF APPROPRIATIONS

a. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of a grant to a community economic development entity for conducting

a local workforce recruitment effort designed to recruit former citizens of the state and former students at colleges and universities in the state to meet the needs of local employers.

b. From the moneys appropriated in subsection 1, the authority may provide financial assistance to early stage industry companies being established by women entrepreneurs.

c. From the moneys appropriated in subsection 1, the authority may provide financial assistance in the form of grants, loans, or forgivable loans for advanced research and commercialization projects involving value-added agriculture, advanced technology, or biotechnology.

d. The authority shall not use any moneys appropriated in subsection 1 for purposes of providing financial assistance for the Iowa green streets pilot project or for any other program or project that involves the installation of geothermal systems for melting snow and ice from streets or sidewalks.

4. WORLD FOOD PRIZE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount for the world food prize and in lieu of the standing appropriation in section 15.368:

.....	\$	200,000
		<u>400,000</u>

5. IOWA COMMISSION ON VOLUNTEER SERVICE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount for allocation to the Iowa commission on volunteer service for purposes of the Iowa state commission grant program, the Iowa's promise and Iowa mentoring partnership programs, and for not more than the following full-time equivalent positions:

.....	\$	84,100
		<u>168,201</u>
.....	FTEs	7.00

Of the moneys appropriated in this subsection, the authority shall allocate ~~\$37,500~~ \$75,000 for purposes of the Iowa state commission grant program and ~~\$46,600~~ \$93,201 for purposes of

the Iowa's promise and Iowa mentoring partnership programs.

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

6. COUNCILS OF GOVERNMENTS — ASSISTANCE

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount to be used for the purposes of providing financial assistance to Iowa's councils of governments:

..... \$ 87,500
200,000

6A. REGISTERED APPRENTICESHIP PROGRAM

There is appropriated from the general fund of the state to the economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount to be used for the funding of a registered apprenticeship development program designed to encourage small to midsize businesses to start or grow registered apprenticeships:

..... \$ 1,000,000

7. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS INTERNSHIPS

a. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the Iowa economic development authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, for the purposes designated:

For the funding of internships for students studying in the fields of science, technology, engineering, and mathematics with eligible Iowa employers as provided in section 15.411, subsection 3, paragraph "c":

..... \$ 500,000
1,000,000

b. No more than 3 percent of the moneys appropriated in this subsection may be used by the authority for costs associated with administration of the internship program.

c. Notwithstanding section 8.33, moneys appropriated in this subsection which remain unencumbered or unobligated at the end of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in subsequent fiscal years.

Sec. 3. 2017 Iowa Acts, chapter 169, section 21, is amended to read as follows:

SEC. 21. LIMITATIONS OF STANDING APPROPRIATIONS — FY 2018-2019. Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the amounts appropriated from the general fund of the state pursuant to these sections for the following purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):

.....	\$	208,351
		<u>448,403</u>

2. For the purposes of regional tourism marketing under section 99F.11, subsection 3, paragraph "d", subparagraph (2):

.....	\$	450,000
		<u>900,000</u>

Sec. 4. 2017 Iowa Acts, chapter 169, is amended by adding the following new section:

NEW SECTION. SEC. 21A. FINANCIAL ASSISTANCE REPORTING — ECONOMIC DEVELOPMENT AUTHORITY. The economic development authority and the department of revenue shall submit a joint annual report to the general assembly no later than November 1 of each year that details the amount of every direct loan, forgivable loan, tax credit, tax exemption, tax refund, grant, or any other financial assistance awarded to a person during the prior fiscal year by the authority under an economic development program administered by the authority. The report shall identify the county where the project associated with each such award is located.

Sec. 5. 2017 Iowa Acts, chapter 169, section 22, is amended to read as follows:

SEC. 22. INSURANCE ECONOMIC DEVELOPMENT. From the moneys

collected by the division of insurance in excess of the anticipated gross revenues under section 505.7, subsection 3, during the fiscal year beginning July 1, 2018, ~~\$50,000~~ \$100,000 shall be transferred to the economic development authority for insurance economic development and international insurance economic development.

Sec. 6. 2017 Iowa Acts, chapter 169, section 23, is amended to read as follows:

SEC. 23. IOWA FINANCE AUTHORITY.

1. There is appropriated from the general fund of the state to the Iowa finance authority for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used to provide reimbursement for rent expenses to eligible persons under the home and community-based services rent subsidy program established in section 16.55:

.....	\$	329,000
		<u>658,000</u>

~~2. If the Iowa finance authority utilizes a waiting list, the authority shall give priority to a person participating in the state's money follows the person partnership for community integration project who has been assigned to work with a transition specialist. Of the moneys appropriated in this section, not more than ~~\$17,500~~ \$35,000 may be used for administrative costs.~~

Sec. 7. 2017 Iowa Acts, chapter 169, section 25, is amended to read as follows:

SEC. 25. PUBLIC EMPLOYMENT RELATIONS BOARD.

1. There is appropriated from the general fund of the state to the public employment relations board for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, for the purposes designated:

For salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	671,226
		<u>1,492,452</u>
.....	FTEs	<u>10.00</u>

11.00

2. Of the moneys appropriated in this section, the board shall allocate ~~\$7,500~~ \$15,000 for maintaining an internet site that allows searchable access to a database of collective bargaining information.

Sec. 8. 2017 Iowa Acts, chapter 169, section 26, is amended to read as follows:

SEC. 26. DEPARTMENT OF WORKFORCE DEVELOPMENT. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, for the purposes designated:

1. DIVISION OF LABOR SERVICES

a. For the division of labor services, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,745,626
		<u>3,491,252</u>
.....	FTEs	61.12

b. From the contractor registration fees, the division of labor services shall reimburse the department of inspections and appeals for all costs associated with hearings under chapter 91C, relating to contractor registration.

2. DIVISION OF WORKERS' COMPENSATION

a. For the division of workers' compensation, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,629,522
		<u>3,309,044</u>
.....	FTEs	27.20

b. The division of workers' compensation shall charge a \$100 filing fee for workers' compensation cases. The filing fee shall be paid by the petitioner of a claim. However, the fee can be taxed as a cost and paid by the losing party, except in cases where it would impose an undue hardship or be unjust under the circumstances. The moneys generated by the filing fee allowed under this subsection are appropriated to the department of workforce development to be used for purposes of

administering the division of workers' compensation.

3. WORKFORCE DEVELOPMENT OPERATIONS

a. For the operation of field offices, the workforce development board, and for not more than the following full-time equivalent positions:

.....	\$	3,972,825
		<u>7,925,650</u>
.....	FTEs	187.75

b. Of the moneys appropriated in paragraph "a" of this subsection, the department shall allocate ~~\$75,000~~ \$150,000 to the state library for the purpose of licensing an online resource which prepares persons to succeed in the workplace through programs which improve job skills and vocational test-taking abilities.

4. OFFENDER REENTRY PROGRAM

a. For the development and administration of an offender reentry program to provide offenders with employment skills, and for not more than the following full-time equivalent positions:

.....	\$	143,579
		<u>337,158</u>
.....	FTEs	4.00
		<u>5.00</u>

b. The department of workforce development shall partner with the department of corrections to provide staff within the correctional facilities to improve offenders' abilities to find and retain productive employment.

5. INTEGRATED INFORMATION FOR IOWA SYSTEM

For the payment of services provided by the department of administrative services related to the integrated information for Iowa system:

.....	\$	114,411
		<u>228,822</u>

5A. SUMMER YOUTH INTERN PILOT PROGRAM

For the funding of a summer youth intern pilot program that will help young people at risk of not graduating from high school to explore and prepare for high-demand careers through summer work experience, including the development of soft skills:

..... \$ 250,000

5B. FUTURE READY IOWA COORDINATOR

For the funding of a future ready Iowa coordinator in the department, and for not more than the following full-time equivalent positions:

..... \$ 150,000

..... FTEs 1.00

6. NONREVERSION

Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 9. 2017 Iowa Acts, chapter 169, section 27, is amended to read as follows:

SEC. 27. GENERAL FUND — EMPLOYEE MISCLASSIFICATION PROGRAM. There is appropriated from the general fund of the state to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For enhancing efforts to investigate employers that misclassify workers and for not more than the following full-time equivalent positions:

..... \$ ~~214,815~~

379,631

..... FTEs 5.00

Sec. 10. 2017 Iowa Acts, chapter 169, section 28, is amended to read as follows:

SEC. 28. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

1. There is appropriated from the special employment security contingency fund to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, to be used for field offices:

..... \$ ~~883,042~~

1,766,084

2. Any remaining additional penalty and interest revenue collected by the department of workforce development is

appropriated to the department for the fiscal year beginning July 1, 2018, and ending June 30, 2019, to accomplish the mission of the department.

Sec. 11. 2017 Iowa Acts, chapter 169, section 29, is amended to read as follows:

SEC. 29. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD OFFICES. Notwithstanding section 96.9, subsection 8, paragraph "e", there is appropriated from interest earned on the unemployment compensation reserve fund to the department of workforce development for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amount, or so much thereof as is necessary, for the purposes designated:

For the operation of field offices:

..... \$ 530,000
1,600,000

Sec. 12. 2017 Iowa Acts, chapter 169, section 32, is amended to read as follows:

SEC. 32. IOWA SKILLED WORKER AND JOB CREATION FUND.

1. There is appropriated from the Iowa skilled worker and job creation fund created in section 8.75 to the following departments, agencies, and institutions for the fiscal year beginning July 1, 2018, and ending June 30, 2019, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. ECONOMIC DEVELOPMENT AUTHORITY

(1) For the purposes of providing assistance under the high quality jobs program as described in section 15.335B:

..... \$ 7,950,000
13,650,000

(2) From the moneys appropriated in this lettered paragraph "a", the economic development authority may use not more than ~~\$500,000~~ \$1,000,000 for purposes of providing infrastructure grants to mainstreet communities under the main street Iowa program.

(3) As a condition of receiving moneys appropriated in this lettered paragraph "a", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

b. STATE BOARD OF REGENTS AND REGENTS INSTITUTIONS

(1) STATE BOARD OF REGENTS. For capacity building infrastructure in areas related to technology commercialization, marketing and business development efforts in areas related to technology commercialization, entrepreneurship, and business growth, and infrastructure projects and programs needed to assist in implementation of activities under chapter 262B:

..... \$ ~~1,500,000~~
3,000,000

Of the moneys appropriated pursuant to this subparagraph (1), 35 percent shall be allocated for Iowa state university of science and technology, 35 percent shall be allocated for the state university of Iowa, and 30 percent shall be allocated for the university of northern Iowa.

(a) The institutions shall provide a one-to-one match of additional moneys for the activities funded with moneys appropriated under this subparagraph (1).

(b) The state board of regents shall annually submit a report by January 15 to the governor, the general assembly, and the legislative services agency regarding the activities, projects, and programs funded with moneys appropriated under this subparagraph (1). The report shall be provided in an electronic format and shall include a list of metrics and criteria mutually agreed to in advance by the board of regents and the economic development authority. The metrics and criteria shall allow the governor's office and the general assembly to quantify and evaluate the progress of the board of regents institutions with regard to their activities, projects, and programs in the areas of technology commercialization, entrepreneurship, regional development, and market research.

(2) IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. For small business development centers, the science and technology research park, and the center for industrial research and service, and for not more than the following full-time equivalent positions:

..... \$ ~~1,212,151~~
2,424,302
..... FTEs 56.63

(a) Of the moneys appropriated in this subparagraph

(2), Iowa state university of science and technology shall allocate at least ~~\$367,864~~ \$735,728 for purposes of funding small business development centers. Iowa state university of science and technology may allocate the appropriated moneys to the various small business development centers in any manner necessary to achieve the purposes of this subparagraph.

(b) Iowa state university of science and technology shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(c) It is the intent of the general assembly that the industrial incentive program focus on Iowa industrial sectors and seek contributions and in-kind donations from businesses, industrial foundations, and trade associations, and that moneys for the center for industrial research and service industrial incentive program shall be allocated only for projects which are matched by private sector moneys for directed contract research or for nondirected research. The match required of small businesses as defined in [section 15.102, subsection 8](#), for directed contract research or for nondirected research shall be \$1 for each \$3 of state funds. The match required for other businesses for directed contract research or for nondirected research shall be \$1 for each \$1 of state funds. The match required of industrial foundations or trade associations shall be \$1 for each \$1 of state funds.

Iowa state university of science and technology shall report annually to the joint appropriations subcommittee on economic development and the legislative services agency the total amount of private contributions, the proportion of contributions from small businesses and other businesses, and the proportion for directed contract research and nondirected research of benefit to Iowa businesses and industrial sectors.

(3) STATE UNIVERSITY OF IOWA. For the state university of Iowa research park and for the advanced drug development program at the Oakdale research park, including salaries, support, maintenance, equipment, and miscellaneous purposes, and for not more than the following full-time equivalent

positions:

.....	\$	104,639
		<u>209,279</u>
.....	FTEs	6.00

The state university of Iowa shall do all of the following:

(a) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(b) Provide emphasis to providing services to Iowa-based companies.

(4) STATE UNIVERSITY OF IOWA. For the purpose of implementing the entrepreneurship and economic growth initiative, and for not more than the following full-time equivalent positions:

.....	\$	1,000,000
		<u>2,000,000</u>
.....	FTEs	8.00

(5) UNIVERSITY OF NORTHERN IOWA. For the metal casting ~~institute center~~, the MyEntreNet internet application, and the institute ~~of~~ for decision making, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	533,209
		<u>1,066,419</u>
.....	FTEs	8.12

(a) Of the moneys appropriated pursuant to this subparagraph (5), the university of northern Iowa shall allocate at least ~~\$308,819~~ \$617,638 for purposes of support of entrepreneurs through the university's center for business growth and innovation and advance Iowa program.

(b) The university of northern Iowa shall do all of the following:

(i) Direct expenditures for research toward projects that will provide economic stimulus for Iowa.

(ii) Provide emphasis to providing services to Iowa-based companies.

(6) As a condition of receiving moneys appropriated in this lettered paragraph "b", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

c. DEPARTMENT OF WORKFORCE DEVELOPMENT

To develop a long-term sustained program to train unemployed and underemployed central Iowans with skills necessary to advance to higher-paying jobs with full benefits:

.....	\$	50,000
		<u>100,000</u>

(1) The department of workforce development shall begin a request for proposals process, issued for purposes of this lettered paragraph "c", no later than September 1, 2018.

(2) As a condition of receiving moneys appropriated under this lettered paragraph "c", an entity shall testify upon the request of the joint appropriations subcommittee on economic development regarding the expenditure of such moneys.

2. Notwithstanding section 8.33, moneys appropriated in this section of this Act that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

DIVISION II

UNEMPLOYMENT INSURANCE SYSTEMS MODERNIZATION

Sec. 13. AUTHORIZATION OF USE OF FUNDS — UNEMPLOYMENT INSURANCE SYSTEMS MODERNIZATION. Incentive payment funds made to the state pursuant to the federal Assistance for Unemployed Workers and Struggling Families Act, Pub. L. No. 111-5, enacted February 17, 2009, as a special transfer under section 903 of the Social Security Act, may be used up to \$39,200,000, or so much thereof as may be necessary, by the department of workforce development, for the purpose of unemployment insurance systems modernization and for the acquisition of programming, software, and equipment required to provide an administrative system for the Iowa unemployment insurance program.

Sec. 14. REPEAL. 2017 Iowa Acts, chapter 169, section 15, is repealed.

Sec. 15. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 16. RETROACTIVE APPLICABILITY. The following applies retroactively to July 1, 2017:

The section of this division of this Act relating to

unemployment insurance systems modernization.

DIVISION III

INDEPENDENT INVESTIGATION OF IOWA FINANCE AUTHORITY

Sec. 17. FINANCIAL AND SEXUAL HARASSMENT INVESTIGATIONS OF IOWA FINANCE AUTHORITY. The independent investigators who have been selected to conduct an investigation of the Iowa finance authority shall each submit a report with a summary of the results of the independent investigator's investigation to the general assembly no later than December 1, 2018. The financial investigation shall include an analysis of all expenses reimbursed by the state to the former director of the authority and all employees of the authority for the period January 1, 2011, through June 30, 2018. Such expenses shall include all travel, lodging, meals, beverages, personal services, entertainment, office expenses, and all other expenditures not included in the authority's budget. The financial investigation shall also include an analysis of any personal financial or other personal accounts used by the former authority director or any employee of the authority to collect agency fees or other moneys collected by the authority. The sexual harassment investigation shall include a review of any conduct of current and former authority employees in violation of a state human resources policy or an authority personnel policy that is related to the termination of the former director of the authority.

DIVISION IV

MISCELLANEOUS

Sec. 18. Section 8.57, subsection 5, paragraph f, subparagraph (1), subparagraph division (c), Code 2018, is amended to read as follows:

(c) (i) For the fiscal year beginning July 1, 2013, and for each fiscal year thereafter through the fiscal year beginning July 1, 2017, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next sixty-six million dollars shall be deposited in the Iowa skilled worker and job creation fund created in section 8.75.

(ii) For the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next

sixty-three million seven hundred fifty thousand dollars shall be deposited in the Iowa skilled worker and job creation fund created in section 8.75.

Sec. 19. Section 8.57, subsection 5, paragraph f, subparagraph (1), Code 2018, is amended by adding the following new subparagraph division:

NEW SUBPARAGRAPH DIVISION. (0d) For the fiscal year beginning July 1, 2018, and for each fiscal year thereafter, of the wagering tax receipts received pursuant to sections 99D.17 and 99F.11, the next two million two hundred fifty thousand dollars shall be deposited in the general fund of the state.

Sec. 20. Section 8.57, subsection 5, paragraph f, subparagraph (1), subparagraph division (d), Code 2018, is amended to read as follows:

(d) For the fiscal year beginning July 1, ~~2013~~, 2018, and for each fiscal year thereafter, the total moneys in excess of the moneys deposited under this paragraph "f" in the revenue bonds debt service fund, the revenue bonds federal subsidy holdback fund, the vision Iowa fund, and the Iowa skilled worker and job creation fund, and the general fund of the state shall be deposited in the rebuild Iowa infrastructure fund and shall be used as provided in this section, notwithstanding section 8.60.

Sec. 21. Section 96.5, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 13. *Overpayment resulting in disqualification.* If the department finds that an individual has received benefits by reason of misrepresentation pursuant to section 96.16, such individual shall be disqualified for benefits until the balance of the benefits received by the individual due to misrepresentation, including all penalties, interest, and lien fees, is paid in full.

Sec. 22. NEW SECTION. 507E.2A Definition of insurer — workers' compensation.

As used in this chapter, unless the context otherwise requires:

1. "Insurance" means any and all contracts, arrangements, and agreements by or through which one party, for compensation, assumes risks of another party and promises to pay the second

party or the second party's nominee a certain or ascertainable sum of money on the occurrence of a specified contingency. "Insurance" includes any and all contracts, arrangements, or agreements contemplated by, falling within, and coming under section 87.11. Without limiting the foregoing, "insurance" includes any contract of insurance, indemnity, subscription, membership, suretyship, or annuity that has been issued, is proposed for issuance, or is intended for issuance by any person or entity.

2. "Insurer" includes an insurer that issues a policy of workers' compensation, a self-insured business for purposes of workers' compensation liability, or a group or self-insured plan as described in section 87.4.

LINDA UPMEYER
Speaker of the House

CHARLES SCHNEIDER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2493, Eighty-seventh General Assembly.

CARMINE BOAL
Chief Clerk of the House

Approved _____, 2018

KIM REYNOLDS
Governor

State of Iowa Employee Handbook



IOWA

July 2017

Issued by:

Iowa Department of Administrative Services – Human Resources Enterprise

C. SEXUAL HARASSMENT

Sexual harassment is a violation of both federal and state statute. Harassment on the basis of sex is a violation of Section 703 Title VII of the Civil Rights Act of 1964 (42 U.S.C. Sec. 2000e et seq.) as amended and Iowa Code sections 19B.12 and 216. Sexual harassment based on real or perceived sexual orientation or gender identity is a violation of Iowa Code chapter 216.

"Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

Within Iowa Code section 19B.12, "sexual harassment means persistent, repetitive, or highly egregious conduct directed at a specific individual or group of individuals that a reasonable person would interpret as intentional harassment of a sexual nature, taking into consideration the full context in which the conduct occurs, which conduct threatens to impair the ability of a person to perform the duties of employment, or otherwise function normally within an institution responsible for the person's care, rehabilitation, education, or training."

Examples of sexual harassment, in addition to discriminatory harassment previously described, include, but are not limited to:

1. Unwelcome sexual advances.
2. Hostile conduct based on the person's sex, sexual orientation, or gender identity.
3. Requesting or offering sexual favors in return for job benefits.
4. Actions such as cornering, patting, pinching, touching or brushing against another person's body that are sexual in nature.
5. Open speculation or inquiries about another person's sex life.
6. Jokes, remarks, or innuendos that are sexual in nature or based on real or perceived sexual orientation or gender identity about another person, or about men or women in general.
7. Displaying sexually explicit material in the work place.
8. Conditioning work benefits on submission to sexual advances, tolerance of a sexually hostile work environment or giving preferential treatment because of another person's submission to sexual advances, or tolerance of a sexually hostile work environment.

Sexual harassment can take place between (a) any two state employees, (b) a state employee and a non-state employee, including contractors, and (c) between a state employee and a visitor, guest, client, patient, inmate, or resident.

D. DISCRIMINATORY PRACTICES IN VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990

A person with a disability is a person who has a physical or mental impairment that substantially limits a "major life activity," or has a record of such impairment, or is regarded as having such impairment. "Major life activities" include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

A “qualified” person with a disability is one who meets the legitimate job requirements and is able to perform the essential function of the position with or without reasonable accommodations and without being a direct threat to the health or safety of themselves or others. Essential functions are absolute requirements for producing critical job results/outputs. Essential, by definition, means indispensable, vital, necessary, or related to the essence of the job. It does not include marginal functions or duties performed. As such, departments are not required to provide reasonable accommodations that would result in fundamental alterations in the nature of the work to be performed.

The State of Iowa and its departments, agencies and other instrumentalities and all their employment practices, services and programs shall comply with the requirements of the ADA. The ADA requires, in part, that the State of Iowa:

1. Make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless fundamental alteration in the program or an undue hardship would result.
2. May not refuse to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability.
3. Provide programs and services in an integrated setting unless separate or different measures are necessary to ensure equal opportunity.
4. Prohibit requirements that tend to screen out individuals with disabilities, such as requiring a driver’s license as the only acceptable means of identification.
5. Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy their services, programs or activities unless “necessary” to the provisions of the services, program or activity.
6. Impose safety requirements only when they are necessary for the safe operation of the program in question, such as requirements for eligibility for drivers’ licenses if they are based on actual risks and not on mere speculation, stereotypes, or generalizations about individuals with disabilities.
7. Ensure that individuals with disabilities are not excluded or limited from participation in services, programs, and activities because buildings are inaccessible.
8. Provide services, programs, and activities offered in the facility to persons with disabilities through alternative methods, if physical barriers are not removed.

E. COMPLAINT REPORTING PROCEDURE

Any person who feels that he or she has been denied an employment opportunity or has had the terms and conditions of their employment adversely affected because of race, creed, color, religion, sex, national origin, age, physical or mental disability, sexual orientation or gender identity has the right and is encouraged, to file a complaint with the person’s department, pursuant to the department’s complaint procedure. A person may also file a complaint with the Iowa Civil Rights Commission or the appropriate federal enforcement agency. (For sexual orientation or gender identity, protection is offered under the State of Iowa statute only.)

There shall be no discrimination or retaliation against an individual because he or she files a complaint or who aids another individual in filing a complaint. An employee who has reason to believe that he or she has been retaliated against because of participation in an investigation of a discrimination complaint may also file a charge with the Iowa Department of Administrative Services – Human Resources Enterprise, the Iowa Civil Rights Commission, or the U.S. Equal Employment Opportunity Commission, whichever is appropriate.

Any person who believes that she or he has been the victim of discrimination under this section, or who has a concern about potential violations of this section, is directed to bring the matter to the attention of his or her immediate supervisor, appointing authority, or their designees, in accordance with the department’s established complaint procedure. If the concern or complaint involves the employee’s immediate supervisor, the employee is encouraged to file the concern or complaint with the next highest supervisor, or, in the alternative, to the Director of the Iowa Department of Administrative Services.

Department directors shall promptly investigate all complaints. Each agency shall take final agency action in response to a complaint. Corrective action shall be taken immediately to remedy violations of this policy, whenever warranted, up to and including the discharge of parties whose conduct violates this policy. A manager or supervisor who fails to properly act upon complaints or who has personal knowledge of a violation of this policy and fails to take appropriate action shall be subject to disciplinary action up to and including discharge. The director for the Iowa Department of Administrative Services shall assist departments and agencies with this responsibility. When applicable, state officials and employees shall cooperate fully with all appropriate individuals in the investigation of violations of this policy in order to create and maintain a workplace free from discrimination and discriminatory harassment.

A person, other than a state employee, who is the victim of discrimination prohibited under this policy, shall report the incident immediately to the director of the department affected or to the director of the Iowa Department of Administrative Services.

The Iowa Department of Administrative Services shall have the authority to conduct an investigation of practices prohibited under this policy or supervise the investigation conducted by the agency implicated when the agency director has determined that the investigation is necessary and consistent with the intent of this policy or when the complaint involves allegations of systematic discrimination.

Individuals needing assistance may also contact the Department of Administrative Services – Human Resources Enterprise, Hoover Building, Level A, Des Moines, Iowa 50319. Phone: 515-281-3087 or dashre.info@iowa.gov.

F. ASSIGNMENT OF RESPONSIBILITIES

The director of the Department of Administrative Services shall be designated as the State Affirmative Action Administrator, as required in Iowa Code chapter 19B.3 and shall be “Responsible for the administration and promotion of equal opportunity and affirmative action efforts in the recruitment, appointment, assignment, and advancement of personnel by all state agencies except the state board of regents and the institutions under its jurisdiction.”

Appendix F: Violence-Free Workplace Policy

State of Iowa

VIOLENCE-FREE WORKPLACE POLICY FOR EXECUTIVE BRANCH EMPLOYEES

NOTIFICATION AND EFFECTIVE DATE

All executive branch employees (herein “employees”) are required to read this revised Violence-Free Workplace Policy, and will be expected to sign an Acknowledgement indicating the Policy was read and fully understood by the employee. This Policy is being issued on July 1, 2017.

I. POLICY STATEMENT

The State of Iowa is committed to providing a work environment free from threats, intimidation, harassment, and acts of violence against the public, vendors, clients, customers, and employees. The State of Iowa further establishes, as its vision, all of its officials and employees will treat each other and those they serve with courtesy, dignity, and respect.

Accordingly, the State of Iowa is committed to:

1. Preventing violence in the work environment,
2. Providing resources and complaint resolution procedures for employees who experience or encounter violence in the work environment, and
3. Maintaining a respectful work environment which promotes positive conflict resolution.

II. PROHIBITIONS

- A. Employees are prohibited from the possession, sale, transfer, or use of any dangerous weapon while engaged in state business.

This prohibition shall not apply to peace officers and other state employees who have been issued professional weapons permits by the Commissioner of the Department of Public Safety for use by these employees when acting under the authority of their agency. Further, this policy is not intended to restrict employees who live in state owned housing from the legal possession of weapons in their homes, if allowed by the appointing authority. This policy is not intended to restrict state employees from engaging in legal hunting and recreational activities on state owned property during off-duty hours.

- B. Employees are prohibited from engaging in harassment of the public, vendors, clients, customers, and employees in accordance with the State of Iowa's Equal Opportunity, Affirmative Action and Anti-Discrimination Policy.
- C. Employees are prohibited from engaging in violence towards the public, vendors, clients, customers, and employees. Violence is defined as the actual or threatened use

of physical force, actions, or verbal or written statements which either results in or is likely to result in physical or mental pain or injury to another person, group of persons, or damage to property. Violence may be a single occurrence or it may be a pattern of behavior which intimidates, degrades, or offends another person or a group of persons.

III. AFFIRMATIVE DUTIES

- A. An employee who is the victim of workplace violence shall report the incident immediately in accordance with the procedures established by this policy.
- B. An employee witnessing workplace violence or the potential for such violence directed at another person or property of the state, shall report such incidents in accordance with the procedures established by this policy.
- C. When applicable, state officials and employees shall cooperate fully with all appropriate individuals in the investigation and prosecution of criminal acts, this policy, and the pursuit of any civil remedies in order to create and maintain a violence-free workplace.

IV. REPORTING PROCEDURES

Any employee who has been the victim of workplace violence, who witnesses workplace violence, or who believes there is the potential for workplace violence to occur shall notify the Iowa Department of Administrative Services—Human Resource Enterprise Employee Relations. Employees who believe this policy has been violated may file a complaint directly with Employee Relations using Employee Complaint form #552-0318 available on the Iowa Department of Administrative website at the following link:

https://das.iowa.gov/sites/default/files/hr/documents/M-0318_Complaint_Form_fillable.pdf.

Alternatively, employees may notify their management in accordance with their agency's established complaint procedure. All complaints filed in accordance with the agency's complaint procedure shall be forwarded to the Iowa Department of Administrative Services—Human Resource Enterprise Employee Relations within 48 hours of receipt of the complaint.

Iowa Department of Administrative Services—Human Resources Enterprise Employee Relations will promptly investigate all complaints.

In the event of a situation requiring intervention by law enforcement personnel, the appropriate law enforcement agency should be contacted immediately.

VI. REMEDIES FOR POLICY VIOLATIONS

Corrective action will be taken to remedy violations of this policy when warranted, up to and including the discharge of parties whose conduct violates this policy.

Any manager or supervisor who fails to properly act upon employee complaints or on personal knowledge of conduct in violation of this policy shall be subject to disciplinary action up to and including discharge.

Issued August 1, 1996 – Revised November 17, 2014; July 1, 2017.

FACTORS RELATING TO YOUR COMPLAINT (continued)

7. Do you believe you were discriminated against because of your national origin?
If yes, what is your national origin? _____ No Yes
8. Do you believe you were discriminated against because of your sex?
If yes, what is your sex? _____ No Yes
9. Do you believe you were discriminated against because of your sexual orientation?
If yes, what is your sexual orientation? _____ No Yes
10. Do you believe you were discriminated against because of your gender identity?
If yes, what is your gender identity? _____ No Yes
11. Do you believe you were discriminated against because of a disability (documented or perceived)?
If yes, what is your disability? _____ No Yes
Is your disability documented or perceived? _____
12. Do you believe you were discriminated against because of your religion or creed?
If yes, what is your religion or creed? _____ No Yes
13. Do you believe you were discriminated against because of your pregnancy or pregnancy-related issues? If yes, please provide the date span of your pregnancy? _____ No Yes
14. Do you believe you were discriminated against because of your age?
If yes, what is your birth date? _____ No Yes
15. Do you believe you were harassed based on a protected class?
If yes, which protected class? _____ No Yes
16. Do you believe you were retaliated against for previously filing a complaint of discrimination, harassment or retaliation to anyone within the State of Iowa or participating in any State investigation of discrimination, harassment or retaliation? No Yes

If yes, please provide:

- The date of complaint _____
- The name of the Complainant on the report _____
- The Name, Title and Agency of all persons you believe retaliated against you _____

17. Do you believe there has been a violation of the Violence-Free Workplace Policy? No Yes
-

Employee Name _____ Date _____

COMPLAINT DETAILS

To the best of your ability, include each event (with dates) that occurred, the name of the person you believe discriminated, harassed or retaliated against you or violated the Violence-Free Workplace Policy and each person who may have witnessed the event (with their job title). Please attach additional pages if needed. Be sure that your summary reflects the basis you previously identified as the reason for any actions taken.

(Attach additional pages if necessary)

ACKNOWLEDGEMENT

To investigate your complaint, it will be necessary to interview you, the alleged harasser(s), and any witnesses with knowledge of the allegations or defenses. All persons involved in the investigation will be notified that the investigation is considered confidential and any unauthorized disclosure of information concerning the investigation could result in disciplinary action, up to and including termination of employment.

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the DAS-HRE Employee Relations investigators deem relevant.

X _____
Signature

Date

FORM SUBMISSION

Send via Fax to: (515) 242-6450

Or

Mail to:

DAS/HRE
Attn: Employee Relations
Hoover Building
1305 Walnut Street, Level A
Des Moines, Iowa 50319.

NOTICE: This form requests Personal Identifying Information (PII). It is not recommended that PII be transmitted through the State of Iowa email system. If you choose to send the information through the State of Iowa email system please be advised that the PII may be inadvertently disclosed through requests for information under FOIA.



STATE EMPLOYEE GRIEVANCE FILING INSTRUCTIONS

State employees must use the attached grievance form to file a grievance regarding: (1) merit-covered employee discipline, and/or (2) an alleged violation of a provision of Iowa Code Chapter 8A, Subchapter IV, or the Department of Administrative Services' Administrative (DAS) rules implementing Subchapter IV.

If the nature of the grievance involves the disciplinary suspension, reduction in pay within grade, demotion or discharge of a merit-covered employee, the grievance **may be submitted directly to Step 3** as noted below. All other grievances must begin at Step 1 of the grievance procedure. The maximum time periods indicated below at any of the three steps of the grievance procedure may be extended when mutually agreed to in writing by both parties.

The procedure and timelines for grievances are set forth below:

Step 1:

- Employees may initiate a grievance by completing the attached form and submitting it to their immediate supervisor within **14 calendar days** following the date the employee first became aware, or with exercise of reasonable diligence should have become aware, of the grievance issue.
- The immediate supervisor (or designee) shall within **14 calendar days** after the date the grievance is received provide a response to the employee with a copy to DAS (HRE-LRT.Coordinator@iowa.gov) regarding the disposition of the grievance.

Step 2:

- The employee may within **7 calendar days** from the date the Step 1 response is received, or should have been received, file the grievance with the appointing authority's designee.
- The appointing authority designee shall within **14 calendar days** after grievance is received provide a response to the employee, with a copy to DAS (HRE-LRT.Coordinator@iowa.gov), by affirming, modifying, or reversing the Step 1 response, or otherwise grant appropriate relief.

Step 3:

- The employee may within **7 calendar days** after the Step 2 response is received, or should have been received, file the grievance with DAS (*This form may be emailed to HRE-LRT.Coordinator@iowa.gov, faxed to 515-281-0753, hand delivered to DAS-HRE, or mailed to: Iowa Department of Administrative Services – Human Resources Enterprise, LRT-Coordinator, 1305 East Walnut, 3rd Floor, Des Moines, Iowa 50319*).
- Within **30 calendar days** after the day the grievance is received, the DAS Director or DAS Director's designee shall provide a response by affirming, modifying, or reversing the Step 2 response, or otherwise grant appropriate relief.
- An employee may, within 30 calendar days from the date the Step 3 response was or should have been issued, submit an appeal to the Iowa Public Employment Relations Board.



STATE EMPLOYEE GRIEVANCE FORM

Name of Employee (Grievant): _____

Department: _____ Classification: _____

Work Unit: _____ Immediate Supervisor: _____

Work Address: _____

(City, State & Zip Code)

Work Phone Number: _____

Home Address: _____

(City, State & Zip Code)

Home/Cell Phone Number: _____

Email Address: _____

Employee Position Merit Coverage (check the appropriate box)

The employee's position is covered by the merit system

The employee's position is not covered by the merit system

If this issue involves the provision of Iowa Code Chapter 8A, Subchapter IV, or DAS Administrative Rules implementing Subchapter IV, please specifically identify the provision(s) at issue: _____

Check this box if the issue involves disciplinary suspension, demotion, discharge, or reduction of pay within grade of a merit system covered employee with permanent status.

Grievances involving the disciplinary suspension, demotion, discharge, or reduction of pay within grade of merit-covered employees may be submitted to directly to DAS-HRE. All other grievances must begin at step 1 of the grievance procedure. For grievance submission details, please see page 2 of this form.

State the issue involved and the date the incident took place: _____

Remedy Requested:

Date: _____ Employee's Signature: _____



STATE EMPLOYEE GRIEVANCE FORM

STEP 1 RESPONSE

Supervisor (or Designee) Signature: _____

Date Received: _____ Date Answered: _____

Date the Response was Provided to Grievant: _____

Disposition of Grievance: _____

Note: A copy of the Step 1 response **must be** sent to the DAS HRE-LRT Coordinator at HRE-LRT.Coordinator@iowa.gov.

STEP 2 RESPONSE

Appointing Authority Designee Signature: _____

Date Received: _____ Date Answered: _____

Date the Response was Provided to Grievant: _____

Disposition of Grievance: _____

Note: A copy of the Step 2 response **must be** sent to the DAS HRE-LRT Coordinator at HRE-LRT.Coordinator@iowa.gov.

STEP 3 RESPONSE

DAS-HRE Representative's Signature: _____

Date Received: _____ Date Answered: _____

Date the Response was Provided to Grievant: _____

Disposition of Grievance: (see attached Step 3 State Employee Grievance Response)

This form may be emailed to HRE-LRT.Coordinator@iowa.gov, faxed to 515-281-0753 (DAS HRE-LRT Coordinator), hand delivered to DAS-HRE, or mailed to: Iowa Department of Administrative Services – Human Resources Enterprise, LRT-Coordinator, 1305 East Walnut, 3rd Floor, Des Moines, Iowa 50319.

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 10, 2018
RE: Interview of Lori Beary

On July 13, 2018, David Fautsch and Elisabeth Archer conducted an interview of Lori Beary, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Fautsch conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Fautsch giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Ms. Beary is the Community Development Director at IFA. She began working for IFA in October of 2000 and is IFA’s longest serving employee. In her current position, she manages the State Revolving Fund which provides low-interest loans for water and sewer projects. Additionally, she manages the single-family housing program. Ms. Beary has been a member of the Executive Leadership Team (the “ELT”) for three years since July of 2015. During Ms. Beary’s time with IFA she has been under the tenure of four different Executive Directors.

Ms. Beary said that when David Jamison first began at IFA, he sat down with all of the employees and asked them to explain their programs. She said that he seemed to realize that finance was not in his wheelhouse. When asked to describe Mr. Jamison’s leadership style, she said, “Whatever the opposite of a micromanager was, that was him.” She said he was very hands-off. Ms. Beary said she had very little communication with Mr. Jamison; she rarely received emails from him and would essentially just see him in the hallway. She would see him once a week at meetings of the ELT and quarterly at meetings relating to the Entrepreneurial Operating System program IFA was implementing. Mr. Jamison had a hands-off approach at these meetings. By the time Ms. Beary joined the ELT, there was a policy that phones could not be out during the meetings. She heard that this was quite a change from previous ELT meetings where Mr. Jamison was constantly playing on his phone.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061568.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

Ms. Beary said that she traveled with Mr. Jamison during his time at IFA, but never in a vehicle with him. She attended some of the same conferences as Mr. Jamison and she observed that Mr. Jamison tended to go to receptions, dinners, and other social parts of conferences, but did not attend the actual sessions and meetings. She said that Mr. Jamison had 11 IFA employees attend the National Conference of State Housing Agencies annual conference last year, which never would have happened under other directors.

Ms. Beary was not the victim of any inappropriate conduct by Mr. Jamison. She noted that she had witnessed Mr. Jamison engaging in middle-school humor every once and a while and she said that when he would make these sorts of jokes she would roll her eyes. She believes that Mr. Jamison said “stupid things” to get a reaction and that he just had an inability to read people and was socially unaware. When asked about specific inappropriate jokes or comments that she heard Mr. Jamison make, Ms. Beary spoke of a time after Tara Lawrence had arrived back at work following her honeymoon in Hawaii. They were at an ELT meeting and people were inquiring as to what Ms. Lawrence and her husband did on their vacation. Mr. Jamison retorted, “They didn’t actually see or do anything, they spent the whole time in bed.” On other occasions, Mr. Jamison would make off-handed comments, like, “Matt Lauer told me to say that.” She said that Mr. Jamison would begin the meetings of the ELT by asking, “Why are you all here?”

Ms. Beary said that no one ever reported to her that Mr. Jamison was doing anything to make them uncomfortable. She said that people would generally comment that Mr. Jamison was unprofessional and gave IFA a bad reputation. She also said that Mr. Jamison “had his favorites” at IFA. She said for some people, like herself, it was fine that they were not one of his favorites. She said that “the favorites” would go to conference receptions together and then would go out for drinks afterwards and she thinks this is why they were Mr. Jamison’s favorites. She named the three people that came to her mind as Mr. Jamison’s favorites: Wes Peterson, Brian Crozier, and Ms. Lawrence.

Ms. Beary said that Mr. Jamison used to send around emails on Friday afternoon asking if anyone wanted to go out for drinks after work. She said that she went a few times but then the invitations stopped. She suspects he started going out with a new group of people. Mr. Jamison likes to drink she said and his preference is scotch. She said he was friendlier when he was drinking; he was not a mean drunk. When Ms. Beary first heard about Mr. Jamison’s termination, she honestly thought it was related to alcohol. She

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061568.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

suspected that he got an OWI or something; she was surprised that it was related to sexual harassment as she had not heard about anything like this around IFA.

When asked who a sexual harassment victim should have made a report to during Mr. Jamison's tenure, Ms. Beary responded that there were several women on the ELT that would have been good people to report harassment to. She said the women in leadership talked after the letter to Governor Reynolds was public and they were all surprised that no one had come to them to report this behavior. Ms. Beary said if she personally had experienced this behavior, she would have reported it to Carolann Jensen. When asked who the biggest supporters or protectors of Mr. Jamison were, she said that she wouldn't say "supporter" necessarily, but she would say Mr. Crozier was "chummier" than others with Mr. Jamison. Overall, she said that IFA employees were surprised by Mr. Jamison's termination, but she reported that things are going well under Ms. Jensen's tenure as Interim Executive Director.

In Ms. Beary's opinion, Mr. Jamison was not a competent director. She described the environment at IFA as chaotic because while Mr. Jamison was hands-off 99% of the time, and there was 1% of the time that he would try to insert himself into the process even though he did not know anything about the organization. She said that Mr. Jamison added a lock to his office door which she thought was crazy because IFA is a state agency. She said that the lock "just implies stay out." Ms. Beary said that when Mr. Jamison was at the helm, IFA's culture was one of "ins and outs" and that culture has really changed since his termination. She did note however, that during Mr. Jamison's first few years, he was a more engaged leader.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061568.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 11, 2018
RE: Interview of Brian Crozier

On August 29, 2018, Mark Weinhardt, David Fautsch, and Elisabeth Archer conducted an interview of Brian Crozier, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Crozier’s attorney Ann Kendall was also present. Mr. Weinhardt conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview started with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Mr. Crozier grew up near Knoxville, Iowa. He graduated from the Air Force Academy in 1999 where he received a bachelor’s degree in engineering. He also holds master’s degrees from Johns Hopkins University and National Intelligence University. He is currently studying for a master’s degree in business administration from the University of Iowa. Mr. Crozier spent a majority of his career as an intelligence officer with the Air Force. He retired after 20 years of service. He was honorably discharged.

Mr. Crozier’s first job after leaving the Air Force was with IFA. He found the job by looking on the website where jobs with state agencies are posted. He interviewed multiple times for IFA position including a one-hour interview with Mr. Jamison, a one-hour interview with Lori Beary, Tara Lawrence, Carolann Jensen, and Cindy Harris, and an all-day interview with the Executive Leadership Team (the “ELT”). He did not officially retire with the Air Force until he had secured the position with IFA.

Mr. Crozier began working with IFA on May 20, 2016 as the Chief Administration Officer. When he was hired, David Jamison told him that he would essentially function as a deputy director but this never came to fruition. Mr. Jamison also told him that he would be dealing with the communication and marketing side of IFA’s operation, but again, this never came to fruition. Mr. Crozier ended up managing human resources (“HR”) and information

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061578.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

technology (“IT”). Overall, IFA employees would just bypass him and go straight to Mr. Jamison with their questions and concerns. When Mr. Crozier began working with IFA, his salary was approximately \$110,000. His current salary is approximately \$125,000.

Mr. Crozier described his work relationship with Mr. Jamison as being a difficult one. He stated that if you ever told Mr. Jamison that he was doing something wrong, he would lose his temper. Towards the end of Mr. Jamison’s tenure, Mr. Crozier said that he was “just walking on egg shells” around Mr. Jamison. Mr. Crozier recounted a time when Mr. Jamison “lost it” on him when he tried to make all IT personnel employees of IFA. When asked if he received poor performance evaluations from Mr. Jamison, Mr. Crozier reported that he did not, but he also stated that Mr. Jamison’s performance evaluations were “glowing for everyone.” He said that Mr. Jamison could not say anything bad about people’s performance even if they were “screwing up.” Mr. Crozier described Mr. Jamison as “being good at playing people off of each other.” He believed Mr. Jamison liked it when people at IFA were upset with each other because then he could come in and be the guy that solved problems, make everything work, and calm people down.

One of the tasks that Mr. Jamison assigned to Mr. Crozier was to aid in getting the job positions of certain employees reclassified. Mr. Crozier said that he was asked to help get promotions for Beth Mahaffey and Jess Flaherty. He said the paperwork for these two reclassification requests was submitted to the Iowa Department of Administrative Services (“DAS”) at the same time and that both reclassifications were immediately rejected. Mr. Jamison decided not to pursue getting Ms. Mahaffey’s job reclassified but did push for a reclassification for Ms. Flaherty.

Mr. Crozier said that DAS kept saying “no, no, no” to Ms. Flaherty’s reclassification. He heard that Mr. Jamison had lunch with Governor Kim Reynolds and Mr. Jamison told her about what was happening. Mr. Crozier said that although Mr. Jamison had seemed reluctant to reach out to Governor Reynolds after she became Governor, he decided to reach out to her over Ms. Flaherty’s reclassification. Mr. Jamison reported to Mr. Crozier that Governor Reynolds said that she would call DAS Director Janet Phipps. Ms. Phipps subsequently drove to IFA several times to work on getting Ms. Flaherty’s reclassification. He said that Ms. Phipps told them exactly what Ms. Flaherty’s “position description questionnaire” needed to say in order for Ms. Flaherty to be promoted. Mr. Crozier also made the general observation that Mr. Jamison “would jump when Jess said jump.”

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061578.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

Mr. Crozier did not witness any inappropriate behavior by Mr. Jamison besides just crude and sophomoric humor that was not actually funny. Mr. Crozier could not remember many examples of these jokes. He did remember that Mr. Jamison would make jokes about Matt Lauer such as “Matt Lauer told me I shouldn’t say that.” Mr. Crozier told him to stop telling those sorts of jokes because they were offensive and not funny. Mr. Jamison then threatened to fire him by saying, “You must be developing an allergy . . . you are allergic to a paycheck.” Mr. Crozier recounted this incident on page three of the timeline he created with his attorney which is attached to this memorandum.

Mr. Crozier stated that he did not witness any of the behavior by Mr. Jamison that was recounted in the anonymous letter to Governor Reynolds. He also said that no female IFA employee ever came to him to report this type of inappropriate behavior by Mr. Jamison. Mr. Crozier said that he did not ever hear Mr. Jamison make a reference or joke about a dollar bill. He also did not ever hear Mr. Jamison talk about his own sex life or ask others to tell him about theirs. Mr. Jamison never witnessed any inappropriate touching, although he did say that Mr. Jamison would do an odd thing of coming up behind people and almost putting his nose on their shoulder but never actually touching their shoulder. Mr. Crozier commented that Mr. Jamison would occasionally make a comment about a woman “looking good.”

Mr. Crozier stated that he believes Mr. Jamison has a drinking problem. He said that Doug Grossklaus, one of IFA’s outside attorneys from Dorsey & Whitney, also mentioned to him that he believed Mr. Jamison had a drinking problem. Mr. Crozier reported that there would be times that he needed paperwork signed and he would have to go and find Mr. Jamison at a bar to have him sign the paperwork. The bars that Mr. Jamison would frequent were Carl’s Place, The Beechwood Lounge, and Ducktails. There were times when Mr. Crozier would worry about how Mr. Jamison was going to drive back home to Ames at night. He believes Mr. Jamison would occasionally spend the night at hotels in Des Moines when he was out at the bars really late.

Mr. Crozier went out for drinks with Mr. Jamison on multiple occasions and he said that Mr. Jamison’s “filter stopped working when he was drinking.” There was a lot of “giggling, double entendre jokes, and “that’s what she said” jokes. Mr. Crozier stated that after working for IFA for about a year, he decided to stop going out for drinks with Mr. Jamison during the middle of the day because it was “not the right thing to do.” He said that he tried to avoid going out with Mr. Jamison as much as he could unless Mr. Jamison

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061578.DOCX}

THE WEINHARDT LAW FIRM

Page | 4

“dragged him there.” Mr. Crozier reported that Mr. Jamison “grew cooler towards [him] for not leaving work early.”

Mr. Crozier recounted Mr. Jamison’s reaction to sexual harassment training saying that he “made light” of the training once Governor Reynolds made it mandatory. After observing this repeated type of behavior from Mr. Jamison, Mr. Crozier said he “played the game out in his mind.” He thought that if he went to DAS and told them that Mr. Jamison was making stupid jokes and engaging in inappropriate behavior, DAS would tell Governor Reynolds who would tell Mr. Jamison. He believed that if Mr. Jamison found out that he was the one that went to DAS that the coldness and “allergy to a paycheck” treatment from Mr. Jamison would only get worse. He spoke with Brooke Parziale about this scenario that he played out in his head. He did not believe there was a reporting avenue where he could maintain anonymity without fear of reprisal. He did say however, that if he had known about the inappropriate propositioning and touching Mr. Jamison was accused of in the letter, he would have gone immediately to DAS to make a report.

In addition to sexually inappropriate jokes, Mr. Crozier said that Mr. Jamison made racially inappropriate jokes that made him uncomfortable. Mr. Jamison joked that Mark Thompson had a bad case of “jungle fever.” Mr. Crozier understood this comment to mean that Mr. Thompson was attracted to African American women. Mr. Thompson is in fact married to an African American woman. Mr. Crozier’s wife is mixed raced and part African American. Once Mr. Jamison learned this about Mr. Crozier’s wife, he stopped making these jokes in front of him.

Mr. Crozier deduced that the letter to Governor Reynolds was written by Witness 1. He said that the only thing he was ever told was that Witness 1 said Mr. Jamison told her “she wasn’t fun anymore.” Mr. Crozier did not take this to be a sexually harassing comment. Witness 1 never indicated anything to Mr. Crozier about being uncomfortable around Mr. Jamison. He does not know why Witness 1 never made a report to him.

Mr. Crozier reported that Mr. Jamison frequently told people that he was great friends with Governor Reynolds and that they served as county treasurers together and had been on the 2010 campaign trail together as well. Mr. Crozier said Mr. Jamison was “very proud of his relationship with the Governor.” Mr. Crozier remembered one time Mr. Jamison was so mad about something unimportant (he does not remember what it was) and he said, “Damn it, I’m going to the Governor with this one.” Mr. Jamison also went to Governor Reynolds to “get her on board with the new building.” Mr. Crozier said that Mr.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061578.DOCX}

THE WEINHARDT LAW FIRM

Page | 5

Jamison had a picture of in his office of him, Governor Reynolds, and State Auditor Mary Mosiman on the White House lawn.

According to Mr. Crozier, Mr. Jamison did not work very much or very hard. He would get in the office around 8:30 a.m., take a two-hour lunch, and leave the office by 3:00 p.m. When he was in the office he would be on his phone or social media a lot, he would even be on his phone when Mr. Crozier went in his office to try to speak with him about a work matter. Mr. Crozier also believes he was doing work not related to his function as Executive Director when he was in the office. He said that in December of 2017 or January of 2018, Mr. Jamison did a lot of work on his personal computer. Mr. Jamison later told him that he had been editing Governor Reynolds's Condition of State address. According to Mr. Jamison, Governor Reynolds accepted all of his edits.

When asked who was close to Mr. Jamison, Mr. Crozier first responded, "What day is it?" He then followed up by saying that Mr. Jamison's "inner circle" was Ms. Flaherty, Wes Peterson, and Ashley Jared. Mr. Crozier said that besides the fact that they both served in the military, he did not have anything in common with Mr. Jamison.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061578.DOCX}

BRIAN CROZIER TIMELINE

(As of August 29, 2018)¹

Background: 24 years in active duty Air Force, exemplary record, command track – 4 Deployments Middle East/Bosnia/Kosovo, 6 years served in Germany, England and Korea.

May 2016 CAO at IFA – first job after the military

- No training provided by State or IFA on discrimination/harassment/retaliation and complaint procedures.
- No training provided by the State or IFA on management duties as to discrimination, harassment, or retaliation.
- No training provided by IFA regarding financial protocols and controls.

General Observations of Jamison

- Seemed to be able to accomplish anything through Governor Reynolds; Jamison bragged: “It’s not *if* I get my way with DAS, but a matter of *when*.”
- Did not really know what the IFA does, except for very generalized knowledge.
- Did not really work much – left early most afternoons, otherwise played on social media.
- Socially awkward – made unprofessional jokes – double entendre, innuendo, sophomoric behavior, racial jokes (seemed to stop once he knew Brian’s wife is Black).
- Jamison invited Brian to go out each afternoon and leave work early – Brian felt he “should” go to build relationship with new boss.
- After 10 months to 1 year on the job, Brian stopped going out with Jamison in the afternoon because he believed this was not the right thing to do.
- Jamison grew cooler towards Brian for not leaving work early and going drinking with him (similar to comment of “not being fun” anymore).

May 2017 Gabrielle Riesterer reports to Brian (there was no HR person at IFA at the time) that she has been told not to eat in the lunchroom and that she feels that she is being discriminating against because she is “Mexican” (Brian assumed this was done by Tara Lawrence-Schontz as Riesterer did not provide name).

May-June Brian talks to DAS, Lori Gregory, and explains what Gabrielle reported to him and that she believes she is being discriminated against. Lori called him back and advised that this was not a battle they were willing to take on right now. Brian tells Gabrielle what he learned from DAS, that this was a supervisor issue – DAS recommended Gabrielle “take it up with her supervisor.”

¹ This timeline outlines and summarizes key events that occurred based upon events known by Brian Crozier at this point in time. There may be additional events, conversations or other information of which he is unaware that could provide more context or insight to Brian’s observations. Additionally, this should not be considered the “sum total” of Brian’s knowledge – it is a summary prepared with the assistance of his legal counsel, Ann Kendall.

- June 30** Jamison submits Beth Mahaffey and Jessica Flaherty for promotion. Both have been promised these promotions for a long time.
- July 12** The promotions for Beth Mahaffey and Jessica Flaherty are denied. Jamison decided to appeal the decision on Flaherty but withdrew the submission for Mahaffey.
- July 17** Beth Mahaffey's promotion was officially pulled from consideration.
- September** During quarterly planning meeting, Shontz says she wants to terminate Gabrielle Riesterer; Brian tells Shontz to consider that Riesterer is a 50 year old, Hispanic, female when deciding to fire her without cause. Shontz said she would rather be sued than put up with her.
- Sep 26** Jamison tells Brian, Mark Thompson, and Brooke Parziale that their #1 priority was to get Jessica Flaherty promoted from Executive Secretary to Executive Officer 2. Jamison became unhappy with Brian because Brian told Jamison that she did not qualify for the position with education or experience. Jamison advised he wanted them to "attack [DAS'] credibility/competencies. Be up in their face about every little thing. They are between us and success."
- Sep. 28** Settlement reached by State and Kirsten Anderson
- Sept. 29** Gabrielle Riesterer is terminated (over Brian's objection).
- Early Oct.** New York Times and other media outlets publish stories re: Harvey Weinstein harassment
- Oct. 25** Jamison told IFA leadership to write a new PDQ for Flaherty. He said, "I don't care if it is true or not." Jamison wanted her to receive the promotion so they were to craft the document to accomplish this.
- Oct. 2017** DAS Director Phipps made multiple trips to IFA to help Jamison make the Flaherty PDQ fit an EO2 after Jamison called Gov. Reynolds.
- Nov. 2017** Matt Lauer terminated for inappropriate behavior
- Jan. 2018** Brian and HR person (Brooke) decide to require all IFA employees to have mandatory harassment/discrimination training – prior to Governor Reynolds stating this. Jamison jokes privately with Brian that this is "ridiculous," and he needs training "how to" instead of prevention training. [NOTE: When the State reached out to have IFA do this training, over 80% of IFA employees had already done the training – the State was very surprised responding, "already?" IFA (per Brian and Brooke) were already in process of having IFA employees trained before the State required it.]

Jan. 2018 State of the State address – regarding “zero tolerance” on sexual harassment comment in the Governor’s speech, Jamison states to Brian after making another bad joke “she didn’t say *when*” (the zero tolerance would start)

Feb. 2018 Midwest Housing Collaborative

4 from IFA go to Minneapolis for conference;

states that Jamison will probably want her to ride with him, so she does. Brian and other IFA employee ride together in a state vehicle. Jamison would not ride in a state vehicle because he always wanted to smoke and stay an extra night to drink.

At lunch at the Manchester, IA Country Club (on the way to the conference), Jamison makes his typical “sophomoric” comments, then states “Matt Lauer told me I shouldn’t say that” and “I’ve hired the Lauer Weinstein law firm to protect me.” Brian tells Dave to stop saying that because it is not funny and it seems like Jamison is trying to turn the #metoo movement into a joke. Jamison responds, “You must be developing an allergy...you are allergic to a paycheck.” Brian feels that Jamison is threatening his job. Brian advises Jamison approximately 3 times to stop the Matt Lauer/Harvey Weinstein comments during the trip and Jamison’s previous “coolness” towards Brian turns “arctic” and Jamison does not stop making the comments.

Mar. 21 Letter to Gov. Reynolds re: Jamison harassment

Mar. 24 Jamison terminated – Carolann Jensen appointed as interim ED

Mar. 24 Human Resources taken from Brian’s supervision

April 26 Gov. Reynolds releases redacted complaint letter

April 26 Statement from Senate Democratic Leader Janet Petersen on release of harassment complaint against David Jamison (excerpt):

“Governor Reynolds should also immediately order an external investigation into concerns expressed by the victim that there was a culture at the Iowa Finance Authority where she and other staff feared being retaliated against if they filed complaints. This allegation is eerily similar to those raised by Senate employees during an internal investigation last year.”

<http://www.senate.iowa.gov/democrats/2018/04/26/statement-on-complaint-against-david-jamison/>

April 27 KCCI video – Gov. Reynolds admits that Brian Crozier & Mark Thompson would fear retaliation. “They, potentially, felt that they would be retaliated against, also.”

<http://www.kcci.com/article/2-women-came-forward-with-sexual-harassment-claims-against-jamison/20087207>

April 27 Gabrielle Riesterer's ICRC complaint posted online by Iowa Starting Line

<https://iowastartingline.com/2018/04/27/fired-staffer-at-jamisons-ifa-claims-discrimination-improper-spending/>

May 2 IFA approves funding of outside investigator, Mark Weinhardt

May 2018 After Beth left, her position was changed and given to another manager. Brian was never consulted. Another thing taken from him.

May 2 – July 2

Multiple meetings took place behind closed doors with lawyers and AG reps. A culture of mistrust persisted. Brian was not allowed to do anything without Interim ED Jensen's approval. She stopped sending e-mails for fear of open records.

May 3 – June 30 Brian goes on intermittent FMLA for office visits with a VA therapist.

July 2 Meeting with Shyft (New Building Project Managers). Brian was informed that he was not to make any decisions regarding the new building. He had always been in charge of facilities in his job at IFA.

Aug 3 Brian Crozier is certified for intermittent FMLA for therapist office visits for PTSD aggravated by unprofessional and unlawful treatment at IFA.

Aug 16 Jess Flaherty has a meeting with Shyft regarding the furniture selection without informing Brian. Interim Executive Director Jensen and Jess Flaherty have a meeting with DAS to sell the current building without informing Brian. At a move meeting where Brian was present, the move committee was informed that they were **not** to ask Brian their questions, but rather ask Jess Flaherty.

Aug 20. Brian goes on FMLA leave for incapacity for two weeks for PTSD due to his treatment at IFA.

To date, Interim ED Jensen has never called Brian to show concern about his welfare. Rather, she has consistently removed job duties and responsibilities since she took the interim position in March 2018. Jensen circumvents Brian with Brian's staff, making it difficult to manage his staff. She will not speak to him – unless he goes to speak with her. In a meeting of 4 people, she asked everyone's opinion except for his. She has forced Brian to re-do a performance evaluation for another employee – reducing the employee's performance ratings. Jensen has methodically stripped Brian's authority and responsibilities, as well as cut him out of meetings and communications to the point that Brian had to seek treatment at the VA and take FMLA leave for PTSD caused by this treatment.

SUMMARY OF BRIAN'S ACTIONS TO LIMIT WORKPLACE ISSUES

<p>General Compliance</p>	<p>Implemented harassment training at IFA prior to Governor requiring mandatory training; required supervisors to attend harassment training.</p> <p>Reported Riesterer national origin discrimination complaint to DAS; DAS decided not to do anything with the complaint and advised Brian to tell Riesterer to take the issue up with her supervisor.</p> <p>Advised against firing of Riesterer after her discrimination complaint.</p>
<p>Jamison's immature behavior</p> <p><i>(innuendo & sophomoric jokes)</i></p>	<p>Advised Jamison approximately 3 times to stop after Jamison made inappropriate jokes or comments and then would follow it by saying the "Matt Lauer" and "Harvey Weinstein" comments; in response, Jamison threatened Brian's job and livelihood.</p>
<p>Jamison's abusive behavior</p> <p><i>(comments on his sex life, trying to look down an employee's shirt, asking about an employee's breasts, propositioning an employee to go to his hotel room, asking employee about her sex life, comments about a "Mandingo Party," making inappropriate gestures with his hands to employees, etc.)</i></p>	<p>Not aware that this occurred; would have reported it to DAS.</p>

March 2018 Letter to Governor with allegations against Jamison

Brian Aware/Not	Allegations
<p style="text-align: right;">Not aware</p> <p>General comments about Asian massage parlors only, not specifics seen here</p> <p>Have seen him looking at women's chests generally, not looking into clothing or talking about employee's chest</p> <p style="text-align: right;">Not aware</p> <p style="text-align: right;">Not aware</p> <p>Generally knew that Dave invited employees to lunch & drinks to socialize – not aware of anything else</p> <p>Not aware of this on this date or ever</p> <p style="text-align: right;">Not aware</p>	<ul style="list-style-type: none"> • A few weeks after I started at IFA [REDACTED], Dave began telling me how horrible his home life was and how his wife never has sex with him. He still complains about how bad his sex life is. • A few months after I started, he began telling me how he frequents Asian massage parlors for the "happy endings." He brags about how the women there tell him how large his penis is. • Dave constantly talks about how big my chest is and tries to look down my shirt. Shortly after I started at IFA, I began limiting what I wore to try and discourage this. • On September 26, 2017, at an All Staff Meeting, I sat in the front row and was wearing a pink crew neck sweater. As I stretched my neck, Dave stared at my chest and said, "you can do that again." • When we were in [REDACTED] for a conference [REDACTED], Dave kept asking me if my boob were real. He gestured across the bar, trying to get me to pull my shirt open and show him my breasts. • [REDACTED] Dave insisted that a coworker and I go to [REDACTED] Casino with him even though he had been drinking excessively. Upon return, Dave kept trying to get me to come back to his room with him. • On June [REDACTED] 2016 [REDACTED], Dave kept trying to get me to tell him <ul style="list-style-type: none"> - Where is the craziest place you've had sex? - What is your favorite position? - Tell me about the biggest cock you've ever had? <p>He asks these kinds of questions a lot, but I knew this date for sure.</p> <ul style="list-style-type: none"> • November [REDACTED] 2016 [REDACTED], he kept trying to get me to come into his hotel room.
<p style="text-align: right;">Not aware</p> <p>Not aware of comments or actions in the car; did hear Dave comment, at some point, about the employee who lost weight looking attractive</p> <p>Agree; Dave did tell unprofessional jokes & used innuendo</p> <p style="text-align: right;">Not aware</p> <p style="text-align: right;">Not aware</p> <p style="text-align: right;">Not aware</p>	<ul style="list-style-type: none"> • October 31, 2017, he made inappropriate comments about my [REDACTED] tshirt that I wore for Halloween. • During a seven-hour car ride to the [REDACTED], 2018, he kept rubbing the back of my neck, again asking me about the best lover I ever had and the biggest cock I ever had. He was staring at my breasts so much I thought the car was going to go off the road. During the same trip, he made comments about [REDACTED], saying she looked good before but now that she's lost weight, Wow! • Dave tells sexist and racist jokes and expects you to go along with them or else he treats you poorly. He turns everything anyone says into a sexual innuendo. • He's told me, "I bet you're naughty," and "I bet you're so dirty." • Dave has talked about using food items as part of sex. He once texted me a picture of an eggplant. I didn't understand why and he said it was like a penis. • Dave talks about his sexual experiences, including repeated stories about an older, experienced lover who was kind of a hippie and really knew how to "go down on him."

<p style="text-align: right;">Not aware</p> <p>Agree; Dave did make comments about women & their looks, etc.</p> <p style="text-align: right;">Not aware</p> <p style="text-align: right;">Not aware</p> <p>Generally knew that Dave invited employees to lunch & drinks to socialize (did with Brian, too) & that his behavior is worse when he drinks & makes jokes, etc.</p> <p style="text-align: right;">Agree</p>	<ul style="list-style-type: none"> • Dave talked to me about something he called a "Mandingo Party," where a white man hires a black man to have sex with his wife while he watches. He also showed me pictures. He's asked, "Have you ever had a big black one?" • Dave makes sexual comments about women he sees or knows. It's hard to think of specifics because it's so common. • Dave makes a gesture holding up his index finger and middle finger together, then rotates them in a circle. I understood this to mean he wanted to put his fingers inside my vagina. • He also makes another gesture with his fingers he calls "The Shocker," implying putting fingers in both a woman's orifices. • Dave is constantly pestering me and others to go out drinking with him. His behavior is worse when he drinks. He wants me to attend events with him that do not pertain to my job. It seems like every time I try and discuss a work issue, he ignores it and talks about sex instead. • He knows what he's doing is sexual harassment and wrong. After he makes an offensive comment, he'll say, "I forgot, Matt Lauer told me not to say that" or "Did you hear, I hired the law firm of Lauer, Weinstein, and Franken to represent me?"
<p>Agree; this happened & Brian felt it was a threat to him in retaliation for trying to stop Dave</p> <p style="text-align: right;">Agree</p> <p>Agree; said something to Brian about needing a "how to" training instead</p> <p style="text-align: right;">Not aware</p> <p>Aware that people avoided Dave at conferences; not aware if people avoided him in the workplace; Dave did comment about people not being "fun" if they don't socialize with him – did this to Brian, too; agree that DAS probably would not do anything & Dave would retaliate – DAS did nothing when Brian reported a discrimination complaint from Gabrielle Riesterer and Dave already threatened Brian's job for trying to stop him from making inappropriate jokes/comments</p>	<ul style="list-style-type: none"> • Brian Crozier, our Chief Administrative Officer, recently reprimanded Dave for saying these things. Dave replied, "You must be allergic to a paycheck." I understood this to be a threat of retaliation. • IFA's general Counsel Mark Thompson often tells Dave that he needs to stop it or be quiet. • Dave made fun of the sexual harassment video we had to watch. • Dave often comments, "You know you could sue me." <p>I've been doing my best to avoid Dave for months. On January 4, 2018, [REDACTED] he complained that I'm not "fun" anymore. He doesn't keep me in the loop as much as he did when I wasn't so hostile toward his behavior.</p> <p>I know you're friends with Dave and I hate to put this on your shoulders, but I just can't take it anymore. I think DAS will just cover for him and I'll end up without a job. Please help me or tell me who to go to.</p>

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: David Fautsch
DATE: September 17, 2018
RE: Interviews of Jess Flaherty

On July 16, 2018, Mark Weinhardt and David Fautsch conducted an interview of Jess Flaherty, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Also present was her attorney, Steve Wandro. Mr. Weinhardt conducted the majority of the questioning and Mr. Fautsch took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview started with Mr. Weinhardt explaining the voluntary nature of the interview, the scope of our investigation, and witness confidentiality. This memorandum was subsequently updated following a second interview of Ms. Flaherty that occurred at Mr. Wandro’s office. Elisabeth Archer was present for the second interview.

Ms. Flaherty graduated from high school in 2005 in Indianola. She became a receptionist at IFA in 2008. She became the executive assistant in approximately December of 2012 when she was promoted by Mr. Jamison. Her main responsibilities primarily include scheduling, managing internal requests for information, and providing administrative services for strategic planning issues and for the Board of Directors.

Ms. Flaherty recalls Mr. Jamison making immature jokes of a mildly sexual nature. She did not personally witness any sexual harassment of others. She would tell him from time-to-time to stop his jokes but she has no memory of any specific jokes. She particularly remembers, however, that Ms. Tara Lawrence told her to “stop any conversation regarding a one dollar bill if Jamison and [Witness 2] are in the same conversation.”

Ms. Flaherty also recalls one occasion when Mr. Jamison said to her that “I hope if I ever offended someone, that they would tell me.” This comment was made in the context of discussing Matt Lauer’s firing.



THE WEINHARDT LAW FIRM

Page | 2

Ms. Flaherty acknowledged that Mr. Jamison frequently went to happy hours. She would not usually go because she was recently pregnant and has young kids that she needs to meet quickly after work. Mr. Jamison liked Carl's Place; he had spoken to her about what he called the penis table.

Ms. Flaherty acknowledged that she believes that Mr. Jamison has a drinking problem. His drinking seemed to be increasing over time. Last summer, Mr. Jamison got defensive about her request that he eat dinner instead of driving home after he had been drinking.

Ms. Flaherty recalled that she knew of one incident of sexual harassment second-hand. She knew that something had happened at Okoboji. Mr. Jamison told her that, "I grabbed [Witness 2's] boobs, everyone laughed, I apologized, and she was okay with it." Sometime between December 2017 and February 2018, Ms. Tara Lawrence recounted the full story to her. Mr. Wes Peterson told her that she should not talk about it because it upset Witness 2.

On September 14, 2018, Mr. Fautsch and Ms. Archer conducted a second interview of Ms. Flaherty. Also present was her attorney, Mr. Wandro. Mr. Fautsch conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes.

Ms. Flaherty was asked about her promotions in May of 2017. She indicated that Mr. Jamison rewrote her Position Description Questionnaire ("PDQ") to facilitate her promotion. He worked with HR Director Brooke Parziale to do that. Mr. Jamison submitted it in June and it was denied for the first time in November. Mr. Jamison appealed the decision, rewrote the PDQ, and resubmitted it. It was denied a second time and so "we appealed a second time." Mr. Jamison called a meeting with representatives of the Department of Administrative Services, which manages employee classification. Mr. Jamison said "I'm the Director, you'll do what I say. IFA is an authority we don't use taxpayer dollars." The appeal then became contested, so IFA's General Counsel Mark Thompson was brought in. As they were preparing to go to an Administrative Law Judge, the matter was resolved. Mr. Jamison, on his own, met with Janet Phipps. Ms. Flaherty said that she believed that the appeal was dropped because Ms. Phipps said "she would work with us to get it done." Ms. Flaherty said "at a certain point it wasn't about me getting my position, it was about Jamison getting his way."

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061631.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

Ms. Flaherty recalls that Ms. Phipps came to IFA on one occasion but Mr. Jamison also had several phone calls with her. Ms. Flaherty acknowledged that Mr. Jamison wasn't afraid to say he would call the Governor to get things done if he needed to.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061631.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 6, 2018
RE: Interview of Cindy Harris

On July 12, 2018, Mark Weinhardt and Elisabeth Archer conducted an interview of Cindy Harris, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Weinhardt conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Ms. Harris grew up in Ames, Iowa. She is a graduate of Ames High School. Immediately after graduating from high school she attended Grinnell College. She graduated with a degree in economics in 1994. Her first job after college was with the Federal Reserve Board in Washington, D.C. She worked for the Federal Reserve Board for two years before enrolling in a Ph.D. program at The University of North Carolina at Chapel Hill. She left the program after receiving her master’s degree in economics.

Ms. Harris joined IFA in September 2012 as the Chief Financial Officer. That is her current role at IFA. Immediately before joining IFA she worked for a quantitative consulting firm in New York City, New York. Her work at the firm was to provide support to state financing authorities. Through that position, Ms. Harris met Eric Chapman, her predecessor at IFA. Mr. Chapman was moving to work for the Connecticut Housing Authority and Ms. Harris applied for the open position he left at IFA, went through the interview process, and was offered the position.

Ms. Harris’ job duties at IFA fall into three primary categories: (1) accounting, (2) debt issuances, and (3) leadership responsibilities. A large part of Ms. Harris’ job is to manage accounting which includes financial reporting, budgeting, loan servicing, and the yearly audit. Her functioning regarding debt issuances involves overseeing the bonds that are issued to fund the single-family housing programs and the equity funds for multi-family

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061492.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

projects. She is also involved with ensuring that the investment of IFA's funds is compliant with mandatory Internal Revenue Service directives. Lastly, in her role on the executive leadership team (the "ELT"), part of Ms. Harris' job involves providing guidance on general issues that IFA might be facing, giving feedback on human resource policies, and discussing matters related to the physical relocation of IFA.

Ms. Harris has been a part of the ELT from the beginning of her employment. The ELT was much larger and met more frequently when Ms. Harris first started working at IFA. Ms. Harris recounted that the early ELT meetings lacked focus and were not productive. David Jamison "sort of" ran the ELT meetings, but he spent a lot of time on his phone during these meetings. She stated that Mr. Jamison began the meetings by asking "What's it all about?" and then the group had to respond, "It's all about Dave." She also said that Mr. Jamison would remind the group that they were all there to "make him look good." Ms. Harris observed that while these things were said jokingly, there was an undertone that Mr. Jamison was serious about the comments. Ms. Harris described the early ELT meetings as a free-for-all with no agenda. Additionally, she noted that there was never any follow up on issues that were discussed in ELT meetings.

Ms. Harris has not been the victim of any inappropriate conduct by Mr. Jamison. Overall, Ms. Harris said that she spent little time with Mr. Jamison and really only saw him at the weekly ELT meetings. Mr. Jamison was not very involved in Ms. Harris' work. Occasionally Mr. Jamison would invite her and other IFA employees to go have drinks. When she first began working, she went a couple of times but then she stopped joining him because they would leave around 3:00 p.m. or 3:30 p.m. before the work day had ended.

Ms. Harris said that she did not have much occasion to travel with Mr. Jamison for work. Ms. Harris only attends a couple of out-of-state conferences a year. She attends a few meetings of IFA's Board of Directors per year but those meetings were all in Iowa. Whenever they would travel, Mr. Jamison would always drive his own personal car so she never rode with him. She remembered that they attended the National Council of State Housing Agencies conference together with many other IFA employees, but they did not interact at this conference as Mr. Jamison was attending sessions for executive directors and Ms. Harris was attending sessions geared towards finance. She also attended the Mountain Plains Housing Summit in Wyoming with Mr. Jamison but again she had little to no interaction with him.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061492.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

Ms. Harris said that she did not witness any physically inappropriate behavior by Mr. Jamison. She did recall Mr. Jamison making “stupid” or “junior high type of jokes” during meetings and she remembered thinking to herself that she wished he would just move on. Specifically she remembered a time a couple of months before Mr. Jamison’s termination where he made an inappropriate comment at a Monday meeting of the ELT. A coworker was talking about her recent honeymoon to Hawaii and discussing the different activities they did such as hiking and swimming. The coworker commented that she was tired from the trip because of all of the activities they did and Mr. Jamison interjected, “Oh, I thought you’d be tired, but just for another reason since you were on your honeymoon.”

Ms. Harris stated that no one came to her to report any sort of misconduct, verbal or physical, by Mr. Jamison. The only thing Ms. Harris related was that a friend at IFA, Witness 1, had told her about a week before Mr. Jamison was terminated that he had made a comment to her that she was not fun anymore. Ms. Harris said that the atmosphere at IFA changed a lot after Mr. Jamison’s termination. There has been good feedback concerning Carolann Jensen’s leadership of the organization. Ms. Harris says that Ms. Jensen knowing the names of all of IFA employees is a stark contrast from Mr. Jamison, who just knew the names of the people he liked to hang out with. Ms. Harris said those people were Witness 2, Wes Peterson, Tara Lawrence, and Brian Crozier. She stated that it was obvious if you were “in with him or out with him.” She said that she was not a part of Mr. Jamison’s “in crowd.”

In fact, Ms. Harris said that Mr. Jamison had been “chillier” with her in recent years due to a professional disagreement between the two of them. A few years ago, IFA underwent a reorganization in which the finance and accounting departments were merged. During that process, Mr. Jamison wanted Ms. Harris to fire one of her direct reports even though he had not done any performance reviews of the employee and there was no identifiable issue with the employee’s performance. Ms. Harris informed Mr. Jamison that he could fire the employee if he wanted to, but that she personally was not going to fire that person. From that point on, Ms. Harris noticed a change in the way Mr. Jamison treated her, although he ultimately did not fire the employee with whom he had an issue.

Ms. Harris had occasion to observe Mr. Jamison drinking alcohol on a few occasions either for a happy hour with other IFA employees or at conference receptions. She recalled that Mr. Jamison drank a lot and that he would be slurring his words by the end of the night. Overall, Ms. Harris summarized Mr. Jamison as someone who was not in the office much and was not involved in the day-to-day details of IFA’s operation.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061492.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 11, 2018
RE: Interview of Steve Harvey

On July 19, 2018, Mark Weinhardt and Elisabeth Archer conducted an interview of Steve Harvey, an employee of the Iowa Finance Authority (“IFA”), at the offices of the Weinhardt Law Firm. Mr. Weinhardt conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Mr. Harvey grew up in Creston, Iowa. He attended Southwestern Community College in Creston and earned his Associate of Arts degree. He received a degree in accounting from the University of Northern Iowa in 1976 and received a master of business administration degree from Drake University in 1984. Mr. Harvey never became a certified public accountant. During his 25-year career in the private sector, Mr. Harvey worked as Chief Financial Officer for GenEx, Ltd., and as Manager of North American Acquisitions and Divestitures for Praxair Distribution, Inc.

Mr. Harvey has been with IFA for 14 years. Mr. Harvey sought out employment with IFA because he was seeking to change directions in his career and to do work that would give back to the community. Brett Mills, who formerly served as both Chief Financial Officer and Executive Director of IFA, hired Mr. Harvey. Mr. Harvey is the Accounting Director, which is sometimes known in other organizations as a controller. Mr. Harvey has reported directly to Cindy Harris for the past three to four years. Ms. Harris was Mr. Harvey’s peer when he first arrived at IFA. At that time, Mr. Harvey was the Chief Operating Officer. Although Mr. Harvey’s job title has changed over the years, his job duties have remained the same. He takes care of all aspects of accounting, financial reporting, and internal controls and has eight employees that report directly to him. In general, Mr. Harvey’s job is to look after the financial wellbeing of IFA.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061579.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

Mr. Harvey has worked under the leadership of several different executive directors at IFA. He observed that when David Jamison became director, there was no immediate change, but over time he noticed that Mr. Jamison was tremendously less involved with daily operations than other directors and that he was away from the office a lot.

At one time, Mr. Harvey was a part of the Executive Leadership Team (the “ELT”). He attended the ELT weekly meetings for three years. However, IFA underwent a reorganization known as the Entrepreneurial Operations System (the “EOS”) that was geared towards streamlining operations. One of the ideas that came out of the EOS was to only have one accountant. Mr. Jamison made a few organizational changes and ended up having facilities management and information technology report to Mr. Harvey. These new responsibilities were a stretch for Mr. Harvey and he ended up being demoted. At that time, he stopped attending the ELT meetings regularly and now only attends the ELT meetings once a month to provide financial performance updates.

Mr. Harvey said that whenever he was a part of the ELT meetings, Mr. Jamison would participate in the meeting until it started getting into details, and then he would disengage and sit on his phone. He also stated that Mr. Jamison would begin the ELT meetings by jokingly asking, “Who is it all about?” and then everyone would have to reply, “Dave.” Mr. Harvey noted that Mr. Jamison and Geri Huser would also joke amongst themselves that everything at IFA was about “Dave.” He also said that Mr. Jamison would make jokes that the primary job of the ELT was to keep him out of jail.

When he was still regularly attending the ELT meetings, Mr. Jamison would say “Let’s go have drinks” and he would expect everyone to go. Mr. Harvey joined the group about three or four times. He observed that Mr. Jamison seemed to like to visit “dive bars” such as Carl’s Place in Sherman Hill. Similarly, when they were traveling to or from out-of-town ELT workshops, Mr. Jamison wanted to stop at roadside bars. Mr. Harvey said a lot of people seemed to remember or know Mr. Jamison when they would frequent these out-of-the-way, random dive bars. Mr. Harvey felt pressured to go to the bars when Mr. Jamison would invite him. Still, Mr. Harvey did not always attend when he was invited and so he knew that he would never be part of the “in group.” In Mr. Harvey’s opinion, Mr. Jamison has a drinking problem. He would overhear people saying things like, “Geesh, Dave’s had three drinks and he’s slurring his words already.” Overall, Mr. Harvey stated that that is what Mr. Jamison wanted to do—drink—especially if the drinks were free.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061579.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

Mr. Jamison told Mr. Harvey many times that he wanted him out of IFA. Mr. Jamison had an issue with the way that Mr. Harvey would create the “dashboards” he would request. Mr. Jamison told Mr. Harvey that if he could not get the dashboards the way he wanted them, he was going to be fired. Mr. Harvey frequently asked Mr. Jamison what he wanted him to do differently regarding the dashboards and Mr. Jamison would reply that he “should just know that already.”

In his last employee review, Mr. Harvey said that Ms. Harris gave him a very good performance review. Thereafter, Mr. Jamison filed a contradictory addendum to his employee review that was scathingly bad. Mr. Harvey does not understand this bad review as IFA just earned a certification from the Government Finance Officers Association (“GFAO”) for their accounting practices, which was a first for IFA and due in part to his efforts.

Mr. Harvey never witnessed any physically inappropriate behavior by Mr. Jamison. Mr. Harvey did comment that Mr. Jamison liked “good-looking women to be in photo ops.” Other than that, he recounted one incident in which Mr. Jamison spoke poorly about a woman. The two of them attended a reception hosted by Quality Consulting, Inc. at Jordan Creek. Quality Consulting, Inc. provided IFA with information technology staffers and consulting services and would invite customers to an evening of complimentary drinks and hors d’oeuvres quarterly. This night, Mr. Harvey remembers that Mr. Jamison had a lot to drink and he was really “ripping” on Geri Huser. She was not present at the event but Mr. Jamison was making it well known that he was not happy with her.

No women ever complained to Mr. Harvey about sexually inappropriate or harassing behavior by Mr. Jamison. He generally observed that Mr. Jamison only seemed to have close relationships with Republicans or individuals that he thought could get him further politically. Brian Crozier did tell him about a time when he had disagreed with Mr. Jamison and Mr. Jamison said to him, “So do you still want to get a paycheck?” Mr. Harvey believes this happened fairly recently.

Mr. Harvey does not travel frequently for his job. He travels for one out-of-state conference a year, the GFAO conference. Mr. Jamison attended the same conference one time and they had dinner together a couple of times. He never witnessed any inappropriate behavior from Mr. Jamison during that travel. Mr. Harvey would also travel for in-state ELT workshops. These workshops would usually last for two days and they were held in conjunction with a board meeting. If these workshops were held at a remote location, then

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061579.DOCX}

THE WEINHARDT LAW FIRM

Page | 4

they would do a tour of projects funded by IFA. These workshops occurred quarterly and part of the purpose was to build a social tie between employees and IFA board members.

Mr. Harvey addressed the finance side of work-related travel at IFA. To get reimbursed for expenses, employees were to submit a travel payment document ("TP"). Mr. Harvey said that if employees used their own personal credit cards, submitting a TP was the only way to get reimbursed. The Iowa Department of Administrative Services ("DAS") has final approval on TPs before reimbursements are issued. If you did not use your personal credit card for expenses, you could use your IFA credit card if you had one.

There were 23 IFA employees who had company credit cards. To receive an IFA credit card, either a member of the ELT or a direct supervisor had to sign off that it was necessary. TPs were still supposed to be submitted even if an IFA credit card was used. Mr. Jamison and Wes Peterson both had trouble filling out TPs and Jess Flaherty filled out Mr. Jamison's TPs for him. Although DAS directed all IFA employees using an IFA credit card to fill out TPs, the IFA credit card would be automatically paid off every month before DAS had the opportunity to review and approve the credit card expenditures. Since Mr. Jamison's firing, all IFA credit cards but one have been cancelled. Now employees have to use their personal credit card to pay for hotels relating to work travel, however, the one remaining IFA credit card can be used to pay for airline travel and conference registration.

Mr. Harvey said that under Ms. Jensen's tenure as the Interim Executive Director at IFA, the work environment has changed greatly. To put it in his own words, "If you had COPD, you would feel like you didn't have it anymore." He believes that Ms. Jensen runs IFA with class and that it is a welcome relief.



THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 10, 2018
RE: Interview of Carolann Jensen

On July 13, 2018, Mark Weinhardt and Elisabeth Archer conducted an interview of Carolann Jensen, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Weinhardt conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Ms. Jensen grew up in Plainsfield, Iowa. She is the daughter of a farmer and the youngest of five children. She graduated from Iowa State University in 1986 with a degree in public service and administration in agriculture. She received a master’s in public administration from Drake University in 2010. Ms. Jensen worked as a legislative analyst with the Iowa Senate for 24 years. Having worked with the legislature for so long, she was ready for a change. She spoke to then-Lieutenant Governor Kim Reynolds about an open position at IFA and interviewed with David Jamison for the position. Ms. Jensen was in communication with Mr. Jamison on and off from January through June of 2011. The plan was that Ms. Jensen would begin working for IFA as soon as the legislature adjourned. The session went later than usual that year and so Ms. Jensen did not begin working with IFA until September 11, 2011. Ms. Jensen is currently the Interim Executive Director of IFA and has been since Mr. Jamison’s termination.

Ms. Jensen has not been the victim of any inappropriate conduct by Mr. Jamison. She has, however, observed Mr. Jamison acting inappropriately towards others. She recounted several instances where she believed Mr. Jamison’s behavior was inappropriate. First, when Tara Lawrence returned from her honeymoon, people were asking her about her trip at a meeting of the Executive Leadership Team (the “ELT”). Mr. Jamison interjected into the conversation, “I bet you didn’t get much sleep.” When Mr. Jamison made this

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061570.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

comment Ms. Jensen gave him “the look of death.” When she would give Mr. Jamison this look he would usually stop talking and “get in line.”

On another occasion, she was attending a leadership training event at Lake Panorama with Cindy Harris, Lori Beary, Brian Crozier, Ms. Lawrence, Mr. Jamison, and Margaret (Ms. Jensen does not recall Margaret’s last name), a contractor from Entrepreneurial Operating System. She described Mr. Jamison as being “in that mood” at this event. She explained that “in that mood” meant he was using double entendres and making off-color comments. Margaret was leading the training and had been encouraging Mr. Jamison’s behavior. Ms. Jensen says the only specific inappropriate exchange she recalls was that Mr. Jamison and Margaret kept discussing the Grand Tetons in a sexually suggestive way.

Ms. Jensen was also told about incidents of sexual harassment by Mr. Jamison that she did not personally witness. She recounted Witness 3 telling her about a time in which Mr. Jamison made a sexually inappropriate comment to her at one of the IFA conferences. Ms. Jensen does not remember what the comment was; however, she was told Mr. Jamison made these comments in front of two other IFA employees, Dave Vaske and Katie Kulisky. Witness 3 told Ms. Jensen that she believes Mr. Jamison was drunk when he made the comment. She told Ms. Jensen that it only happened that one time and that she had a talk with Mr. Jamison the next day and “laid down the law.” Witness 3 told Ms. Jensen that she gave Mr. Jamison some slack because he was drunk, but she said if he had made that comment to her when he was sober she does not know how she would have reacted.

Despite having witnessed and heard about these few instances of Mr. Jamison’s inappropriate behavior, Ms. Jensen said she was shocked by the information included in anonymous letter that was written to Governor Reynolds. She said she had never heard about or witnessed any of the incidents described in that letter. Frankly, she said that she did not think that Mr. Jamison had the energy to be a predator. Ms. Jensen described Mr. Jamison as being lazy and someone who did not think through things but rather would fly by the seat of his pants. Again, she said whenever she had witnessed Mr. Jamison saying things she believed were inappropriate, she would say, “Really? Let’s not go there.” Mr. Jamison would usually respond, “Yeah, yeah.” Ms. Jensen never felt at risk or in danger in these instances, but she warned Mr. Jamison that others might be offended by his behavior.

Ms. Jensen said that when she first began working at IFA, she would go out for drinks after work once and a while with Mr. Jamison and others. She said that Mr. Jamison would typically initiate these happy hours by sending out an email or text message saying, “FAC.”



typically initiate these happy hours by sending out an email or text message saying, "FAC." She also said that after meetings of the ELT they would occasionally go out for drinks. They would typically go to Carl's Place, Star Bar, or Eatery A. She said the group was generally Geri Huser, Steve Harvey, Eric Chapman, Wes Peterson, and Ashley Jared. She said that they would also stop at The Beechwood Lounge when they were at the Capitol on business. When asked about the frequency of these outings, Ms. Jensen said that they would typically go out for drinks once every two weeks when she first started at IFA, but then she eventually fell off the invite list. She said Mr. Jamison would want people to leave at 3:00 p.m. or 3:30 p.m. but she would not join the group until 4:30 p.m. when the work day concluded. Towards the end of her time being invited, Ms. Jensen said the group was Mr. Crozier, Mr. Peterson, Ms. Jared, Beth Mahaffey, and Ms. Lawrence. She believes the last time she went out was probably a year ago on St. Patrick's Day and they went to AJ's on Court Avenue.

Ms. Jensen said that Mr. Jamison had a drinking problem in her opinion. She said that when she would go out with them, she worried about how Mr. Jamison was getting home. She would ask him if he was okay to drive home or if he needed a ride but Mr. Jamison would get upset with her when she would ask this. Her friends from the Capitol would tell her that Mr. Jamison would show up at The Beechwood Lounge frequently around 3:00 p.m. and that he was already drunk when he arrived.

Ms. Jensen said that she only traveled with Mr. Jamison two times. A month after she started she traveled to Las Vegas, Nevada with him for a conference. She also traveled with him to Milwaukee, Wisconsin, but it was a short trip; they drove there and back in two days. Ms. Jensen said that they rode together and Mr. Jamison drove and in general he seemed annoyed that she was along on the trip.

According to Ms. Jensen, Mr. Jamison was not involved in the daily operations of IFA and was gone from the office a lot, which she said was preferable at times. She stated that Mr. Jamison would "never let you forget who was in charge." She said that he would start off most meetings of the ELT saying "Who is it all about?" and expect people to answer "Dave!" He would try to play it off as a joke but she knew that he meant it. Ms. Jensen said that Mr. Jamison having his phone out during meetings was a problem. She said he did not pay much attention in meetings, unless he wanted something accomplished, in which case it was the first thing discussed at the meeting. She said Mr. Jamison was intimidating and would stifle conversation. When he wanted a conversation to be over he would yell and you would just know it was over. Ms. Jensen said that Mr. Jamison took issue with her body language and would frequently tell her that she needed to "get on the team."

THE WEINHARDT LAW FIRM

Page | 4

Ms. Jensen said that if an IFA employee felt harassed by Mr. Jamison, she would have been the logical person for them to speak to. She also said that individuals could have spoken with IFA's general counsel or with Lori Beary. She noted that Mr. Crozier was the human resources director before Brooke Parziale was hired and that they would both have been people to go to as well. When asked, Ms. Jensen said that the IFA employees who are likely running scared after Mr. Jamison's termination are Ms. Lawrence, Mr. Crozier, and Mark Thompson.

Ms. Jensen has met Mr. Jamison's wife and has attended events where she has been present. She has been to Mr. Jamison's house one time because she met Mr. Jamison there and left her car there during their trip to Milwaukee. She said that it appears the Jamisons were close couple friends with the Mosimans, but besides that, Ms. Jensen does not know who Mr. Jamison's friends are outside of IFA.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061570.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Mark Weinhardt
DATE: September 6, 2018
RE: Interview of Rhonda Kimble

On August 23, 2018, Mark Weinhardt and David Fautsch conducted an interview of Rhonda Kimble, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Fautsch conducted the majority of the questioning and Mr. Weinhardt took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview started with Mr. Fautsch giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Ms. Kimble has lived in Des Moines her entire life. She is a graduate of Lincoln High School. Immediately after graduating from high school she got a job working in the mortgage area at American Federal Savings & Loan and has worked in the mortgage industry ever since. She started employment at American Federal in 1983. She has not attended college.

Ms. Kimble joined IFA in July 2014. Her previous employment immediately before IFA was at BMO Harris. She left BMO Harris when that firm relocated her job and many others to Chicago. She was at BMO Harris about one and a half years before she started at IFA. Ms. Kimble’s work in the mortgage industry was always on the lending side of transactions, usually in the role of managing staff such as originators, processors, and lenders.

Ms. Kimble came to IFA to take a position at the Iowa Title Guaranty. Her governmental job description was Compliance Officer I. Linda Berg was retiring from IFA, and Ms. Kimble took her position there. Ms. Kimble did not know David Jamison and had heard nothing about him when she took the position. She did not interview with him in order to get that job.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtlaw.com
{02061484.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

After a period of time, Ms. Kimble became the Director of the Single Family program at IFA. When she interviewed for that position, she did interview with David Jamison, along with Cindy Harris, Lori Beary, Ashley Jared, and Jess Flaherty.

While Ms. Kimble worked with Iowa Title Guaranty, she was promoted to Compliance Officer II. The move to the Directorship of the Single Family program was a further promotion. She has always received good performance reviews at IFA. David Jamison has never reviewed her performance. Her performance in her current position is reviewed by Lori Beary.

Ms. Kimble has not been the victim of any inappropriate conduct by Mr. Jamison. She believes that is because “I am not his mold.” She has witnessed some episodes of inappropriate conduct towards others. In October 2017, she attended the National Council of State Housing Agencies annual conference in Denver. She was with Mr. Jamison and a number of other IFA employees at that conference in a bar one evening. She recalls Mr. Jamison sitting across the table from either Witness 1 or Witness 2 and opening his shirt and gesturing towards that Witness in order to communicate that he believed the Witness should open her blouse more. Ms. Kimble gave Mr. Jamison a stern look, and he stopped the behavior. She recalled at that event, as with several others, the participants had to arrange seating in order to keep Mr. Jamison from sitting close to Witness 1 or Witness 2. Mr. Jamison liked sitting close to them, and his presence made them uncomfortable.

Ms. Kimble recalled an event for IFA employees at Halloween 2017 where people were dressed to the theme of the television show “The Price is Right.” Witness 1 had a cardboard costume that covered a t-shirt that Mr. Jamison apparently believed was revealing. Ms. Kimble heard Mr. Jamison implore Witness 1 “move that [cardboard] over” so that he could get a better look at Witness 1’s physique. She also recalls an occasion at a staff meeting when Witness 1 stretched in a way that Mr. Jamison thought was revealing and hearing him say to her in front of the group, “you can do that again.”

Ms. Kimble said that she did not personally witness much else of what she understood to be Mr. Jamison’s inappropriate behavior because that behavior occurred in his “circle of trust,” and she was not in that group. She said that group included Tara Lawrence, Wes Peterson, Witness 1 and Witness 2, and Brian Crozier earlier in Mr. Crozier’s employment. She said that Mr. Crozier more recently was not part of that group. She also said that Jess Flaherty was at least sometimes part of that group. She did mention that after



2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061484.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

the Matt Lauer matters at NBC went public, Mr. Jamison mentioned Mr. Lauer regularly and would make comments about how he needed to “check with Matt Lauer’s attorney.”

Ms. Kimble does have, she told us, considerable secondhand knowledge about Mr. Jamison’s harassing activities. She said that she had a close relationship with Witness 1 and Witness 2 and referred to herself as being their “IFA mom.” Both of them had confided in her about inappropriate things that Mr. Jamison had said or done. Witness 2, in particular, told of an occasion when she was on a trip with Mr. Jamison to Northwest Iowa where, in a bar or restaurant with a group of people, Mr. Jamison told some sort of joke that involved a dollar bill. Witness 2 described how Mr. Jamison’s telling of that joke to her led to him grabbing Witness 2 on the breasts through her clothes. Witness 2 was distraught about the incident, and Mr. Jamison’s activity was definitely unwelcome.

Ms. Kimble said that Witness 2 also related a trip that went from Des Moines to the Council Bluffs/Omaha area and then to the Sioux City area. On that trip, as was common, Mr. Jamison drove his own car rather than a state vehicle so that he could smoke in the car. Witness 2 rode along with Mr. Jamison, which was unusual. During that trip while the two were alone in the car, Witness 2 related, Mr. Jamison played a pornographic video on his cell phone for Witness 2. This was again unwelcome and disturbing to Witness 2.

Witness 2 told Ms. Kimble that after events like this that Mr. Jamison recognized were unwelcome, Mr. Jamison would call Witness 2 into his office and tell her that he did those things because he treated her “like family.”

Ms. Kimble also related that Witness 1 told her of an occasion on an IFA trip where Mr. Jamison attempted to get Witness 1 to come into his hotel room with him. Witness 1 declined. Regarding Witness 1, Ms. Kimble said that she witnessed the comment of Mr. Jamison to Witness 1 that “you’re not fun anymore” is related in Witness 1’s letter to Governor Reynolds. This was at that bar Carl’s Place. Although Ms. Kimble was very rarely invited to go drinking with Mr. Jamison late on a workday, as he often did, she was in attendance on this occasion because Mr. Jamison decreed that an IFA meeting needed to be held at Carl’s Place.

Ms. Kimble discussed with Witness 1 and Witness 2 the possibility of reporting Mr. Jamison’s conduct. She particularly encouraged Witness 2 to come forward about things Mr. Jamison had done. None of them believed, however, that reporting the conduct internally at IFA would do any good. Ms. Kimble said that whether it was true or not, Mr.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061484.DOCX}

THE WEINHARDT LAW FIRM

Page | 4

Jamison portrayed that he had a relationship with Governor Reynolds that would allow him to resolve issues favorably at IFA when he needed. She gave an example of an Administrative Assistant II position that, when vacated, could easily have been filled with a more inexpensive Administrative Assistant I or a Clerk. Mr. Jamison insisted on keeping the position classified as an Administrative Assistant II, and she believed he wanted to do that so that the position would be available at that level for an individual coming from the Governor's office to work at IFA named Alicia Freed. While he did not say words to this effect, Ms. Kimble got the impression from Mr. Jamison that he had gone to the Governor's office to get assistance with the Department of Administrative Services in maintaining the position as an Administrative Assistant II. She said that while Mr. Jamison touted his relationship with Kim Reynolds when Ms. Reynolds was the Lieutenant Governor, such references and claims increased significantly after Ms. Reynolds became Governor.

That said, Ms. Kimble did not herself see Mr. Jamison say or do anything that could be interpreted as discouraging reports of improper behavior on his part. She is aware of Mr. Jamison's remark to Brian Crozier that Mr. Crozier must be "allergic to a paycheck" because Mr. Crozier related that event to her.

Ms. Kimble counseled with Witness 1 and Witness 2 in a meeting at Smokey Row in Des Moines shortly before the two Witnesses approached Governor Reynolds's office. She encouraged them to come forward. They believed that there was no other place within state government to report Mr. Jamison's activities. Ms. Kimble encouraged them to come forward because she never had any questions about their credibility in the events about Mr. Jamison that they related.



2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061484.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: David Fautsch
DATE: August 13, 2018
RE: Interview of Elizabeth Krugler

On August 13, 2018, David Fautsch conducted an interview of Elizabeth Krugler, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Fautsch conducted the questioning and took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview started with providing Ms. Krugler with the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Ms. Krugler graduated from Iowa State University with a Bachelor’s degree in 2014 in public relations and obtained a Master’s in 2016 in journalism and mass communications. She started at IFA in 2016 as Assistant Communications Director. She had two interviews. The first interview was with Ashley Jared and Brian Crozier. The second was with Ms. Jared, Mr. Crozier, and Mr. Jamison. Ms. Krugler reports to Ms. Jared; they are the only two people in communications at IFA. Her duties include assisting Ms. Jared in whatever she needs, daily communication, promotional videos, conference organization, newsletters, press releases, meeting summaries, and social media.

Ms. Krugler attends some conferences. She does not attend the Executive Leadership Team meetings and rarely attends the Board of Directors meetings. She rarely had contact with Ms. Jamison.

Ms. Krugler said that she saw nothing and heard nothing related to sexual harassment. The allegations against Mr. Jamison were entirely a surprise to her.



2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061634.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: David Fautsch
DATE: September 10, 2018
RE: Interview of Annette Campbell/Mary Mosiman

On September 7, 2018, Mark Weinhardt, David Fautsch, and Elisabeth Archer conducted an interview of Annette Campbell, Director of the Performance Investigation Audit Division of the State Auditor's Office, and Mary Mosiman, Auditor for the State of Iowa, at the Iowa State Capitol. Mr. Weinhardt conducted the majority of the questioning and Mr. Fautsch and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview started with the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Mark first questioned Ms. Campbell. Ms. Campbell attended the University of Northern Iowa and graduated in 1987 with a degree in accounting. She began working at the Auditor's office 31 years ago. She started in the financial division and is now the Director of the Performance Investigation Audit Division.

Ms. Campbell is conducting the Auditor's investigation into the Iowa Finance Authority ("IFA"), but the scope of her investigation does not overlap with this firm's investigation. The scope of the Auditor's investigation is limited to IFA's financial transactions and verifying public purpose versus personal gain transactions. For example, she is looking into financial transactions when they involve travel costs, but she declined to comment on those issues because their investigation is ongoing. Ms. Campbell is conducting the investigation because Ms. Mosiman has recused herself due to her personal and professional relationship with Mr. Jamison.

Upon completion of her interview, Ms. Campbell left and was not present for the interview with Ms. Mosiman.

Ms. Mosiman attended Iowa State University where she met her husband. They have four daughters and reside in Ames, Iowa. While raising her daughters, she opened an in-

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061563.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

home daycare. Mr. Jamison and his wife were among her first clients in 1995 or 1996. Their children have grown up together. Ms. Mosiman's children are close to Ms. Jamison's children.

Mr. Jamison, who was the Story County Treasurer at the time, encouraged Ms. Mosiman to run for the Story County Auditor. She won an election to become the county auditor and worked with Mr. Jamison while he was the treasurer. As the auditor, she did not frequently work with Mr. Jamison but she provided tax rates and levies to Mr. Jamison's office. They worked together in these positions for about ten years.

The Jamison and Mosiman families were very close family friends. Mr. Jamison and his wife were the hosts of their daughter's wedding. Ms. Mosiman also hosted a baby shower for Mr. and Mrs. Jamison's daughter.

Ms. Mosiman said that she was shocked and stunned over the accusations against Mr. Jamison. Her first concern was for his wife. She said Mr. Jamison is very friendly and very social. He has never displayed any inappropriate conduct towards her, nor has she witnessed him display inappropriate behavior towards other women in her presence. She never heard anyone complain about his behavior. She has heard Mr. Jamison make some off-color jokes, but only in settings as family friends. She says that Mr. Jamison had a sophomoric sense of humor, but these jokes or comments were made outside of his role at IFA or other professional settings.

A couple of weeks after Mr. Jamison was terminated and the letter was released, Ms. Mosiman and her husband, who live near the Jamisons, stopped over to Mr. Jamison's house and visited with him for about an hour. Mr. Jamison stated that he did not know his accuser. Ms. Mosiman returned a campaign contribution from the Jamisons.

Asked if Mr. Jamison's behavior changed when he drank or if he had a drinking problem, Ms. Mosiman stated that she has wondered whether Mr. Jamison had a drinking problem, but that she did not want to pass judgment.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061563.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 10, 2018
RE: Interview of Brooke Parziale

On September 7, 2018, Mark Weinhardt and Elisabeth Archer conducted an interview of Brooke Parziale, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Weinhardt conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Ms. Parziale grew up in Des Moines, Iowa. She is a 2006 graduate of Hoover High School. Immediately after graduating from high school she attended the University of Iowa. She graduated with a degree in business administration with an emphasis in human resources in 2010. Thereafter, Ms. Parziale worked for a program called Camp Adventure, did two terms of AmeriCorps, and worked in Phoenix, Arizona and Milwaukee, Wisconsin before deciding to make a move back to Iowa with her husband. Ms. Parziale started at IFA in May of 2017 as the Human Resources Manager. Ms. Parziale did her first interview for the IFA position with Brian Crozier and David Jamison. She did her second interview with Carolann Jensen and Tara Lawrence.

Before Mr. Jamison’s termination, Mr. Crozier was Ms. Parziale’s direct supervisor. After his termination, the Interim Executive Director, Ms. Jensen, brought the human resources department under her direct supervision. Ms. Parziale’s job encompasses a wide range of duties, including: recruitment, interviewing, advertising job openings, employee relations, employee benefits, employee terminations, and investigating improper employee behavior. Ms. Parziale said that if an employee made a report of inappropriate behavior by a co-worker to her, it would be kept confidential. She would in turn make a report with the Iowa Department of Administrative Services (“DAS”), but at no point would the employee being reported about know that a report was made against them.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061559.DOCX}

Ms. Parziale said that the IFA employee handbook states that IFA follows the State of Iowa's handbook and policies regarding sexual harassment and reporting. She also said that all IFA employees are required to complete sexual harassment training. This training is now required by Governor Reynolds, but even before Governor Reynolds instituted this requirement, Ms. Parziale recommended that IFA make such training mandatory for employees. She approached her supervisor, Mr. Crozier, with this recommendation and he took the recommendation to the Executive Leadership Team (the "ELT") and the ELT also approved it.

She remembered that she had attempted to get this mandatory training implemented within the first month of her employment at IFA but had been unsuccessful. One of her first tasks was to revise the employee handbook and at that time she noticed there was no mandatory annual sexual harassment and discrimination training. She mentioned this to Mr. Jamison and suggested that IFA begin requiring this training and he replied, "What's wrong with harassment?" He also said, "Well now I have to keep my ducks in a row." This was in early June of 2017. Ms. Parziale said that IFA handbook was revised most recently July 1, 2018 but that there were no changes made regarding sexual harassment.

Ms. Parziale stated that she did not interact with Mr. Jamison frequently and when she did there were always other people present. She got the impression that whenever she was around, Mr. Jamison was on his best behavior because she would hear from other IFA employees that Mr. Jamison made inappropriate jokes, but she never heard him make such jokes. Ms. Parziale has not been the victim of any inappropriate conduct by Mr. Jamison. She also never witnessed Mr. Jamison behaving in a sexually inappropriate manner towards others. Additionally, no employee ever made a complaint about sexual harassment by Mr. Jamison to her. The only thing that she heard from employees about Mr. Jamison was that he was a jerk to work with.

Ms. Parziale did travel with Mr. Jamison for work on a couple of occasions. They both attended a conference for IFA in Cedar Rapids, Iowa and they traveled to Denver, Colorado for the National Conference of State Housing Agencies. She never traveled alone with Mr. Jamison; there were other IFA employees present for both of these work trips. She also never went out for drinks or dinner with Mr. Jamison. He never invited her along when he would invite other employees to go to the bars.

Ms. Parziale recounted several uncomfortable situations with Mr. Jamison all related to job reclassifications he was requesting from DAS. She was asked to work on a job

reclassification request for Beth Mahaffey, which Mr. Crozier had been working on before she started with IFA, but that request never went anywhere. She then started working on the job reclassification request for Jess Flaherty in the summer of 2017. She described that experience as “very unpleasant.” Ms. Parziale did not agree with the reclassification request because it did not reflect the work Ms. Flaherty was actually performing at IFA. Mr. Jamison told Ms. Parziale that he did not care if the description of Ms. Flaherty’s job duties in the reclassification request was true or not.

The individuals involved in this reclassification request were Ms. Parziale, Mark Thompson, Mr. Crozier, Ms. Flaherty, and Mr. Jamison. Mr. Jamison told them that he wanted them all to call and harass DAS employees, burn all bridges, and to call and harass them again. Essentially, Mr. Jamison wanted IFA employees to harass the DAS employees until DAS caved and gave Mr. Jamison the reclassification he wanted. Mr. Jamison made the IFA team working on the reclassification go around the table and look him in the eye and say, “This is the most important thing I am working on right now.” On this reclassification issue, Mr. Jamison would also say, “I’ll just call my friend Kim and get my way anyways.”

Then after months of working on the reclassification request, there was a meeting with Janet Phipps (Director of DAS), Mr. Jamison, Ms. Flaherty, Mr. Crozier, Sean Hippen, and Ms. Parziale. Ms. Parziale commented that she found it odd that Ms. Flaherty was always a part of meetings where her reclassification was being discussed. At times her presence made things awkward. Ms. Parziale said that Ms. Phipps told the group what to put on the reclassification request in order to get it approved as Mr. Jamison wanted. Ms. Flaherty’s reclassification was approved in February of 2018.

Ms. Parziale said that a common tactic from Mr. Jamison was to threaten to call the governor to get his way. She does not know if he actually did make these calls to the governor, but he frequently said that he would. He made these statements or threats in front of all IFA employees, it was not a secret, he wanted people to know that he was powerful.

Lastly, Ms. Parziale commented on the changes at IFA since Mr. Jamison’s termination. She said there was a noticeable difference in the overall environment at IFA which she explained by referencing two separate meetings. The Wednesday before Mr. Jamison was terminated, Ms. Parziale said there was an all-staff meeting in which the tension was palpable and you “could just feel it.” In contrast, there was an all-staff meeting

THE WEINHARDT LAW FIRM

Page | 4

the Monday after Mr. Jamison was terminated and people were laughing and it was just generally a lighter atmosphere. She said the change was “night and day different.”

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtlaw.com
{02061559.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: David Fautsch
DATE: September 10, 2018
RE: Interview of Wes Peterson

On August 22, 2018, Mark Weinhardt, David Fautsch, and Elisabeth Archer conducted an interview of Wes Peterson, an employee of the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Peterson’s attorney Patrick White was also present. Mr. Weinhardt conducted the majority of the questioning and Mr. Fautsch and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Weinhardt giving the standard admonitions about the voluntary nature of this interview, the scope of the interview, and confidentiality.

Mr. Peterson is a 2006 graduate of the University of Northern Iowa, where he studied political science. Since graduation he has worked in politics and state government. Immediately prior to joining the Iowa Finance Authority he worked on Governor Branstad’s transition team in 2010 and 2011. He joined IFA in 2011. His current title, which he has had since joining IFA, is Director of Government Relations. In the context of state government, this means that he interacts with other government agencies on IFA’s behalf. He is a registered lobbyist. For the past two years he has reported directly to Brian Crozier. Before that he reported directly to David Jamison. Mr. Peterson said that he knew Mr. Jamison before he came to IFA and was able to obtain his position through then-Lieutenant Governor Kim Reynolds. He was hired directly by Mr. Jamison. Mr. Peterson reported that his compensation has gone from approximately \$60,000 per year when he started to approximately \$113,000 per year.

Asked if he ever witnessed any inappropriate behavior by Mr. Jamison, Mr. Peterson reported that he saw Mr. Jamison grab Witness 2’s breasts while making a joke about a dollar bill. The event occurred at a hotel restaurant and bar near Okoboji, Iowa. Mr. Jamison, Tara Lawrence, a consultant (who Mr. Peterson identified only as Dan), and Witness 2 were shooting videos for an annual report and visiting bankers in Northwest Iowa. The incident happened in the evening. The joke was apparently that Mr. Jamison bet a

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061682.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

dollar that he could touch Witness 2's breasts without touching her. Mr. Jamison then grabbed Witness 2's breasts and gave her a dollar. Mr. Peterson stated that Witness 2 was unpleasantly surprised by this. He doesn't remember the reactions of other people. He was personally appalled. He does not recall anybody saying anything about the incident then or later to Mr. Jamison. Mr. Peterson recalls, however, that Mr. Jamison seemed apologetic and realized that he shouldn't have touched Witness 2 very shortly after actually touching her.

Mr. Peterson said that he subsequently talked with Witness 2 about the event either that night or the next day. Mr. Peterson claimed that Witness 2 told him that Mr. Jamison talked to her about the incident, that she was over it, and didn't want it reported or talked about any more. Mr. Peterson confirmed that Witness 2 did not say or do anything to make Mr. Jamison's actions invited. Mr. Peterson does not recall Mr. Jamison making reference to betting a dollar at any point after that incident. Mr. Peterson acknowledged that at the incident he and his colleagues were drinking "more than a little."

Mr. Peterson was asked to confirm or deny a number of incidents described by Witness 1 and Witness 2. Mr. Peterson could recall certain incidents but not others.

- Mr. Peterson did not recall hearing Mr. Jamison discuss his own sexual experiences, and didn't hear him talking about happy endings at massage parlors.
- He recalled Mr. Jamison talking about "the shocker" and making a corresponding hand gesture.
- He recalled Mr. Jamison making a joke about "arthritis hands" that involved him acting as if he was touching a woman's breasts.
- He did not recall Mr. Jamison referencing "mandingo parties," Mr. Jamison asking women about their favorite sexual positions, or anything of that nature. Mr. Peterson acknowledged, however, that Mr. Jamison asked Witness 2 and Ms. Lawrence about their sex life, which made both of them feel uncomfortable.
- He does not recall Mr. Jamison making comments about the physical appearance of female colleagues at staff meetings.
- He recalls Mr. Jamison using the term "May-December romance" in reference to him and Witness 2. Mr. Peterson did not know the meaning of that phrase.
- Mr. Peterson recalled a snapchat group that Mr. Jamison called "IFA Trouble" that included Witness 1, Witness 2, Ms. Lawrence, and himself. Mr. Peterson

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
(02061682.DOCX)

does not believe, however, that the IFA Trouble snapchat group was used to send or receive sexually inappropriate material.

- In a group setting, Mr. Peterson heard Mr. Jamison refer to needing the law firm of “Lauer, Weinstein, and Franken.”

Mr. Peterson says that he was told by Witness 2 and Ms. Lawrence that Mr. Jamison had shown pornography to Witness 2.

Mr. Peterson was asked about travel that he did on behalf of IFA to Bettendorf in June of 2016 to meet with the Mayor and other city officials. This trip involved himself, Mr. Jamison, Witness 1, and Witness 2. Mr. Peterson says that the only drinking that occurred on this trip would have been in the evening, and he does not recall anybody gambling.

Mr. Peterson acknowledged that Mr. Jamison had what he called a “circle of trust.” That circle of trust apparently included himself, Witness 1, Witness 2, Ms. Lawrence, and Mr. Crozier. This group would frequently go to Carl’s Place or the Beechwood for happy hour. Mr. Peterson said that many of the inappropriate jokes referenced during his interview would have also been witnessed by Mr. Crozier and Mark Thompson.

Mr. Peterson recalls on one occasion telling Mr. Jamison that Witness 2 “wasn’t a hugger” in effort to persuade him to be less physically engaged with her. Mr. Peterson recalls Mr. Jamison’s reaction as being one of surprise and the generally brushing him aside.



THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 7, 2018
RE: Interview of Janet Phipps

On September 7, 2018, Mark Weinhardt and Elisabeth Archer conducted an interview Janet Phipps, Director of the Iowa Department of Administrative Services (“DAS”), at the offices of The Weinhardt Law Firm. Mr. Weinhardt conducted the majority of the questioning and Ms. Archer took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Ms. Phipps has been the Director of DAS since April or May of 2014. Prior to being appointed to that position by Governor Branstad, she was an intellectual property attorney with the Dickinson Law Firm and McKee, Voorhees & Sease, PLC. She also served as the State Budget Director under Governor Branstad and served as the Director of the Michigan Department of Management and Budget under Michigan Governor Engler. She is also a retired Iowa Army National Guard Brigadier General.

After giving an overview of her background, Ms. Phipps was asked to address the events surrounding the termination of David Jamison as the Director of the Iowa Finance Authority (“IFA”). On Friday March 23, 2018, Jake Ketzner, Chief of Staff to Governor Reynolds, had met with two IFA employees who reported numerous instances of sexual harassment by Mr. Jamison. At that point, Ms. Phipps began “war-gaming” the next steps that should be taken with Mr. Ketzner and the other individuals present (although she does not remember who these other individuals were). She was contacted later that day and informed that Governor Reynolds wanted to meet the following day, Saturday March, 24, 2018, at Terrace Hill to discuss the situation.

Ms. Phipps went into her office early Saturday morning to write out the various courses of action available to Governor Reynolds. Dave Roederer (Director of the Department of Management), Mr. Ketzner, Ms. Phipps, and Governor Reynolds all attended

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061535.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

the meeting at Terrace Hill. When she arrived at Terrace Hill, she immediately advised Governor Reynolds on the human resource issues implicated by the situation. At that point, Mr. Ketzner gave Governor Reynolds the letter from the two victims of Mr. Jamison's sexual harassment. Governor Reynolds read the letter silently to herself and Ms. Phipps said she looked horrified as she read the letter.

Governor Reynolds did not distribute the letter or read it aloud, but she gave the group a few examples of the type of sexual harassment that was mentioned in the letter. At that point, the group discussed the available courses of action and Ms. Phipps told Governor Reynolds that she could place Mr. Jamison on administrative leave and conduct an investigation (which was the normal DAS procedure) or she could terminate Mr. Jamison immediately because he was an at-will gubernatorial appointee. Ms. Phipps recommended to Governor Reynolds that she terminate Mr. Jamison immediately.

After the recommendations were presented, the group engaged in lengthy discussions about whether the allegations were credible and merited taking the latter course of action. The group met for a total of approximately three hours. Ultimately, Governor Reynolds decided to terminate Mr. Jamison that same day. The group also discussed who would serve as the Interim Executive Director of IFA. Governor Reynolds decided on Carolann Jensen, and she was brought to Terrace Hill to discuss this and to decide whether she would accept the position. Mr. Ketzner was tasked with getting ahold of Mr. Jamison and getting him to the Iowa State Capitol to handle the actual termination. Ms. Phipps was not involved in informing Mr. Jamison of the termination.

Ms. Phipps said that she only knew Mr. Jamison as a counterpart in state government. She met him within the first six to eight months of beginning her job at DAS. When asked if Mr. Jamison ever engaged in any inappropriate gender-based behavior towards her, she recounted her first meeting with Mr. Jamison. She met with Mr. Jamison at Smokey Row for a coffee early in her tenure as part of her initiative to reach out and meet the state agency heads she would be working with at DAS. As they were leaving Smokey Row, Mr. Jamison asked her if she wanted to go out and get a glass of wine sometime. Ms. Phipps thought it odd but just responded "no" and went on her way. Ms. Phipps did not witness or hear about any physically inappropriate behavior by Mr. Jamison. She also never saw Mr. Jamison consume alcohol.



2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061535.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

Ms. Phipps described the procedure for reporting harassment within state agencies. She stated that there is a complaint form from DAS to fill out to report harassment and that the form can be printed directly from the DAS website and sent to DAS. The reporting procedure is open to anyone. Employees can additionally report harassment to a supervisor or human resources employees within their agency. The direct reporting to DAS, however, is what is available to employees who did not feel comfortable reporting sexual harassment occurring at their workplace to someone within that workplace.

Ms. Phipps said that the reports are kept highly confidential. She stated that Human Resources Enterprises would make her aware if the alleged perpetrator was at the level of a division head or higher so she could take appropriate action. Ms. Phipps explained that after a report is made an investigation occurs and a finding is made about whether the report is deemed credible or not. DAS then advises the agency involved on the action to take.

Ms. Phipps said that part of her job is resolving disagreements between DAS and other state agencies. She said that it is not uncommon for agency heads to call the governor's office out of frustration with DAS and then the governor's office will call her to resolve the issue. She said that while it was not uncommon for agency heads in general to call the governor and complain about DAS, Mr. Jamison was a frequent complainer, more so than others. Mr. Jamison thought that because IFA was an "authority" and not an "agency" under the Iowa Code that he should be able to handle his own personnel issues independent of DAS. After going back and forth with Mr. Jamison on this issue, Ms. Phipps finally told him that if he did not want to follow the rules, he could get a letter from the governor telling her that Mr. Jamison had "carte blanche." Mr. Jamison never gave Ms. Phipps such a letter.

Ms. Phipps stated that she had generally observed that Mr. Jamison looked more favorably on upgrading the job positions of young pretty women, which Ms. Phipps found concerning. Ms. Phipps then spoke about Mr. Jamison's reclassification request for an IFA position occupied by Jess Flaherty. DAS received Mr. Jamison's reclassification request for Ms. Flaherty's position and denied the request. Ms. Phipps said that DAS went back and forth with Mr. Jamison on this issue during which time Mr. Jamison was rude to her staff. Mr. Jamison treated the DAS staff poorly and belittled them. Ms. Phipps said that enough was enough and told her staff that they were not hired to be treated like this. Mr. Jamison then called the Governor's office to complain about DAS and their denial of the reclassification issue. Finally, Ms. Phipps received a call from Jake Ketzner, Governor Reynolds' Chief of Staff, to arrange a meeting to discuss the issue. Mr. Ketzner, Mr. Jamison, Ms. Phipps, and Dave Roederer (Director of the Iowa Department of Management)

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061535.DOCX}

THE WEINHARDT LAW FIRM

Page | 4

all met in person for the discussion. During that meeting, Mr. Jamison was so angry with her that she believed he was going to come across the table at her. At the conclusion of the meeting, Ms. Phipps told Mr. Ketzner, "If I can get this worked out within our framework, I will." Mr. Ketzner said, "Yes, we want this to get worked out."

Ms. Phipps said on another occasion, Mr. Jamison sought a job reclassification for an "attractive young woman." The young woman was a former Iowa Barnstormers cheerleader and Ms. Phipps was concerned about the fact that Mr. Jamison had a picture of the woman posing with her cheerleading uniform on inside the IFA building. Mr. Jamison was requesting that this woman's job be reclassified to a higher job classification level, but Ms. Phipps said the woman was not even performing the work necessary to meet her current classification level. Upon hearing this, Mr. Jamison decided not to pursue the matter further.

On another occasion, Mr. Jamison wanted to hire a woman to work in the accounting department. The woman was not as qualified as a man who was already working in the same position in that department; however, Mr. Jamison still wanted the woman to be paid more than the man. Mr. Jamison then said to Ms. Phipps, "I need the black guy to be taken care of." Mr. Jamison ended up giving the man a 21% pay raise. Ms. Phipps was fully aware that IFA and other agencies were giving large pay increases of 5%, 10%, or sometimes even 15%. She would transmit this information to the Governor because she did not think it looked good when the state was cutting budgets everywhere else and these employees were getting such large pay increases.



2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061535.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: David Fautsch
DATE: September 10, 2018
RE: Interview of Governor Kim Reynolds

On September 7, 2018, Mark Weinhardt, Elisabeth Archer, and David Fautsch conducted an interview of Governor Kim Reynolds at the Iowa State Capitol. Also present were the Governor's legal counsel Sam Langholtz and Chief of Staff Ryan Koopmans. Mr. Weinhardt conducted the majority of the questioning and Ms. Archer and Mr. Fautsch took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview started with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

The interview began by discussing the events surrounding Mr. Jamison's termination. On March 23, 2018, Governor Reynolds received a call from Jake Ketzner, the former Chief of Staff for the Governor, indicating that two women from the Iowa Finance Authority ("IFA") had reached out and wanted to set up a meeting with the Governor regarding sexual harassment allegations. The Governor was unable to meet that night with Witness 1 and Witness 2, but Mr. Ketzner was able to meet with them.

That evening, Mr. Ketzner met with both of the women. Mr. Ketzner relayed to the Governor that this was a very serious situation. He said that Witness 1 and Witness 2 had a physical and emotional reaction when telling their stories, and that he believed that they were making credible allegations.

The next morning, the Governor convened a meeting with Janet Phipps (Director of the Department of Administrative Services), Mr. Ketzner, David Roederer (Director of the Department of Management), and Mr. Koopmans (then the Governor's legal counsel) at Terrace Hill to discuss the situation. At this time, she received the letter written by Witness 1 and recalls saying that the allegations were "really bad." Ms. Phipps went through the three options for Mr. Jamison: (1) ask for him to resign; (2) put Mr. Jamison on leave and do an investigation; or (3) fire him immediately.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061565.DOCX}

Governor Reynolds found the allegations were credible for the following reasons: (1) allegations of each witness were similar in the letter; (2) Mr. Ketzner's observations of the witnesses as emotional and shaking; and (3) the Governor knew Witness 1 personally. For these reasons, Governor Reynolds said that she decided to immediately terminate Mr. Jamison's employment.

Once the determination was made, Governor Reynolds said, Mr. Ketzner reached out to Mr. Jamison. Mr. Jamison wasn't in the State at the time. Mr. Ketzner told him to come back that day so that they could meet at the Capitol that afternoon. At that meeting, Mr. Ketzner informed Mr. Jamison that there were credible allegations of sexual harassment against him and that his employment was immediately terminated.

Governor Reynolds remembers talking to Witness 1 by phone that weekend and discussing that Mr. Jamison was terminated and that she was sorry for what Witness 1 had gone through. Governor Reynolds was asked by Witness 1 if she had known about Mr. Jamison's behavior. Governor Reynolds said that she had not known about Mr. Jamison's behavior. Witness 1 also told Governor Reynolds that she was concerned for her kids and worried about how Mr. Jamison would react. Governor Reynolds was not certain if she spoke with Witness 2. Governor Reynolds has not spoken with Mr. Jamison since his termination.

The interview next turned to Mr. Jamison's appointment as Executive Director of IFA. Governor Reynolds said that directly prior to his appointment, Mr. Jamison had just lost an election for State Treasurer. Governor Reynolds recalls that members of the Branstad transition team (possibly Doug Gross or Jeff Boeyink) reached out to Mr. Jamison for the position. Mr. Gross, she believed, recommended Mr. Jamison to former Governor Branstad. Governor Reynolds had worked with Mr. Jamison and thought he would be a good fit for the position. Governor Reynolds recalled that Mr. Jamison indicated to her that he would be interested in a job in the new administration. Mr. Jamison was appointed as the Executive Director of IFA in 2011.

Mr. Jamison seemed like a good fit at the time because he was a county treasurer for many years, he had run for state treasurer, she knew him to be a leader among the county treasurers, and he had worked with her to create a successful website for paying local taxes.

THE WEINHARDT LAW FIRM

Page | 3

Governor Reynolds was then asked about her interactions with Mr. Jamison. Governor Reynolds did not recall frequent communication with Mr. Jamison about IFA while she was Lieutenant Governor. They held press conferences together from time to time for initiatives he was working on. If he had concerns, Mr. Jamison would occasionally raise them with her. She would also have contact with him if the Governor's office was working with IFA.

She recalled that Mr. Jamison thought that IFA's status as an "authority" was being challenged. That is to say, Mr. Jamison believed that IFA should have a greater degree of autonomy from the State of Iowa than its other administrative agencies. Mr. Jamison did not discuss employees with her. She recalled, however, that Mr. Jamison, like many agency heads, expressed frustration with the job classification and promotion process controlled by the Department of Administrative Services. Governor Reynolds recalls telling Mr. Ketzner that "I continue to hear concerns about the [job classification] process, can you talk to Ms. Phipps and see what is going on and what we can do to make this process work for both parties."

Governor Reynolds and Mr. Jamison got to know each other well through the county treasurer association. They were not just social friends, they were also family friends. They would often attend each other's family weddings or other family gatherings. Governor Reynolds was not aware that Mr. Jamison was telling people in IFA that he had an especially close relationship with her.

Governor Reynolds acknowledged that Mr. Jamison helped her edit the Condition of the State Address. She said that she would often have people outside of the Governor's office review the Condition of the State Address and other speeches. This included Mr. Jamison, who would review for tone and style. She also uses close friends and family members to review her speeches. Governor Reynolds mentioned that Mr. Jamison was helpful because he "knows her voice."

The interview concluded by discussing whether Governor Reynolds was ever aware that Mr. Jamison was behaving inappropriately while serving as Executive Director of IFA. Governor Reynolds said she never received a report that Mr. Jamison's behavior was inappropriate in any way. She reported not having been around him much since 2009 and that he didn't behave inappropriately around her.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061565.DOCX}

THE WEINHARDT LAW FIRM

Page | 4

Because witnesses in this investigation have raised concerns about Mr. Jamison's drinking, Mr. Weinhardt asked Governor Reynolds if she had noticed a problem with Mr. Jamison's use of alcohol. She acknowledged that Mr. Jamison drank a lot. She indicated that he had a "strange sense of humor" and could be crude but nothing like what was described in the letter to her that started this matter. "He's a partier," she said, and based on her observation, she thinks he has a drinking problem. She said Mr. Jamison has a hard time knowing when to stop drinking.



2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtlaw.com
{02061565.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 10, 2018
RE: Interview of Mark Thompson

On August 30, 2018, Mark Weinhardt, David Fautsch, and Elisabeth Archer conducted an interview of Mark Thompson, an employee of the Iowa Finance Authority (“IFA”). Mark conducted the majority of the questioning and Mr. Fautsch and I took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview began with Mr. Weinhardt giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Mr. Thompson is an attorney. After law school, Mr. Thompson spent four years working for a law firm in California and then worked at a small law firm in Fairfield, Iowa. In 1999, he began working for the Iowa Attorney General’s Office, where he worked for six years. Mr. Thompson was hired as IFA’s General Counsel in 2005 and has held that position ever since.

Mr. Thompson’s current job duties consist of advising IFA when legal questions arise, participating in human resource investigations of employee matters, and contracting and coordinating with IFA’s outside counsel for litigation matters. In his words, he is a “jack of all trades.” Mr. Thompson has an attorney working under his direction. Mr. Thompson used to report directly to Mr. Jamison but after IFA’s reorganization he now reports to Brian Crozier. During his time with IFA, he has worked under four different executive directors including Carolann Jensen.

Mr. Thompson did not know Mr. Jamison before he became IFA’s Executive Director. When asked if Mr. Thompson had ever witnessed inappropriate conduct by Mr. Jamison towards women, Mr. Thompson responded, “I’m going to say no.” Mr. Thompson said that he never saw Mr. Jamison touch or have inappropriate physical contact with an IFA employee.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061575.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

Mr. Thompson did say that in group meetings or at the bar Mr. Jamison would make comments or one liners intended to be humorous. Mr. Thompson could not recall specific examples but described them as being awkward and not funny. He stated that the comments were not of a sexual nature, “maybe just double entendre.” Mr. Thompson reported that he never heard Mr. Jamison talk about Harvey Weinstein and Matt Lauer, but heard from other IFA employees that Mr. Jamison would talk about these things. Of all of the things mentioned in the anonymous letter written to Governor Reynolds, the only thing he knew about was that Mr. Jamison had once made a racial joke. He does recall saying to Mr. Jamison, “As your attorney, I advise you not to say that anymore,” in response to some of Mr. Jamison’s double entendre jokes. Mr. Thompson does not ever recall saying this to Mr. Jamison while at a bar. Mr. Thompson reported that Mr. Jamison knew when he was crossing a line and “being naughty.” He described Mr. Jamison as being like a “toddler.”

Mr. Jamison occasionally invited Mr. Thompson to go out for drinks but he did not invite him out as much as other IFA employees. Mr. Thompson probably went out for drinks about eight times in the seven years that Mr. Jamison was with IFA, although he stated that he does not want to be pinned to any specific number. He said that Carl’s Place was Mr. Jamison’s favorite bar and The Beechwood Lounge was his second favorite.

Mr. Thompson stated that he only ever saw Mr. Jamison “clearly drunk” one time when they were in Waterloo for a workshop. Mr. Thompson believes that Mr. Jamison goes out drinking quite a bit. He said that Mr. Jamison may have a drinking problem but he is not sure. Regardless, Mr. Thompson noted that Mr. Jamison “could really hold his liquor.”

Mr. Jamison’s termination was a shock to Mr. Thompson. The allegations contained in the letter to Governor Reynolds were also a shock. When asked where an employee should go to report sexual harassment, Mr. Thompson indicated that an employee should go to their manager to make a report or to human resources. He did say, however, that IFA is flexible and any manager would help a fellow employee and take a report of harassment. Mr. Thompson stated that the sexual harassment policies are laid out in IFA’s employee handbook as well as the state’s employee handbook. Employees feeling sexually harassed could also make a report directly to the Human Resources Enterprise within the Department of Administrative Services (“DAS”).

Mr. Jamison and “Kim” (as Mr. Jamison frequently referred to Governor Kim Reynolds) were friends because they had been county treasurers together. Mr. Thompson said that Mr. Jamison let people know about his relationship with Governor Reynolds. Due

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061575.DOCX}

THE WEINHARDT LAW FIRM

Page | 3

to his relationship with the Governor, Mr. Thompson stated that he would often take advantage of DAS and try to get his way on different issues. He said that he did this with the job reclassification for Jess Flaherty, his executive assistant. Mr. Thompson said that Mr. Jamison went out of his way to get Ms. Flaherty a promotion.

Overall, Mr. Thompson described Mr. Jamison as a hands-off director with little knowledge of the industry or IFA. He said that Mr. Jamison traveled a lot, but when he was working in the office he would usually leave by 3:30 p.m. or 4:00 p.m. Mr. Thompson stated that Mr. Jamison was inefficient. According to him, some people were happy about Mr. Jamison's termination, some people were unhappy, and some people just wanted to go back to work. After the termination, Mr. Jamison contacted Mr. Thompson and Brian Crozier in order to retrieve the small refrigerator that he left behind in his old office. Mr. Thompson and Mr. Crozier met Mr. Jamison at Smokey Row to return the refrigerator to him.

Mr. Thompson stated that The Des Moines Register's reporting of the situation had implied that he and Mr. Crozier turned a blind eye to Mr. Jamison's sexually harassing behavior. He said that this assertion makes no sense because he has been involved with firing an IFA employee for sexual harassment before and if he had known about Mr. Jamison's behavior he would have done something. He reported that he is aware that two civil rights complaints have been filed by IFA employees, one by Witness 1 and the other by Ms. Gabrielle Riesterer. He acknowledged, however, that Ms. Riesterer's complaint does not involve sexual harassment.

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061575.DOCX}

THE WEINHARDT LAW FIRM

Page | 1

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: David Fautsch
DATE: September 12, 2018
RE: Interview of Dan Welk

On August 28, 2018, Mark Weinhardt, Elisabeth Archer, and David Fautsch conducted an interview of Dan Welk, a photographer who has worked for the Iowa Finance Authority (“IFA”), at the offices of The Weinhardt Law Firm. Mr. Welk was said to have witnessed the sexual assault of Witness 2 near Okoboji in December of 2016. Ms. Archer conducted the majority of the questioning and Mr. Weinhardt and Mr. Fautsch took notes. This memorandum is prepared based on those notes and summarizes the interview topically rather than chronologically. The interview started with Ms. Archer giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Mr. Welk has been a freelance photographer and videographer for approximately 10 years. He is married and has two children. Mr. Welk has done work for IFA for approximately two years. He works primarily with people in communications at IFA. He also stated that he has had some limited contact with Wes Peterson while traveling on IFA business. Mr. Welk has been hired approximately three to four times per year to work with IFA by shooting video for testimonials and other promotional pieces.

Asked if he ever saw Mr. Jamison engage in sexually inappropriate behavior with a colleague, Mr. Welk explained that he witnessed an incident in December of 2016 when he saw Mr. Jamison touch Witness 2’s breasts. On December 14, 2016, Mr. Welk traveled with Witness 2, Mr. Peterson, Tara Lawrence, and Mr. Jamison to the Okoboji area to shoot video testimonials of people helped by IFA programs. After a day of travel and filming, they stayed at Bridges Bay Resort in Arnolds Park, Iowa. Mr. Welk joined the four IFA employees at the restaurant at the hotel for dinner and drinks that evening. Upon joining them, Mr. Welk stated that “all four had a head start on me drinks wise.”

Mr. Welk particularly recalls Mr. Jamison’s “\$1 joke.” He does not remember the set-up of the joke, however, the punch line was that Mr. Jamison grabbed Witness 2’s breasts

WLF

2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061621.DOCX}

THE WEINHARDT LAW FIRM

Page | 2

with both hands and without her consent and then he gave her a dollar bill. Everyone seemed stunned. Mr. Welk was amazed, in part because he had just met Mr. Jamison an hour earlier. Mr. Welk said that he, and everyone else to his recollection, was shocked. Mr. Welk thinks he may have laughed uncomfortably and he was not sure about everyone else's exact reaction.

Mr. Welk said that everyone was pretty drunk by 8:00 p.m. He specifically recalls calling his wife and telling her that he didn't "think [he] could keep up with" the drinking by the other IFA employees. After 8:00 p.m., Mr. Welk and IFA employees went to Mr. Jamison's room. Mr. Jamison had more alcohol in his room, and the drinking continued. Mr. Jamison would occasionally call out "social!" and they would each take a shot of Fireball Whisky from a bottle. Mr. Welk recalls that Mr. Jamison had to walk Ms. Lawrence back to her room because she was so inebriated that she had trouble walking.

After our interview, Mr. Welk provided raw, i.e., unedited video that he had of an interview of Mr. Jamison. That video was subsequently reviewed. It revealed two notable items for the investigation. First, at 00:25, a woman interviewing Mr. Jamison for the video refers to a face he is making as "hashtag creepy." Second, at 08:10, a colloquy begins where Mr. Jamison implies that he has advance knowledge of the Condition of the State Address that Governor Reynolds would be giving in the future. This is notable because another witness, Brian Crozier, told us that Mr. Jamison frequently touted his relationship with Governor Reynolds to make himself seem politically untouchable. One example that Mr. Crozier gave was that Mr. Jamison would tell people that he was asked to edit and revise the Condition of the State Address.



2600 Grand Avenue, Suite 450 | Des Moines, Iowa 50312 | 515.244.3100 | www.weinhardtllaw.com
{02061621.DOCX}

MEMORANDUM

TO: Iowa Finance Authority File (I006.01)
FROM: Elisabeth Archer
DATE: September 19, 2018
RE: Interviews of Mark Fairly, Deb Flannery, Deb Franklin, Amy Montgomery, Tammy Nebola, Julie Noland, Gabrielle Riesterer, Matt Rousseau, Brian Sullivan, Joann Wilson, and James Smith

Throughout the course of this investigation, Mark Weinhardt, David Fautsch, and Elisabeth Archer conducted a series of interviews of current and former employees of Iowa Finance Authority (“IFA”) as well as an interview of James Smith, IFA’s outside counsel from Dorsey & Whitney. The following IFA employees were interviewed: Mark Fairly, Deb Flannery, Deb Franklin, Amy Montgomery, Tammy Nebola, Julie Noland, Gabrielle Riesterer, Matt Rousseau, Brian Sullivan, and Joann Wilson. Mr. Weinhardt, Mr. Fautsch, or Ms. Archer participated in the questioning of these witnesses and took notes during these interviews. This memorandum is prepared based on the combined notes from these interviews and summarizes the interviews topically rather than chronologically. Each of the interviews began by giving the standard admonitions and disclosures about the voluntary nature of the interview, the scope of our investigation, and witness confidentiality.

Although each of the individuals named above cooperated with this firm’s investigation, none of them possessed any material information regarding inappropriate or sexually harassing behavior by Mr. Jamison. Any information the individuals did possess was generally second-hand information that corroborates the information included in the report. None of these individuals provided any information that contradicts the information included in the report.

Mr. Jamison was widely described as a hands-off director. The employees noted that he was frequently on his cell phone during meetings and did not seem to devote much attention to his work with IFA. None of the individuals interviewed had frequent interaction with Mr. Jamison. Rather, they largely recalled only seeing him around in the hallways and at all-staff meetings. None of these individuals reported directly to Mr. Jamison or were part of the Executive Leadership Team. Some of the employees stated that they did not



believe Mr. Jamison even knew their name. Most of the employees identified that Mr. Jamison had a close circle of colleagues with whom he would socialize and drink alcohol.

None of the individuals ever witnessed any instances of sexually harassing behavior by Mr. Jamison. Similarly, no reports of sexual harassment by Mr. Jamison were made to any of these individuals. The most that these employees ever witnessed was the fact that Mr. Jamison had a sophomoric sense of humor. They said that Mr. Jamison's humor would include innuendo and double entendre at times. Additionally, many of the individuals reported that they believe Mr. Jamison has a drinking problem. Those who had observed Mr. Jamison while he was drinking stated that alcohol affected his behavior and caused him to "lose his filter."

During a few interviews, individuals gave specific examples of behavior by Mr. Jamison that they found to be inappropriate for a workplace but that did not constitute sexual harassment. These specific examples and statements are included below.

Deb Flannery, who is no longer an IFA employee, recounted that while she worked at IFA she experienced "a gradual and continuous process of cutting her out of resource channels she needed to do her job." She believed that the information and resources that she needed to do her job were being withheld from her because she was not willing to participate in Mr. Jamison's "social activities." She stated that only "people that participated in Jamison's activities received the support" they needed to do their jobs effectively.

Amy Montgomery recalled a couple instances of inappropriate behavior by Mr. Jamison. She spoke about a time around Christmas of 2016 when IFA employees were having a Christmas decorating competition between the departments. Mr. Jamison told the winning department that the only reason they won is because "she dressed up for me" in reference to an IFA employee in the winning department who was wearing a princess costume.

Ms. Montgomery also felt that Mr. Jamison made an inappropriate comment during an after-hours IFA social function at The Republic in September of 2017. The gathering was hosted to thank the IFA employees who had helped organize the annual IFA conference. Ms. Jared, Mr. Peterson, Mr. Thompson, Mr. Crozier, and Elizabeth Krugler were also present. At some point in the evening, Ms. Lawrence mentioned that she and her husband had gone on a double date with Mr. Peterson and his wife. Mr. Jamison commented, "Well that's a

little kinky don't you think?" This comment made Ms. Montgomery uncomfortable and she said that everyone else just acted like he did not even make the comment.

Joann Wilson did not have any examples of specific instances of inappropriate behavior by Mr. Jamison, but she did indicate that she was not surprised by his termination because he was a heavy drinker. She said that going "barhopping" with Mr. Jamison was how you moved up in IFA. She generally observed that Mr. Jamison seemed to "like to hire young people and good looking women."

James Smith heard Mr. Jamison make "that's what she said" jokes or reference the law firm of "Lauer, Weinstein, and Franken" during happy hours with other IFA employees but he did not witness any sexual harassment by Mr. Jamison. Mr. Smith said that other IFA employees, including Witness 1 and Ms. Lawrence, would make comments similar to the comments he heard from Mr. Jamison.