# Report of the Independent Investigation Regarding Mr. David Jamison and Alleged Sexual Harassment at the Iowa Finance Authority

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This report contains sexually explicit content. Reader discretion is advised.

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## I. INTRODUCTION.

This law firm was engaged to conduct an independent investigation into alleged sexual harassment of employees at the Iowa Finance Authority ("IFA") by its former Executive Director, David Jamison. Mr. Jamison was appointed by then-Governor Terry Branstad as the Executive Director of IFA in January of 2011. He held that position until March 24, 2018, when Governor Kim Reynolds terminated his employment. Governor Reynolds took that action the day after she received what she deemed to be credible allegations of sexual harassment by Mr. Jamison from two employees at IFA.

The allegations of the two IFA employees were initially kept confidential by the Governor's office in deference to a request for confidentiality by those employees. Many of those allegations had been summarized in a letter written by one of the two employees. In response to calls by certain legislators and others for more information about Mr. Jamison's termination, the Governor's office on April 26, 2018 released a copy of the letter with redactions designed to conceal the identities of the two employees in question. Ex. A, *Graphic letter details fired agency head's alleged sexual harassment of a female employee*, The Des Moines Register, April 26, 2018. This law firm was engaged shortly after the release of that letter.

We have been asked to investigate three things: (1) the facts that led to the termination of Mr. Jamison's employment; (2) any incidents or conduct during Mr. Jamison's tenure at IFA that were similar to the conduct that led to his termination; and (3) the degree to which Mr. Jamison's conduct was known within IFA or elsewhere in state government and the response or lack of response to that conduct. This report contains our findings on these issues. This report does not analyze any legal consequence that might flow from the events described herein.

## II. THE EVENTS LEADING TO THIS INVESTIGATION.

On Friday, March 23, 2018, Witness 1,[1] a female IFA employee, called Jake Ketzner, who was then the Chief of Staff for Governor Reynolds, asking to speak

[1] This report does not use the names of individuals who are victims of sexual harassment by Mr. Jamison and who have asked us to maintain their anonymity.

to the Governor about an urgent matter. Sensing that Witness 1 was deeply upset, Mr. Ketzner made arrangements to meet with her that evening.

Mr. Ketzner met with Witness 1 and another female IFA employee, Witness 2. At that meeting Witness 1 and Witness 2 described incidents of sexual harassment that caused them to feel unsafe at IFA and around Mr. Jamison. Witness 1 also provided Mr. Ketzner with a letter she wrote addressed to Governor Reynolds.[2] Mr. Ketzner assured Witness 1 and Witness 2 that he would bring their concerns to the Governor immediately. That evening Mr. Ketzner informed Governor Reynolds of the allegations against Mr. Jamison. They made plans to meet the next day at Terrace Hill to discuss the matter.

The next morning, March 24, 2018, Governor Reynolds assembled Janet Phipps (Director of the Department of Administrative Services), Ryan Koopmans (Senior Legal Counsel to the Governor), David Roederer (Director of the Department of Management), and Mr. Ketzner. Governor Reynolds read the letter and Mr. Ketzner described his conversation with Witness 1 and Witness 2. After a discussion about how to handle the situation, Governor Reynolds decided to immediately terminate Mr. Jamison's employment. Mr. Ketzner summoned Mr. Jamison, who was out of town in Kansas City at the time, to Des Moines that day. They met that afternoon, and Mr. Ketzner informed Mr. Jamison that his employment was terminated due to credible allegations of sexual harassment. He declined to provide additional information to Mr. Jamison.

After Mr. Jamison's termination, certain legislators and others called for the release of details about the conduct motivating the termination. In response, on April 26, 2018, Governor Reynolds' office made public the redacted version of the letter written by Witness 1. The following day, the Governor's office contacted this firm and requested that the firm conduct an investigation of matters surrounding Mr. Jamison and allegations of sexual harassment at IFA. The IFA Board of Directors approved funding for this investigation and IFA formally retained this firm on May 2, 2018. Ex. C, IFA Press Release. The engagement

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[2] The redacted version of that letter was published in The Des Moines Register and is attached to this report as Exhibit B.

agreement between IFA and this firm described the scope of the investigation as follows:

> Outside Counsel will conduct an investigation related to the following: (1) the facts concerning and relevant to the conduct of former Authority Director David Jamison that led to the termination of his employment with the Authority; (2) any incidents or conduct during Mr. Jamison's tenure as Director that were similar in nature to the conduct that led to the termination of his employment with the Authority; and (3) the degree to which the inappropriate conduct of Mr. Jamison was known within the Authority or elsewhere in state government and the response or lack thereof to that conduct.

A few days after this firm was engaged, the Iowa General Assembly added an amendment regarding investigations of IFA to House File 2493, a bill dealing with unrelated matters.[3] Ex. D, House File 2493 as amended. The amendment requires that reports of the investigations be transmitted to the General Assembly by December 1, 2018. Pertinent to this firm's investigation, House File 2493 states: "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." Ex. D § 17. Governor Reynolds subsequently signed House File 2493 into law in June of 2018.

While the firm has been engaged to conduct an investigation of facts surrounding matters that could become the subject of litigation, the firm has not been engaged to defend or advise the State of Iowa or any of its employees or agents regarding any actual or threatened litigation. The firm's sole role is to investigate the facts within the scope of the investigation and report those findings to IFA, the Governor's office, and the General Assembly.

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[3] This firm's investigation is not the only investigation of IFA. The Eide Bailly accounting firm and the Office of the State Auditor were separately engaged to investigate financial matters of IFA. The State Auditor's office has not yet released a report of its investigation. The Eide Bailly firm has completed some but not all of its work.

## III. INVESTIGATION ACTIVITY.

This investigation involved 29 interviews with present and former employees of IFA, witnesses who are not employed by the State of Iowa, and high-level decision makers within state government, including Governor Reynolds. In some cases we spoke to witnesses more than once.

We also collected and reviewed numerous documents from IFA. Those included personnel files, expense and travel records, email communications to and from Mr. Jamison, policy manuals, and other documents. While those documents provided significant background and corroborated details of events disclosed in the interviews, we found, and witnesses told us, that Mr. Jamison was far more circumspect in writing (at least on state-owned communication devices to which we were provided access) than he was orally. The bulk of the important information in this investigation, therefore, came from the witness interviews.

Witness 1 and Witness 2 were the first individuals interviewed in depth for this investigation. They each provided precise information about dates, locations, and witnesses of incidents of sexual harassment. Those incidents were then verified by speaking to other witnesses. When possible, travel and reimbursement information was obtained to corroborate the date and location of certain events.

Unlike other witnesses, interview summaries for Witness 1, Witness 2, and Mr. Jamison are not included in the appendix to this report. The pertinent information revealed by Witness 1, Witness 2, and Mr. Jamison is included in the body of this report. The full interview summaries for these three individuals are omitted because the specificity of the interview summaries would reveal details about Witness 1 and Witness 2 that would materially compromise their anonymity. A third victim, Witness 3, described what she said was a single, isolated incident that is reported in Section V.B.3.[4] At the end of the investigation we interviewed Mr. Jamison. His response to the allegations is recounted in Section V.C.

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[4] Witness 3 is identified by name in the report for other reasons but requested anonymity regarding one incident of sexual harassment by Mr. Jamison. Her account of that incident is withheld from the appendix.

Information cited in this report and summaries of witness interviews are attached to this report in the appendix. Many of the occurrences described in the witness interviews are reproduced in this report in a summary fashion.

## IV. SUMMARY OF CONCLUSIONS.

Mr. Jamison's employment with IFA was terminated because of the content of the letter written by Witness 1 and because Mr. Ketzner concluded that both Witness 1 and Witness 2 credibly described conduct that constitutes sexual harassment. Presented with this information, Governor Reynolds made the decision to terminate Mr. Jamison's employment.

We have concluded based on our investigation that Mr. Jamison indeed engaged in sexually harassing conduct as described by Witness 1 and Witness 2 in their reports to Mr. Ketzner and in Witness 1's letter. Beyond that, we have determined that Mr. Jamison engaged in similar but more egregious conduct than was mentioned in Witness 1's letter, especially with Witness 2. Two incidents especially stand out.

First, on work-related travel in December of 2016, Mr. Jamison intentionally, without consent, and in a public place grabbed Witness 2's breasts with both of his hands. This incident was verified by multiple witnesses. The incident occurred while Mr. Jamison and other IFA employees were drinking heavily during the evening at a hotel near Okoboji, Iowa. Mr. Jamison did this in the context of what he apparently portrayed as a joke involving a bet over a dollar bill. Mr. Jamison laughed while the other people present, including Witness 2, were shocked. In the months following this incident, Mr. Jamison would frequently see Witness 2 at work, and he would occasionally say to her, "I'll bet you a dollar" or show her a dollar bill as if to imply that they shared an inside joke.

Second, in March of 2018, Mr. Jamison without invitation or consent played a pornographic video for Witness 2 on his cell phone while he was traveling with Witness 2 alone in a car between work-related events in Nebraska and Western Iowa. Mr. Jamison was in the passenger seat and Witness 2 was driving. Mr. Jamison asked her questions about how she liked to have sex, whether she had ever had sex in a public place, and the size of male genitalia she had sexually

experienced. He also told her that he liked the dress she was wearing the night before. After these questions and comments, Mr. Jamison began watching and showing Witness 2 an explicit video on his cell phone that purported to be an instructional video about how to perform oral sex on a woman. Witness 2 was silent. At one point during the video, Mr. Jamison looked down at his crotch and said, "Can you tell when I'm excited?" Witness 2 related the incident to two female colleagues at IFA shortly after the incident. It was this incident that precipitated Witness 1 and Witness 2 coming forward to report Mr. Jamison's behavior.

To be clear, Mr. Jamison categorically denies any wrongdoing. His position is that the events described by Witness 1 and Witness 2 are simply false. Based on the totality of our investigation, we do not find Mr. Jamison's denials to be credible. The incident where Mr. Jamison grabbed Witness 2's breasts in December of 2016 is not only well-documented, but Mr. Jamison admitted his conduct to an IFA co-worker—yet he flatly denies it now. Having concluded that Mr. Jamison falsely denied this incident, his denials in situations that might fairly be characterized as "he said, she said" are unpersuasive.

We did not find evidence that Mr. Jamison directed sexually harassing behavior at other female employees at IFA to anything like the degree he did with Witness 1 and Witness 2. With the narrow exception of Witness 3, no other current or former female employees at IFA requested confidentiality for any part of their interviews with us. Mr. Jamison's treatment of Witness 1 and Witness 2 was both quantitatively and qualitatively different than it was of other women.

This is not to say, however, that Mr. Jamison's behavior around other female employees at IFA was appropriate. To the contrary, inappropriate sexual comments in the workplace were the norm for Mr. Jamison, according to many of the employees interviewed. Numerous employees described Mr. Jamison as having "sophomoric humor" (i.e., double entendres or jokes that were simultaneously juvenile and sexually suggestive) and behaving inappropriately in professional settings. These incidents were described as poor attempts at humor that were not generally directed at any particular individual, however.

While Mr. Jamison's "sophomoric humor" was known to many at IFA, his more aggressive and harassing treatment of Witness 1 and Witness 2 was not. Witness 1 and Witness 2 confided in each other and occasionally with one other female colleague after incidents of sexual harassment that were specifically directed at them. Witness 1 and Witness 2 did not otherwise report Mr. Jamison's behavior inside or outside of IFA until their report to Governor Reynolds. When Mr. Jamison's conduct toward Witness 1 and Witness 2 was witnessed by anyone, it was typically witnessed only within a small group of IFA employees who socialized—and drank alcohol—regularly and that Mr. Jamison referred to as his "circle of trust." To a greater or lesser degree, members of that group could be considered to have possessed knowledge that Mr. Jamison was behaving inappropriately but failed to report that information. In particular, the incident at the hotel near Okoboji in which Mr. Jamison grabbed Witness 2's breasts was personally witnessed but not reported by Wes Peterson and Tara Lawrence, both of whom hold senior positions at IFA.

We found no evidence that Mr. Jamison's sexually harassing behavior was known anywhere in state government outside of IFA.

With one exception, we did not find evidence that Mr. Jamison directly threatened anyone at IFA with retaliation if they reported inappropriate conduct by him. The exception involves Brian Crozier, IFA's Chief Administrative Officer, who was told by Mr. Jamison, "you must be allergic to a paycheck" when Mr. Crozier told Mr. Jamison that he should tone down his sexually-suggestive humor. We did find, however, that Mr. Jamison regularly touted his relationship with Governor Reynolds to other employees at IFA, particularly after she became Governor. At least some IFA employees inferred from Mr. Jamison's claims about his relationship with the Governor that he had the power to squelch complaints about his behavior. That may have discouraged reports about his behavior.

Also relevant to the likelihood of reports about Mr. Jamison's behavior was that Witness 1 and Witness 2 received substantial increases in their compensation during their employment at IFA. We found evidence of similar personnel decisions with other younger female employees, including an occasion where Mr. Jamison asked the Governor's office to intercede with the Department of Administrative Services in order to effect a positive reclassification of a young

female employee's job in order to increase her pay. This is not to say any pay increase was unearned or improper. But, to the extent that Witness 1 and Witness 2 hesitated to come forward for fear of adverse employment consequences, their increasing rate of compensation due to Mr. Jamison's actions may have reasonably intensified that concern.

## V. MR. JAMISON'S CONDUCT.

This section begins by discussing the standard for sexual harassment that guided our investigation. This section then discusses the information gathered about Mr. Jamison's conduct and his response. Our findings and impressions are included at the end of this section.

### A. The Definition of Sexual Harassment Under State Policies.

As a guidepost for our investigation, we used the definition and examples of sexual harassment used by the State of Iowa. Exhibit E contains an excerpt from the State of Iowa's Employee Handbook regarding its sexual harassment policy. Exhibit E also contains the employee complaint form used throughout state government to report instances of inappropriate conduct.

Employees for the State of Iowa are advised that "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." Ex. E (citing Iowa Code § 19B.12).

Examples of sexual harassment, according to the State's Handbook, 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.

## B. Facts Uncovered in the Investigation.

This section has three parts. The first two parts discuss the information described by Witness 1 and Witness 2. Each of those parts also includes corroborating information developed from interviews of other witnesses and documents. The third part of this section discusses inappropriate conduct by Mr. Jamison that was not specifically directed toward people that have identified themselves as victims of sexual harassment.

### 1. Witness 1.

When Witness 1 started working at IFA in 2012, she was not given a detailed job description or list of job duties. Instead, Mr. Jamison left it to her to "handle the job" and to decide what to accomplish. Witness 1 created a job description for herself and took it to Mr. Jamison's office. He told her that if she was looking for guidance, she was in the wrong place. She said the only thing Mr. Jamison made clear to her about her new job was that he wanted someone to travel with him for work.

Witness 1 reported directly to Mr. Jamison until Brian Crozier was hired in April of 2016. Witness 1's salary was approximately $50,000 when she began working at IFA. When Mr. Jamison hired her, however, he promised her that he would increase her salary after six months. By the time she left IFA in 2018, her salary had increased approximately 60%.

Witness 1 traveled frequently for work, primarily to attend conferences. Mr. Jamison would also frequently attend conferences. Witness 1 did not think Mr. Jamison's attendance of these conferences was often necessary. Sometimes Mr. Jamison would say, "I want to go on a trip" or "I need to go on a trip," and then he would find a conference to attend. She recalled one time that she was marked down in her performance review for not attending a conference that Mr. Jamison thought she should have attended.

Even though Mr. Jamison would travel frequently for conferences, Witness 1 said he did not actually attend much of the programming at the conferences. Instead, he would go out for meals, go to bars, and visit "Asian massage parlors." She said he would tell her about visiting Asian massage parlors on these trips and then tell her about his "happy endings." She remembered one time when Mr. Jamison came back from visiting an Asian massage parlor and said that the woman had told him he was "very big." Mr. Jamison generally drank heavily at these conferences. Witness 1 said that she believes that Mr. Jamison has a problem with alcohol.

The first sexually inappropriate encounter that Witness 1 could recall occurred within her first six months of employment. She was in Mr. Jamison's office and he started talking to her about how bad his home life was. He told her that his wife gave him no attention and never had sex with him. Mr. Jamison told Witness 1 that he did not need his wife, however, because he got his "happy endings" from Asian massage parlors. From that point on, he frequently commented on how bad his sex life with his wife was. Witness 1 also said that from that point on, "everything was an innuendo to him." Mr. Jamison also frequently discussed his own sexual experiences in front of her and others including Witness 2 and Wes Peterson, the Director of Government Affairs for IFA.

Witness 1 said that Mr. Jamison had several inappropriate jokes, comments, and behaviors that he repeated from time to time. "Arthritic hands" was one such repeated joke where he would cup his hands as if he were cupping a woman's breasts and then would say he suffered from arthritic hands. He would also frequently talk about "the shocker," which he explained to Witness 1 was a maneuver performed with one's hand on a woman with "two [fingers] in the pink, one in the stink." Witness 1 said that he would make a corresponding hand gesture when he referenced the shocker. She believes that Mr. Jamison made this gesture in front of Witness 2, Mr. Crozier, and Mr. Peterson. Another joke he told frequently was that he "hired the law firm of Lauer, Weinstein, and Franken to represent him." Also, after he would make an inappropriate remark, he would say, "I forgot, my friend Matt Lauer told me not to say that." Other employees at IFA noticed Mr. Jamison's inappropriate jokes and comments. For example, Mark Thompson, a senior attorney at IFA, on at least one occasion apparently remarked that "What the Director meant to say was…" in response to an off-color comment made by Mr. Jamison.

Mr. Jamison also liked to talk about what he called "mandingo parties." He told the Witness that a mandingo party was where a white man hires a black man to have sex with his wife while he watches. She said he also liked to talk about vibrators, specifically one known as "the rabbit," and "merkins," which he said were wigs for pubic hair. He repeatedly told stories about an older and experienced woman with whom he had sex as a young man, saying that she was a hippie that "really knew how to go down on me." He also liked to make a hand gesture where he put his index finger and middle finger together and then rotated them in a circle. He would make this gesture at meetings where many people were present and say, "This is how the ladies like it on their clit."

Witness 1 had numerous specific examples of Mr. Jamison's sexually inappropriate behavior written down and she consulted her notes during the interview. In general, Witness 1 reported that many of the inappropriate comments and behaviors occurred at bars. Mr. Jamison would frequently ask a certain group of people that he referred to as "the circle of trust" to go to The Beechwood Lounge or Carl's Place with him. Witness 1 was in this circle and was one of the people he asked frequently. "Marketing meetings" was Mr. Jamison's code phrase

used in text messages or emails when he wanted to go to Carl's Place. At Carl's Place, Mr. Jamison always sat at the table that he called the "penis table" because someone had etched a drawing of a penis into it.[5] "Marketing meetings" would start as early as 2:00 p.m. Witness 1 usually did not show up until around 4:00 p.m. and Mr. Jamison would give her grief for showing up late. "Marketing meetings" happened on a fairly regular basis.

Mr. Jamison frequented bars regularly and Witness 1 reported that if he asked a colleague to go out drinking with him and he or she did not, Mr. Jamison would make that person's job more difficult. She said that he would withhold information that was necessary to perform that person's job. Other witnesses that we spoke with confirmed Mr. Jamison's insistence on employees accompanying him for drinks and confirmed that withholding job-related information was a method of control exercised by Mr. Jamison. App. IFA 056–058 (Flannery Interview Summary); App. IFA 044–055 (Crozier Interview Summary).

Approximately four years ago, Witness 1 was at lunch at Dos Rios in Des Moines with Mr. Peterson, Mr. Jamison, and Witness 2. Mr. Jamison started talking about mandingo parties and then he turned to her and asked, "Have you ever had a big black one?" He started showing her images on his phone of nude black men and asking her, "What do you think of him?" She also said that he would frequently drink when they went out to lunch like this, but she does not recall if he was drinking at that specific lunch.

On numerous occasions, Mr. Jamison commented on Witness 1's physical appearance. He would talk about how large her chest was and would try to look down her shirt. From then on, she attempted to choose clothing that she thought would discourage Mr. Jamison from making these comments. Another one of Mr. Jamison's recurrent comments to her was, "The girls [his expression for her breasts] are looking good today." She recalled an all-staff meeting on September 26, 2017 where she was sitting in the front row wearing a pink crewneck sweater.

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[5] In the course of the investigation we visited Carl's Place and verified that there is in fact such a table. We showed Mr. Jamison a picture of a table at Carl's Place matching this description, but he said that there is evidently more than one "penis table" at Carl's Place, because he frequented a different one.

She stretched her neck and Mr. Jamison stared at her chest and said, "You can do that again." Rhonda Kimble witnessed this comment. App. IFA 070–073 (Kimble Interview Summary). Witness 1 never wore that sweater again. This all-staff meeting stood out in Witness 1's memory because they were discussing IFA's new building. Witness 1 recalled Mr. Crozier and Mr. Peterson were present for this comment. Neither Mr. Crozier or Mr. Peterson specifically recalled this comment but they both acknowledged that Mr. Jamison frequently made sexually inappropriate comments that would be in line with Witness 1's recollection. App. IFA 081–083 (Peterson Interview Summary); App. IFA 044–055 (Crozier Interview Summary).

On June 4, 2015, several employees of IFA attended the Iowa Association of Realtors Summer Jubilee in Clear Lake, Iowa. Employees of IFA attend this conference to market IFA's lending products. In the evening after the conference, Mr. Jamison insisted that Witness 1 and Witness 2 go to the Diamond Jo Casino with him. They did not want to go with him as he had been drinking excessively at that point. Despite the fact that he had been drinking, he drove them some 20 miles to the casino. When they returned from the casino, Mr. Jamison persistently asked Witness 1 to go back to his hotel room with him. That was not the only time Mr. Jamison, according to Witness 1, attempted to get her to go to his hotel room while they were traveling.

On June 1, 2016, Witness 1 traveled with Witness 2, Mr. Jamison, and Mr. Peterson to a summer marketing campaign in Bettendorf, Iowa. While they were in town, they had scheduled a meeting with the Mayor of Bettendorf, Iowa, Robert Gallagher, to discuss issues relating to flooding. They finished with their marketing campaign early and had time before their meeting with Mayor Gallagher. Witness 1 and Witness 2 decided to go to a Starbucks to work. Mr. Jamison and Mr. Peterson decided to go drinking and gambling at the Isle of Capri Casino. Witness 1 and Witness 2 showed up to the Bettendorf meeting on time, but Mr. Jamison and Mr. Peterson showed up at least 20 minutes late to the meeting smelling of alcohol. Mr. Peterson recalls this trip and the meetings, but denies drinking or gambling. App IFA 081–083 (Peterson Interview Summary)

After meeting with Mayor Gallagher, the four of them went to a bar. While there, Mr. Jamison kept asking sexual questions. He asked Witness 1 to tell him

about the craziest place she ever had sex, her favorite sex position, and about the "biggest cock" she had ever had. This was not the first or last time that Mr. Jamison asked her these questions, but she remembers him asking them on this day specifically. She would usually answer his sexual questions honestly because she felt that she had to in order to keep her job. He would also make sexual comments like "I bet you're naughty" and "I bet you're so dirty." At the bar, Mr. Jamison acted like he and Witness 1 were a couple and similarly acted like Witness 2 and Mr. Peterson were a couple. He then said to their waitress, "We are all married, just not to each other!"

On November 14, 2016, several employees of IFA attended the Midwest Housing Collaborative in Indianapolis, Indiana. Somehow, Witness 1 said, she and Mr. Jamison had hotel rooms right next to each other even though no one else from IFA had rooms nearby. Mr. Jamison asked her to come up to his room for a nightcap. She did go up to his room, but upon arriving at the room, she felt it was a bad idea and turned around and walked out.

On October 16, 2017, Witness 1 attended the National Council of State Housing Agencies Annual Conference in Denver, Colorado. Several other IFA employees attended including Mr. Jamison. One evening at a bar/restaurant with other IFA employees, Mr. Jamison kept looking across the table at Witness 1 and asking her if her breasts were real. He also gestured for her to pull her shirt down and show him her breasts. Ms. Kimble corroborated this event. App. IFA 070–073 (Kimble Interview Summary).

On Halloween of 2017, Witness 1 was wearing a "The Price is Right" shirt as part of her costume. In front of Ms. Kimble, Mr. Jamison said to Witness 1, "The price is never wrong with you!" in a sexually suggestive tone. Mr. Jamison also made comments about how other women looked in what they were wearing. Ms. Kimble corroborated this account. App. IFA 070–073 (Kimble Interview Summary).

On February 15, 2018, Witness 1 attended the Midwest Housing Collaborative in Milwaukee, Wisconsin. Mr. Jamison, Mr. Crozier, and Witness 2 also attended. Despite the fact that there were only four people traveling, they took two cars. Witness 1 said Mr. Jamison did not like to ride in state-owned cars

because he liked to smoke cigars while driving, so Mr. Jamison took his own car and Witness 1 rode with him. (Mr. Jamison agreed this was his habit.) Mr. Crozier and Witness 2 drove separately in a state-owned vehicle. During the seven-hour drive, Mr. Jamison rubbed the back of Witness 1's neck and asked her to tell him about the "biggest cock [she] had ever had." While Mr. Jamison was driving, she said, he stared at her breasts so much that she thought he was going to drive off the road. He would also comment to her about how good Witness 2 looked, saying that she looked good before, but now that she had lost weight, "Wow!"

Mr. Jamison would constantly ask Witness 1 to attend events with him that were not work-related. He wanted her to go with him to legislative events and to attend parties at the downtown Marriott for the Iowa State County Treasurers' Association. She was not the only one he would ask to attend these events; he would also ask Tara Lawrence and Witness 2 to go with him. In general, Mr. Jamison wanted Ms. Lawrence to attend more conferences with him, but there was no reason for her to attend multi-state conferences as she manages Iowa Title Guaranty, which is a program unique to Iowa.

Witness 1 stated that she was part of a Snapchat group with several other IFA employees, including Mr. Jamison, Ms. Lawrence, Mr. Peterson, and Witness 2. Mr. Jamison formed the group and named it "IFA Trouble." Mr. Jamison would send snaps to the group with inappropriate jokes, emojis, or messages saying "Beechwood at 4:00 p.m." Shortly after Mr. Jamison was fired, Witness 1 received a notification through Snapchat that Mr. Jamison had changed the name of the group to "IFA Friends." Prior to instituting the Snapchat group, Mr. Jamison would send these types of things over text message.

Ultimately, Witness 1 stated that she never said anything to Mr. Jamison about his behavior or that it was inappropriate. She never specifically told him that he needed to stop any of his inappropriate behaviors. There was little doubt, however, that Mr. Jamison knew his behavior was wrong given his own comments (i.e., "Matt Lauer told me I couldn't say that") and the behavior of people around him in response to his comments. Witness 1 has expressed fear that Mr. Jamison is dangerous because he told her and others that he was in the "special forces" while in the Marine Corps.

### 2. Witness 2.

Witness 2 joined IFA in 2010. Throughout the majority of her tenure at IFA she reported directly to Mr. Jamison. About one year ago, she began to report directly to Mr. Crozier, but she maintained daily contact with Mr. Jamison.

Witness 2 did not know Mr. Jamison before he became the Executive Director. She first met Mr. Jamison in January of 2011, when he interviewed her to "see if he wanted to keep [her] or not" upon his arrival at IFA. Very shortly after Mr. Jamison's arrival he began to make inappropriate jokes, which the witness described as generally being "stupid and unremarkable." Mr. Jamison made inappropriate sexual comments on a daily basis, whether in one-on-one meetings, staff meetings, or with external business/governmental partners. As an example, Witness 2 recounted a time when there were some peanuts on a table at a meeting and Mr. Jamison joked about the "peanuts" sounding like the word "penis." Witness 2 said that these kinds of sophomoric sexual jokes were constant from Mr. Jamison.

When asked to recount Mr. Jamison's most problematic behavior, Witness 2 described an encounter on December 14, 2016, when she was traveling with co-workers. She was traveling with Ms. Lawrence, Mr. Peterson, Mr. Jamison, and a videographer that IFA had hired for the trip, Dan Welk. They traveled to the Okoboji area in Northwest Iowa to interview people for testimonials regarding IFA's work. That night the group gathered at bar of the hotel where they were staying in Arnolds Park. Mr. Jamison put a dollar bill on the table and said to Witness 2, "I bet a dollar that I can touch your boobs without putting one hand on you." Mr. Jamison then grabbed her breasts. Mr. Jamison laughed. Ms. Lawrence was apparently yelling "no, no, no." Mr. Jamison said, "See? I didn't put one hand on you. I put two hands on you. I win!"

Although witnesses differed on the exact wording of the joke, this event was fully corroborated by Mr. Welk and Mr. Peterson. App 081–083 (Peterson Interview Summary). Mr. Welk was particularly struck by the event because he was a stranger to the group, yet that did not deter Mr. Jamison's behavior. He was also struck by how much everyone in the group was drinking. App. 095–096

(Welk Interview Summary). Ms. Lawrence refused to answer questions for this investigation.

Witness 2 said that Mr. Jamison was intoxicated on this occasion, and that he was frequently intoxicated at these conferences. Mr. Jamison subsequently apologized to her and said that he knew that she could sue him and take everything that he had. Nonetheless, after this event, Mr. Jamison would still say to her "hey, I'll bet you a dollar" or he would gesture as though he were going to give a dollar bill to her as if to remind her of the incident.

Witness 2 stated that she traveled frequently for work in order to attend a variety of conferences with Mr. Jamison. She felt that she frequently did not need to be at the conferences and that it was not necessary for anybody from IFA to attend so many conferences. She said that Mr. Jamison "liked to have arm candy" at these events. Mr. Jamison, she said, would sometimes refer to her and other women at IFA as his "IFA bitches" or his "IFA Angels."

Another instance discussed by Witness 2 occurred at the Housing Iowa Conference in September 2017. Mr. Jamison had a suite at the hotel where they were staying, and he would require IFA employees to join him there for drinks. At that suite, Mr. Jamison told Witness 2 that he missed a black and white dress that she had because he liked the way that her cleavage looked in the dress.

One of the incidents that most disturbed Witness 2 occurred when she traveled with Mr. Jamison to a couple of events in Western Iowa in March of 2018. During the course of this trip, Witness 2 said that Mr. Jamison did or said the following:

- Mr. Jamison asked her when their first meeting was the next morning but then said "never mind, I'll just roll over and ask you."
- When they arrived at the hotel, Mr. Jamison told a desk clerk that Witness 2 would probably insist on adjoining rooms but his friend Matt Lauer told him that was not okay.
- At a reception at the conference Mr. Jamison told other attendees that he liked the way Witness 2 looked in a blue dress and then said "I'll bet you a dollar" to Witness 2.

- During the car trip, Mr. Jamison asked Witness 2 about the biggest penis she had ever experienced, her favorite sexual position, whether she had ever had sex with someone whose penis was too big, and at what public places she had had sex. He told her about massage parlors that he frequented for happy endings, and he repeatedly told her how good she looked in a blue dress the night before.
- During this same car trip, Mr. Jamison used his cell phone to watch a pornographic video about how to perform oral sex on a woman. He showed her images of the video while Witness 2 was driving, and Mr. Jamison said to her "Can you tell when I'm excited?" while looking at his crotch.

Upon returning from this trip, Witness 2 had a meeting with Ms. Kimble and Witness 1 where she told them what happened. They considered whether it was time to speak with a lawyer, and they ultimately decided that reaching out to the Governor's office would be the best solution.

The next day Mr. Jamison said to Witness 2 that he was sorry if his flirting was too one-sided, but that he thought of her like family and that she was in "the circle of trust." He also told her on this occasion that he wanted to promote her.

Witness 2 recounted several other discrete events. Mr. Jamison noticed that she was going to the gym more frequently. Mr. Jamison said to Witness 2, "You spend more time at the gym than with me, the gym guy must have bigger junk than I do." Mr. Jamison asked Witness 2 if she shaved her pubic hair, and he asked her to guess which other women in the office did as well. Mr. Jamison told her that he preferred "landing strips," which is a particular style for grooming pubic hair. Witness 2 reported that she would only laugh at such behavior to avoid discomfort.

Mr. Jamison would make a circling motion with his finger as if to signify that it was being inserted in vagina. Mr. Jamison also made a hand gesture that he called "the shocker." Mr. Jamison and Mr. Crozier informed Witness 2 what "the shocker" is meant to signify.

During a Board of Directors meeting for IFA, Mr. Jamison used Snapchat to send Witness 2 a picture of a Groupon offer for sex toys. Witness 1 and Witness 2 both believe that Mr. Jamison sent the picture during the meeting so that he could

see Witness 2's reaction. This message went directly to Witness 2; it was not sent to the "IFA Trouble" Snapchat group.

When Witness 2 was with Mr. Jamison in public, he would sometimes refer to the two of them as having a "May-December romance." Mr. Jamison would say that if he ever got in trouble for his behavior that he would call the law firm of "Lauer, Franken, and Weinstein." On at least one occasion, Witness 2 reported that Mr. Crozier told Mr. Jamison that he needed to stop his behavior, to which Mr. Jamison said that he must be "allergic to a paycheck." Mr. Crozier confirmed this. App. 044–055 (Crozier Interview Summary).

Mr. Jamison would make it clear to Witness 2 that he was responsible for "keeping her" when he became the Executive Director and for promoting her. He would say things to her like, "Do you like your job? Aren't you glad I promoted you?" Indeed, during Mr. Jamison's tenure, Witness 2's compensation approximately doubled, from a figure exceeding $50,000 to a figure exceeding $100,000.

Witness 2 did not specifically object to Mr. Jamison's behavior or tell him to stop. She explained that the reason for not specifically objecting was that she was embarrassed, frightened of his response, and concerned that she might lose her job.

### 3. Other Employees.

Witness 1 and Witness 2 were not the only employees to experience inappropriate behavior while working with Mr. Jamison. To a lesser degree, two incidents with other employees stand out.

One individual, who is referred to here as Witness 3 because she asked for anonymity for this limited purpose, described an incident where Mr. Jamison told her, "You look sexy." At the Housing Iowa Conference in September of 2016, Witness 3 reported that Mr. Jamison was drunk, and that he approached her at the opening banquet. He said to her, without solicitation, "You look sexy." She did not immediately respond because she was embarrassed and knew better than to engage with him while he was drinking. Witness 3 believed that Mr. Jamison was drunk because his face was flushed, he was loud, and his language was a "little

slurred." She confronted him the next time she saw him at the office. He apologized and she told him that it would not happen again. He agreed.

Brian Crozier recalled one particular incident where he was having lunch with Mr. Jamison, and Mr. Jamison used the phrase "jungle fever" to describe another IFA employee who Mr. Jamison believed to be particularly attracted to African-American women. Mr. Crozier found this particularly insulting and inappropriate because his wife is African-American. Mr. Crozier described these kinds of sexual remarks and speculation as common for Mr. Jamison. App. IFA 044–055 (Crozier Interview Summary).

### C. Mr. Jamison's Response.

Mr. Jamison was given a chance to respond to these allegations. He was interviewed with his attorney present near the conclusion of the investigation. With only minor concessions, Mr. Jamison asserted that all of the allegations of sexual harassment against him are false. In some instances, Mr. Jamison believed that his statements were taken out of context or that the claims were exaggerated. In large part, however, he simply says none of it actually happened.

#### 1. Response to Allegations of Witness 1.

In response to a series of questions regarding the allegations made by Witness 1, Mr. Jamison said that he never asked about her sexual history in any way or made any comments of a sexual nature to her.

The only variation in a litany of denials was when he was asked if the words "happy endings" ever came out of his mouth in Witness 1's presence. Mr. Jamison answered, "Not that I recall." He did say that it was well-known at the office that he scheduled routine massages. Those massages, however, were for legitimate, therapeutic purposes.

When asked if he ever made a joke referring to "arthritic hands," Mr. Jamison said, "Wait, I may have." He said that he usually made the joke "around the guys" in a social setting and he said that he could not swear that Witness 1 was never present when he said it. He stated that "arthritic hands" was an obscene gesture he picked up from television or the movies and that it was a reference to a

woman with large breasts. He made the corresponding hand gesture during the interview in which he cupped his hands and held his hands up at the level of his chest. Mr. Jamison said that it was possible Witness 1 overheard this joke but he did not make the joke directly to her.

When asked about "the shocker," Mr. Jamison smiled and spoke about a conference that IFA hosted in Des Moines. He said that IFA provided cell phone charging stations for attendees at the conference and the stations had a brand name of "the Shocker." Mr. Jamison said that when he entered the conference and approached the registration table, the women working the table were giggling and he asked them what was going on. They replied, "Have you seen the charging stations?" Mr. Jamison said he did not know what they were talking about, turned, and walked away. As he was discussing this during the interview, he made a gesture with his hands. Mr. Weinhardt inquired about the gesture that Mr. Jamison had just made and then Mr. Jamison smiled. Mr. Jamison held up his hands with the same gesture and said that it "was an obscene gesture on the street." Mr. Jamison stated that it was "explained to him" as "the typical stimulation of a woman with two fingers but adding a third finger in the anal region." He then said that he made the gesture at the conference in response to the women pointing out the name of the charging station and that Witness 1 may have been one of the people to see him make the hand gesture but he never directed the gesture at her.

When asked about references to Matt Lauer, he said that he did make references to Matt Lauer but only when an employee would say something and it would be "ripe for a double entendre" and other employees looked at him as if awaiting a response. He would just say "Matt Lauer advises that I don't respond to that." He said that he referenced the law firm of "Lauer, Weinstein, and Franken" when he announced that IFA would be participating in mandatory sexual harassment training only to joke that the fictitious law firm was not available to conduct the training.

Mr. Jamison said that he and other IFA employees would go to Carl's Place or The Beechwood Lounge occasionally at the end of the workday. When asked how frequently, he said they would go every other week unless the legislature was in session in which case they would go to The Beechwood Lounge a couple times a week. He said that he would usually leave the office at 4:00 p.m. During the

legislative session, going to The Beechwood Lounge was a chance to visit with other lobbyists about their initiatives and decide whether there was anything he needed to know germane to IFA's mission. He thought it was also an important opportunity to network with legislators.

Mr. Jamison said that he did refer to drinks after work as "marketing meetings." He got this label from a sign that was on the wall at Carl's Place that said, "Home of the 3:30 p.m. marketing meeting."

When asked if he ever used the phrase "circle of trust," Mr. Jamison said he does not recall using that phrase. He said, however, that the reference was to the movie "Meet the Parents," which is one of his favorite movies, so he may have used the phrase but it would not have been in a serious manner, and that he never used it to discourage reporting his behavior.

Mr. Jamison said that he did have a Snapchat group with Witness 1, Witness 2, Mr. Peterson, and Ms. Lawrence. He said that he did not know if he ever named the group. When asked if he recalled naming the group "IFA Trouble" he said, "yeah, might have." He said that he did not recall if he had changed the name of this group after being terminated.

### 2. Response to Allegations of Witness 2.

Mr. Jamison was asked about the incident on December 14, 2016 in Arnolds Park, Iowa where he was alleged to have grabbed Witness 2's breasts. Mr. Jamison agreed that Mr. Peterson, Witness 2, Ms. Lawrence, and a videographer were all on this trip. Mr. Jamison said that the purpose of the trip was to meet with local officials. The group was together at a bar at the end of the day. Mr. Jamison said he told them that he had heard a joke where someone says, "I bet a dollar I can touch your breast without touching your clothes." He said that Witness 2 appeared to him to be intrigued and said, "Really?" Mr. Jamison said, "Oh yeah, it's magic." At that point Mr. Jamison's attorney interrupted the interview and said, "Before he goes more into this, I want to take a break and talk to him real quick." They left the room. Mr. Jamison and his attorney came back into the interview a few moments later and Mr. Jamison stated, "I never touched her. I know other people started to allege that I did, but I did not touch her."

When asked to explain the joke, Mr. Jamison said, "Well, it is not much of a joke really, but you just lose the dollar and grab the breasts." He denies that this ever actually happened and emphatically denied touching Witness 2's breasts. Mr. Jamison is familiar with the allegation but cannot recall the first time he was made aware of it. He said that if other people alleged that he touched Witness 2's breasts, they would be wrong.

Mr. Jamison said that upon the return to Des Moines after this incident, he went to Witness 2's office because he felt that he had drunk too much that evening. He told Witness 2 that his "behavior was inappropriate and you can expect better from me in the future." He said he was apologizing because there was a lot of drinking going on, he had used bad language, and for the inappropriate jokes and humor. He said that he also apologized to Ms. Lawrence and Mr. Peterson but not to the videographer. Mr. Jamison reported that Witness 2 said something to the effect of "don't worry about it, forget it." Mr. Jamison denied he made a subsequent reference to a dollar bill or gestured as though he had a dollar bill to reference that night in Okoboji.

Mr. Jamison was then asked to address the trip in March of 2018 where he is alleged to have watched and displayed pornography and asked Witness 2 if she could tell that he was sexually aroused. He recalled driving alone with Witness 2 on the return trip from Omaha, Nebraska to Des Moines, Iowa. He denied any inappropriate behavior whatsoever and categorically denied Witness 2's allegations. He admitted that he may have told Witness 2 that she "looked nice" on occasion but he does not remember doing so on this trip.

As with his responses to the questions about Witness 1's allegations, Mr. Jamison denied all manner of inappropriate comments related to Witness 2. Mr. Jamison noted, however, that Witness 2 once told him that she had sex with her boyfriend (now husband) in the bathroom at a bar. Mr. Jamison remembers her saying this because he was so surprised by the comment. He says it was unsolicited.

Mr. Jamison then interjected that despite the allegations against him, it was Witness 1 and Witness 2 that would often start sexual conversations. He said that Witness 1 frequently spoke about "vagina glue." She would ask Mr. Jamison if he

wanted to invest in her new "vagina glue" business. She never specified what "vagina glue" was or got into its exact purpose but she brought it up on multiple occasions and just said it was for "women of a certain age."

Mr. Jamison said that it was also not uncommon for Witness 1 to ask him if he knew the meaning of certain sexual terms or phrases. For example, he says that she asked if he knew what a "merkin" was (Mr. Jamison stated that she said it was a toupee for female genitalia) or if he knew what a "moose knuckle" was (Mr. Jamison stated that the phrase is used when a man is wearing pants that are too tight). Witness 1 would also say, "I know this joke but I can't quite remember it, do you know how it goes?" Then Mr. Jamison would tell her the joke, but only after she had solicited it. Mr. Jamison does not remember as much of this type of behavior from Witness 2 but says that she would also start sexual conversations. For example, he recalls her asking him, "Do you know who Dirk Diggler is?"[6]

When asked if he ever referenced being in a May-December romance with Witness 2, he said yes, he did. He recounted that he was at a bar with other IFA employees and he lifted his glass and made a toast to Witness 2 saying, "Here's to May-December romances!" The man sitting behind Witness 2 started laughing and Witness 2 said, "I wonder why he is laughing?" Mr. Jamison said, "Haven't you heard the phrase May-December romance?" She said that she had not, and he explained it to her as a romantic relationship between a young woman and a significantly older man. He said that Witness 2 laughed when she found out what it meant.

### 3. Response to Allegations of Other Employees.

Mr. Jamison again denied all manner of misconduct, and provided several clarifications. He said that he never had conversations of a sexual nature with Ms. Lawrence. He never told anyone, including Witness 3, that they "looked sexy." Mr. Jamison said that he never referred to anyone as "IFA angels" or the "IFA bitches." He said that if IFA was hosting a conference he may have said something like, "Right over there and the IFA ladies will help you."

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[6] "Dirk Diggler" is a fictitious male pornographic actor in the 1997 film "Boogie Nights." *See* https://www.imdb.com/title/tt0118749/?ref_=nv_sr_1.

Mr. Jamison asserts that Mr. Crozier never told him that he needed to change his behavior or language. Thus, Mr. Jamison claims that he did not say, "You must be allergic to a paycheck" to Mr. Crozier. Mr. Jamison said that he could not swear that Mr. Thompson did or did not say, "As your lawyer, I advise you not to say things like that." Mr. Jamison said that Mr. Thompson has a good sense of humor, and that although he does not recall Mr. Thompson saying that, it sounds like something he would say. Mr. Jamison said that Mr. Peterson never told him to tone down his behavior around IFA employees.

When asked about his alcohol consumption and whether he believes he has a problem, Mr. Jamison answered, "You know, I've been hearing it so much I have had to do self-reflection." He said that his wife asked him to limit his alcohol consumption and he has been doing that. He stated that he never would have characterized his alcohol consumption as "having a problem" but that "when you hear it from enough people you start thinking about it seriously." He has not sought any sort of treatment.

Mr. Jamison read the sexual harassment policy found in the state employee handbook during the interview. He said none of his behavior towards any IFA employee fit within the definition of sexual harassment.

Mr. Jamison was asked if he ever told IFA employees that he was good friends with Governor Reynolds. Mr. Jamison said that "it would occasionally come up," but that he does not know how because he "does not know how people became aware of the relationship." He said that he would speak with Jess Flaherty, his executive assistant, about Governor Reynolds. Overall, he said it was common knowledge that he and Governor Reynolds worked together in the county treasurer's association. Mr. Jamison acknowledged that he had involved the Governor's office in an attempt to get a pay raise for Ms. Flaherty and that his efforts were ultimately successful.

Mr. Jamison said that he did see Governor Reynolds' speeches before she delivered them. Governor Reynolds asked him to read part of her inaugural address and see what he thought. Mr. Jamison would help Governor Reynolds make sure that her speeches were in "her voice." Mr. Jamison also asked Ms. Flaherty and Witness 2 to help edit certain parts of the speeches that Governor

Reynolds would send to him. Mr. Peterson knew that Mr. Jamison helped Governor Reynolds with her speeches. Mr. Jamison said that she would ask him for help because they worked together a long time and she had always complimented him on his communication skills, especially his written communication skills.

Mr. Jamison denied telling people that he served in the "special forces." He says that he would sometimes joke with Mr. Crozier, however, that the "Marine Corps *is* the special forces." Mr. Jamison acknowledged having primarily administrative jobs in the Marine Corps once "they found out that I could type."

### D. Findings Regarding Mr. Jamison's Conduct.

Mr. Jamison engaged in conduct that constitutes sexual harassment. Although he denied almost all of the allegations made by Witness 1 and Witness 2, his version of events is not credible.

First, we believe Mr. Jamison's denial of having grabbed Witness 2's breasts in December of 2016 is false. That incident was witnessed by three people: Mr. Peterson, Ms. Lawrence, and Mr. Welk. Mr. Peterson's and Mr. Welk's version of events fully corroborates Witness 2's description. Ms. Lawrence refused to answer questions about this event or any aspect of the investigation, bu we have no reason to believe that she has any information contradicting Witness 2's allegations. Indeed, Ms. Lawrence recounted the event to Mr. Jamison's executive assistant Jess Flaherty some time later. App. IFA 056–058 (Flaherty Interview Summary). Significantly, even though, Mr. Jamison denied physical contact with Witness 2 to us, he admitted it after the incident to Ms. Flaherty, telling her, "I grabbed [Witness 2's] boobs, everyone laughed, I apologized, and she was OK with it." App. IFA 056–058 (Flaherty Interview Summary). It is also suspicious that Mr. Jamison offers no alternative explanation for why these individuals would say that he groped Witness 2 on this occasion and suspicious that his flat denial came only after his attorney interrupted the questioning.

Second, to the extent that Mr. Jamison claims that he never even engaged in joking, sexually inappropriate comments, his claims are undercut by his own assertion that Witness 1 and Witness 2 were responsible for starting those kinds of conversations. Mr. Jamison cannot simultaneously claim with credibility that he

never engaged in such conversations while also claiming that Witness 1 and Witness 2 initiated them. Moreover, Mr. Jamison was almost universally described as having sophomoric humor and having a taste for sexual innuendos. The same cannot be said about Witness 1 and Witness 2. Against this backdrop, Mr. Jamison's claim that he simply did not make sexually inappropriate comments is unpersuasive.

Third, having demonstrated a lack of credibility on key points, Mr. Jamison has not earned the benefit of the doubt for those allegations that might fairly be characterized as "he said, she said." Certain allegations, such as Witness 2's account of Mr. Jamison playing pornography on his cell phone while they were alone in a car, only have two witnesses with contradicting stories. Given Mr. Jamison's other false denials, we are not inclined to credit his version of events when only two witnesses are involved. Additionally, Witness 1 and Witness 2 displayed a credible demeanor and tone during their interviews. When talking about these events, they were each noticeably shaken by what had happened to the point of fighting back tears. We do not believe that these women decided to fabricate this entire controversy, which is something that we would have to believe to accept Mr. Jamison's version of events.

Given the nature of the allegations, we cannot confirm exactly what was said or exactly what happened in situations for which there are no witnesses. But on balance, we conclude that Witness 1 and Witness 2 provided credible information and Mr. Jamison did not.

## VI. THE EXTENT TO WHICH MR. JAMISON'S CONDUCT WAS KNOWN BUT NOT REPORTED.

The only IFA employees who witnessed the sexual assault on Witness 2 that occurred on December 14, 2016 were Mr. Peterson and Ms. Lawrence. Each failed to report it. Mr. Peterson said that he did not report the assault because he was told by Witness 1 and Witness 2 that they did not want him to say anything about it. Witness 1 and Witness 2 specifically deny having ever made such a statement to Mr. Peterson. Ms. Lawrence refused to cooperate with this investigation.

Mr. Jamison's other inappropriate behavior appears well-known by Mr. Peterson. Mr. Peterson was frequently referred to as Mr. Jamison's "sidekick" and "drinking buddy." Mr. Peterson would apparently speak with Witness 2 and ask her of Mr. Jamison, "What did he do this time?" Witness 1 said that after Mr. Jamison's behavior became known and he was terminated, Mr. Peterson's only stated fear was that money would be "scooped" out of IFA's budget due to the whole controversy.

After Mr. Jamison was fired on March 24, 2018, Mr. Peterson undertook efforts to learn the identity of Mr. Jamison's accusers. He called Witness 2 that evening. Witness 2 reported that Mr. Peterson yelled at her while trying to get her to tell him that she was one of the accusers. Witness 2 demonstrated to us that this phone conversation took place at 5:38 p.m. and that Mr. Peterson made two other attempts to speak to her by phone that evening. Witness 2 reported that Mr. Peterson told her that he was drunk when Mr. Jamison assaulted her in Okoboji, and he would claim not to remember what happened if asked. Witness 2's husband was listening to the phone conversation on speaker phone, and made notes of the conversation. His notes are consistent with this account. After the phone call where he yelled at her, Mr. Peterson wrote a text to her that said, among other things, "I'm sorry [Witness 2]. I very much feel like an ass talking to you like that. I love you." He later wrote, "I'm hoping I'm not collateral damage in all this." Witness 2 falsely represented to Mr. Peterson that she was not one of the accusers because she was concerned for her anonymity.

To a lesser degree, multiple IFA employees described ongoing observations of Mr. Jamison's inappropriate behavior. Those observations are recounted in the interview memoranda in the appendix to this report. Mr. Crozier and Ms. Jensen provided particularly thorough accounts of Mr. Jamison's behavior and their attempts to modify it.

Mr. Crozier reported that he heard Mr. Jamison engage in crude or sophomoric humor. He remembered Mr. Jamison making Matt Lauer jokes such as "Matt Lauer told me I shouldn't say that." Mr. Jamison also joked privately with Mr. Crozier about how mandatory sexual harassment training was "ridiculous" and that he needed training "how to" instead of prevention training. Mr. Jamison, Ms. Lawrence, Mr. Peterson, and Mr. Crozier all attended Governor

Reynolds' Condition of the State Address and went to lunch together afterwards. Mr. Crozier recalled that during lunch, Mr. Jamison commented to him that "[the Governor] didn't say *when*" the "zero tolerance policy" for sexual harassment would start—implying that sexual harassment would be tolerated for some period of time.

Ms. Jensen reported overhearing Mr. Jamison saying "I bet you didn't get much sleep" in response to Ms. Lawrence discussing her recent honeymoon to Hawaii at an Executive Leadership Team meeting. When Mr. Jamison made this comment, Ms. Jensen stated that she gave him "the look of death." Ms. Jensen described another incident at a leadership training event at Lake Panorama where Mr. Jamison was "in that mood" (i.e., using double entendre and making off-color comments) and engaged in a sexually suggestive conversation with the training leader about the Grand Tetons. Ms. Jensen also recounted incidents of sexually harassing behavior by Mr. Jamison that she did not personally witness. Witness 3 told Ms. Jensen about Mr. Jamison making the "you look sexy" comment. Whenever Ms. Jensen personally witnessed Mr. Jamison making inappropriate comments she would say, "Really? Let's not go there." While Ms. Jensen never felt at risk or in danger in these instances herself, she warned Mr. Jamison that others might be offended by his behavior.

Witness 1 and Witness 2 acknowledged that they believed that everyone who experienced Mr. Jamison's bad behavior was under the impression that "there was nowhere to go." People working at IFA likely believed that they would be fired if they ever spoke out against Mr. Jamison. From comments Mr. Jamison had made, they worried that he was close enough with Governor Reynolds that he might be politically protected by other state agencies. They also knew that Mr. Jamison would "get things through" the Department of Administrative Services and so they did not feel that this was a channel that they could use to get help. Witness 1 and Witness 2 acknowledge that they are grateful for the Governor's response to this situation.

During Governor Branstad's tenure, Mr. Jamison would talk about his close relationship with then-Lieutenant Governor Reynolds. Mr. Jamison told IFA employees about when he and the Lieutenant Governor served as county treasurers at the same time. He told them that they traveled together frequently in those roles

and were good friends. He also told them that he and the Lieutenant Governor had created a software program for paying taxes online and that their work was featured in a book. Overall, Witness 1 said that Mr. Jamison's behavior worsened when Governor Branstad left office and Lieutenant Governor Reynolds became the Governor.

Mr. Jamison emphasized his relationship with the Governor, which caused some employee to fear that reporting his behavior would be fruitless. Mr. Jamison bragged about helping the Governor draft the Condition of the State Address, according to Mr. Crozier. In raw video footage obtained in the course of this investigation, Mr. Jamison can be seen and heard implying that he knows the content of the Condition of the State Address before it occurred.

Witness 1 also said that one time Mr. Crozier told Mr. Jamison that the "Lauer, Weinstein, and Franken" joke was not funny. Mr. Jamison said to him, "You must be allergic to paychecks." Witness 1 said that whenever someone challenged Mr. Jamison about anything, he would say, "I guess I'm the man in the corner office—not you."

## VII. CONCLUSION.

We have concluded based on our investigation that Mr. Jamison engaged in the sexually harassing conduct described by Witness 1 and Witness 2. None of Mr. Jamison's sexual harassment, however, was known in parts of state government outside of IFA. Indeed, the most egregious acts by Mr. Jamison were only personally known by four people at IFA: Witness 1, Witness 2, Ms. Lawrence, and Mr. Peterson.

Mr. Jamison, of course, refutes the description of events provided by Witness 1 and Witness 2. At the end of his interview, Mr. Jamison was asked why he would be subject to false allegations. He said that if this investigation, or the Governor's office, was interested in the "full context" then it would be clear that he did nothing wrong. He declined, however, to provide any context other than what is described in this report. He said that he felt betrayed, that he thought he had a "work hard, play hard leadership group," and any sexual conversations were initiated by his accusers. None of that, of course, creates any context that

somehow diminishes what Witness 1 and Witness 2 have reported. In many instances, substantial corroborating evidence makes Mr. Jamison's denial implausible and not believable.

The events described by Witness 1 and Witness 2 are self-evidently acts of sexual harassment. Exhibit E to this report provides examples from the sexual harassment policy in the State of Iowa's Employee Handbook. Mr. Jamison appears to have violated every enumerated example of sexual harassment except that there is no evidence that he requested or offered sexual favors in return for job benefits.

Mechanisms exist in state government that Witness 1 and Witness 2 could have utilized to report their concerns instead of seeking the Governor's direct intercession. The employee complaint form provides spaces where this sort of behavior could have been described, and the investigation that would have resulted is considered confidential. *See* Ex. E, Complaint Form. Witness 1 and Witness 2, however, evidently did not believe that the standard process for reporting inappropriate behavior was sufficient in their case.

Witness 1's and Witness 2's reluctance to avail themselves of the standard reporting future is understandable for at least three reasons. First, both Witness 1 and Witness 2 described feeling that they were not safe in their workplace. The employee complaint form indicates that an investigation will take place where the "alleged harasser" would have an opportunity to respond to allegations. Any response by Mr. Jamison, the witnesses feared, may have resulted in his ability to manipulate the process because of his stature as a political appointee and agency head.

Second, it is not clear from the sexual harassment policy statement or the employee complaint form that Witness 1 and Witness 2 could have made a complaint that resulted in Mr. Jamison's immediate removal by simply following the established employee complaint process. Again, the sense of urgency and fear felt by Witness 1 and Witness 2 caused them to believe that immediate action needed to be taken. The standard employee complaint form implies that investigation will take place in all instances.

Third, to a non-lawyer reading the State Employee Handbook, it would be reasonable to infer that if an employee reported sexual harassment by a political appointee or agency head, the political appointee or agency head would be responsible for conducting the investigation into their own reported misconduct. As currently written, the State Employee Handbook provides:

> 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 supervisors, or, in the alternative, to the Director of the Iowa Department of Administrative Services.

Ex. E, Harassment Policy. The Handbook contemplates that an employee may face harassment from a political appointee or agency head and thereby provides for a reporting procedure to the person's next highest supervisor or to the Director of the Iowa Department of Administrative Services and not to the political appointee or agency head themselves. In the very next paragraph, however, the Handbook suggests that the political appointee or agency head would be in charge of investigating the complaint about their own behavior—"Department directors shall promptly investigate all complaints. Each agency shall take final agency action in response to a complaint." *Id.*

In this case, Witness 1 and Witness 2 both feared that there was no way to get around Mr. Jamison to make a report and have action taken regarding his inappropriate behavior. Based on the current language in the Handbook, that fear was not irrational. Indeed, a reasonable inference from the Handbook in this situation was that once Witness 1 and Witness 2 reported Mr. Jamison's behavior to the Department of Administrative Services, the Department of Administrative Services would turn the investigation of the report over to Mr. Jamison. While we were told by the Department of Administrative Services in this investigation that there is in fact a procedure for a confidential investigation that would bypass an

agency head like Mr. Jamison, we did not find any simple way for a harassed employee to discover and take comfort in that procedure.

Leaders in state government may wish to consider creating a mechanism by which serious concerns about safety or concerns about high-ranking officials may be addressed in an immediate and tailored fashion that is outside of the normal reporting process. Moreover, state government officials should consider implementing a procedure—or making it open and obvious if it exists—by which such reports are kept confidential and investigations are independent, including in instances where the alleged harasser is a political appointee or agency head. In situations such as this one, where the accused is also in charge of the agency, state employees may reasonably fear that there is no way to conduct a confidential and independent investigation or that no one short of the Governor will be able to take immediate action. State officials should give careful consideration to establishing a procedure by which even agency leaders may be investigated for alleged wrongdoing. We recognize that delicate issues of due process and fairness are embedded in the creation of such a policy. We believe, however, that the current reporting policy fell short of its intended goals in this case, and that it can be improved with careful consideration.