

“WHAT’S PAST IS PROLOGUE” (CONTINUED)

But in late summer, 2013, Davidson’s high praise for Lasik vanished. Though Lasik had sensed something might be wrong as far back as June, Davidson first questioned Lasik’s job performance at an August 30 city council meeting. Two weeks later, Lasik received a long memorandum from her boss. (The Zephyr obtained copies of these emails via a Freedom of Information request to the City of Kemmerer.)

“Over the past several months,” Davidson complained, “I have become steadily more concerned with your performance and your frequent absences from the City for a variety of reasons,” which included, “taking out of town trips, you taking a multitude of periods of time off, you working inconsistent hours, and you not working during the day because you chose to take your daughter to personal events as well as dentist and doctors appointments.”

“Additionally,” she added, “I have watched you ‘drop the ball’ and not accomplish your work including timely organization of events, staffing the visitor center and perform other duties over which you are in charge. I have noticed a marked change in your ability to manage your department and the responsibilities given to you as a department head.

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at or before 5 p.m. Additionally, I do not see you at work in the evenings, which I have been monitoring lately because of the concerns I describe above. This causes me to have an additional concern or question of how you accrue the Executive Leave that the City policy clearly provides with these kinds of hours.”

Davidson concluded, “As you can clearly discern from this letter, I have serious concerns that you are not adequately or properly managing your job and its responsibilities. I am unclear why this may be and welcome any response you may have to the concerns I have specifically described above.”

Two weeks later, Lasik responded at length, with a five page memorandum of her own, noting her surprise that Davidson believed the quality of her work had declined since April--and that she was just now telling her. “I was surprised by this and asked for examples,” Lasik wrote. “You said that you couldn’t give me details, it was more of an impression, although if you thought about it, you could probably give examples. When I asked why you hadn’t expressed that or talked to me before August 30th, you stated that you were ‘waiting for me to come to you.’ When I pointed out that I had approached you twice, you said that this isn’t like kindergarten, it’s more like college, that I needed to figure some things out for myself.”

Lasik added, “At that meeting, I asked you to watch my performance the next few weeks and told you that I would check in with you again. You agreed. I left feeling that things would improve between us from that point since you had been able to express your concerns and I had agreed to pay attention to my time and productivity. Our interaction did not seem to improve much since then. I feel that there is some kind of personal element involved, but I do not know what that would be.”

Lasik’s long letter then attempted to address specifically to Davidson’s criticisms. She wrote, “I dropped off a binder to your office that contains a detailed response to your email... In addition to my responses, wherever possible I attached documentation and/or verification of what I was saying. I’m not certain that you were looking for that detailed of a response from me, but I felt it important to include documentation and full explanations because of your concerns over my performance, the changes you want implemented, and most of all because I feel there is an implication that you are questioning my veracity, and I wanted to demonstrate that things are as I say or have said.”

But Lasik tried to end her long letter on a conciliatory note. “Rebecca, it is not my wish,” Lasik explained, “to be antagonistic to you or to make things worse. I just feel as though some of the assumptions or perceptions you have are not fair and are not accurate and it is important to me to explain as best I can where I am coming from and what my steps have been to solve any misperceptions as well as to correct any missteps on my part. I so admire your ability, intelligence, work ethic and most importantly your vision for Kemmerer. I want to work in harmony on the goals you set and to be part of the City team.”

Lasik concluded, “I work best and am most productive when I am able to discuss things with you, bounce things off of you, and be ‘in sync.’ I am interested in getting back to that place, and am actively working on the things you have set before me. Please let me know what we need to discuss further and how to proceed.”

Davidson, according to Lasik, did not reply directly to the letter. Instead more disagreements followed. On October 7, Davidson questioned Lasik’s time sheet, regarding a couple hours she took off. Lasik replied that she, “came in at 10 am because I had a doctor’s appointment (which you approved).”

On October 8, in another memo, Davidson notified Lasik that she would be required to reduce all Events center staff to 12 hours/week, “because of your high expenditures of employees...Is this being implemented?”

And Davidson inquired about food costs at the visitor center: “In looking through the

costs for food, etc. Can you answer when the last time we ordered ice cream bars and when was the last time we utilized those?”

Clearly frustrated, Lasik replied, “I have no idea.” She offered to check all the Sysco receipts for the past year and asked, “Would you like me to do that?” And she reminded Davidson that, “when the freezer fluctuated to 80 degrees a few months ago...a lot had to be thrown out.”

That afternoon, October 8, 2015, Lasik resigned. She hand delivered the letter to her boss. In part, Lasik wrote, “It was my sincere hope that you and I could come to some kind of reconciliation and that through doing the things you have directed me to do and focusing on the things you have asked, our goals would come back in line and our working relationship would be restored. This morning it became clear that those hopes will not be realized...I wish the Event Center, the advisory board, the city council and the community at large the best of success.”

Lasik gave the city almost a month’s notice, writing that her last day would be November 1, but with plans, as her resignation letter noted, to take some leave days in mid-October.

On October 16, Lasik took a sick day and stayed home, but two hours later, the chief of police, Stacy Buck, arrived at her door. According to the Kemmerer City Police report:

*On 10/16/2013, I was requested by the City Administrator to go to 1**2 North S*****t Dr and deliver the final pay stub to Jennifer Lasik and collect any property belonging to the City of Kemmerer. I made contact and delivered an envelope to Lasik and collected from her a City of Kemmerer Visa card and a Samsung cell phone in a blue case. Lasik stated that her keys were in her personal car and that her husband had taken that car to work. Lasik made arrangements to have her husband deliver the keys to me by 1700 hours on this date. I then went to the South Lincoln Training and Events Center and met with Cathy Bluemel. Bluemel and I went through the rest of the list of City owned items that I had been given. All items were accounted for in the SLTEC. I did observe that one of the Ipods had a shattered screen.*

Lasik had hoped she could help with the transition, but she never returned to her Kemmerer job. Later in the month, Lasik interviewed for a position in Evanston, Illinois and was eventually hired to be its Cultural Arts Coordinator. Over the winter, as Lasik settled into her new job and what she described as a much healthier work environment, memories of Kemmerer began to fade.

But on March 4, 2014, almost five months after her last working day in Kemmerer, Lasik received a call from an agent at the Wyoming Division of Criminal Investigation, informing her, for the first time, that based on allegations by Kemmerer city manager Rebecca Davidson, his department was pursuing evidence in a case, regarding possible theft and misuse of government funds and property. The DCI report stated:

“On Tuesday, October 29, 2013, Special Agent (SA) Jack Killely of the Wyoming Division of Criminal Investigation (DCI), South West Enforcement Team (SWET), received a FAX copy of a request for DCI assistance from the City of Kemmerer, Wyoming, Police Chief, Stacy Buck (Enclosure #1).” The request stated that Chief Buck had been contacted by the Kemmerer City Administrator, Rebecca Davidson, in regard to a former city employee who had possibly, fraudulently used city funds.

Via a search of Kemmerer City records from the FOIA request, *The Zephyr* obtained handwritten notes from Davidson, reflecting her change of heart. It appears the notes were written sometime in late July. Davidson wrote, “I have begun to organize my thoughts & findings RE: JL (Jennifer Lasik) and her employment at SLC (SP?)” And she saw the issue in several categories, including: “Embezzlement,” “Fraud,” “Misuse of city money,” “Inappropriate recording of time,” and “Poor management.”

There is no evidence, however, that Davidson ever accused Lasik of criminal activity while she was employed in Kemmerer.

Now, in an October 29, 2013 interview with DCI, Davidson provided a laundry list of allegations, including, “unusual credit card charges” and “irregularities” on her travel expenses, and claimed that at one point, Lasik “could only produce \$10 of the \$100 petty

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cash fund” Later, Davidson conceded, Lasik found the missing \$90 in another drawer in her desk.

According to the DCI report, Davidson claimed that, “During LASIK’s employment with the city of Kemmerer, there were multiple occasions where LASIK would claim to have mistakenly used the city credit card for personal use. LASIK would then note an IOU for the transaction and repay the city at a later date.”

Davidson also suggested that Lasik’s husband, a computer technician who occasionally worked on the Event Center computers, had acted illegally. According to the report, “(Davidson) believed that A. Lasik had access to all Events Center computers and deleted information from them when Lasik ended her employment.” And Davidson complained that “invoices were not detailed and did not itemize revenues generated from events and training.”

Finally, according to the DCI report, Davidson claimed to have, “conducted an internet search of LASIK and discovered she had worked for a church in Oak Creek, Wisconsin and possibly left that job due to irregularities with church funds”

In a phone interview with a DCI investigator, on March 4, 2014, Jennifer Lasik responded to the allegations by Davidson. According to the DCI report:

* “She (Lasik) adamantly denied stealing any money from the Events Center or the City of Kemmerer.”

* "She had not erased or deleted any city files from the Events Center computers."

* At a training event in Oregon, Lasik had used the city credit card during the training. At the end of the session, she rented another car for her own use and she did use the city card, but she reimbursed the city upon her return to Kemmerer.

* "She had received calls from Event Center clients after she had left the city. The clients told her that the interim Event Center Director did not have their records and it was difficult to book and use the facility. She told them to have the interim director call her and she would instruct them where to find the information.

"She was contacted by a former Event Center co-worker and was told that Rebecca Davidson had advised all Event Center employees that contact with her (LASIK) about any city business would result in termination of their employment."

One Davidson allegation was especially painful to Lasik. In the DCI interview, Davidson inferred that Lasik, in a previous job, may have absconded "with church funds." Davidson based her allegations on an alleged "internet search." As noted earlier, Lasik worked previously at a private church school in Wisconsin, as a geography and history teacher. She did have a long history with the institution. The principal of the school was the wife of her first cousin. Her grandfather founded the church and was also the co-pastor, with her uncle, at the time she worked for the school.

Lasik explained that she wasn't remotely involved in the accounting or finances of either institution and noted, her "record-keeping was limited to attendance-taking and grading tests."

DCI turned over its report to the Lincoln County Attorney to review. On October 3, 2014 DCI received word that, "The Lincoln County Attorney's Office has reviewed the information received from DCI regarding the above-named individual (Lasik) and has made the decision to decline prosecution in this matter." It was signed by Deputy County Attorney Scott Sargent. Almost a year after Davidson first made the allegations, the status of the case was listed as: "closed."

Lasik still works for the City of Evanston, Illinois as its Cultural Arts Coordinator, and enjoys the full confidence and support of her supervisors.

TARA SMELT & DARWIN PARKER

(EDITOR'S NOTE: The Zephyr recently sent a Freedom of Information Act request for documents related to the following part of the story, and at post time, we are just now receiving those documents. We will expand on the computer hacking incident that occurred in Kemmerer in mid-November 2014 as information reaches us...JS)

In March 2014, Davidson hired Tara Smelt to replace Lasik and gave Smelt the title, South Lincoln Training and Event Center, director. According to the Kemmerer Gazette, Smelt, from Rochester, NY, found the job announcement online and applied for the job. Six months later, Davidson promoted Smelt to be the Director of Communications and Events.

http://www.kemmerergazette.com/v2_news_articles.php?heading=0&story_id=3733&page=72

http://www.kemmerergazette.com/v2_news_articles.php?heading=0&page=72&story_id=3851

Darwin Parker was hired by Lincoln County, Wyoming as an IT Support Technician in August, 2012. In March, 2014, he signed a contract with the city of Kemmerer to oversee their IT needs as well. Parker worked on the city's computers until the end of October, returning once to the City offices on November 15th, 2014 to explain the systems and

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pass information to the new IT personnel and then again after Thanksgiving to fix an internet connection issue in the Event Center. While he moved on from his involvement with the city, and continued his work with Lincoln County, he had no reason to guess that, by February of 2015, he would be the subject of a criminal investigation by the Wyoming Division of Criminal Investigation.

The purpose of the DCI investigation, according to public records obtained through a FOIA request, was to investigate "Suspected unauthorized access to Kemmerer computer systems in January 2015" by Parker, though the investigation covered events that began in November.

On November 14th, according to statements by Tara Smelt to the Wyoming DCI, the City of Kemmerer brought in their new IT consultant, Erika Goodman, who looked over the computers, "plugged some holes and changed firewall rules." According to Smelt, the "assessment was completed and everything was running normal."

On November 15th, however, Erika Goodman contacted fellow IT consultant Niyu Pearson with concerns about the safety of the network. According to Pearson, she claimed that whenever she tried to change the firewall password, the firewall software would reset back to the original password.

On November 17th, Pearson "advised Goodman to let the City of Kemmerer administrators know they had a current or prior insider threat intrusion along with a foreign country intrusion. He advised [them] that they need a full network rework. He also advised them to contact the FBI immediately..." The DCI report doesn't explain why Pearson thought there was a "foreign country intrusion" or why he felt they should involve the FBI.

In December, Pearson and Goodman returned and examined the city's computers, removing TeamViewer--the remote viewing software Darwin Parker had used as the City's IT consultant--and hardening the firewall. And yet, when city employees complained again of problems with their computers in January, Pearson and Goodman continued to find TeamViewer on a number of computers, including the computer of the Police Chief and the main Police Department computer. The investigation report doesn't explain

whether they had failed to remove TeamViewer from those computers in December, or, if it had been removed, how the software might have been re-installed--especially given that Parker had no physical involvement with the city's computers during that time.

Pearson, in his interview, went so far as to suggest that the TeamViewer connections were related to a mysterious parked car at the Event Center in January. He told DCI investigators that, "he noticed a sedan pulled up in front of city hall, and it sat there for five minutes watching him work before leaving." But Pearson could not identify the vehicle, "due to vehicle lights shining in the center," and though Tara Smelt reported a break in the next evening, there were no signs of forced entry and Chief Buck reported that all known city/county equipment "was accounted for."

Darwin Parker was interviewed by DCI agents on February 25th. He was given a Miranda warning, and was represented by an attorney at the interview. He explained to the agents how TeamViewer software worked--that it was like a chat program, which showed you a list of all of your contacts, and whether they were online, so that you could choose to communicate with them by clicking their name. All the computers with the software would be communicating with each other whenever they were online, but that didn't mean someone had actually connected to another computer. He told them to check the log files of the software to see whether any computer had "connected."

The investigation report ends with the notes of the investigating officer, who states that Darwin Parker had emailed them after his interview. According to the agent, the email explained, "PARKER realized he still had the Kemmerer PD computers saved as favorites with his TeamViewer login and deleted them from the account. He related [that] when logged into TeamViewer he received notifications of computers available for connected but [he] denied connection to [the available computers] and if there was a connection that Kemmerer computers would have a log of connections."

The DCI investigation ends with Darwin's statement and the agency found no evidence of criminal activity. The report concludes, "Case Closed. DA declined Prosecution." The city terminated its agreement with Parker but he continues to provide IT services for Lincoln County as an IT support technician.

There is no further explanation of what might have caused all the computer problems, or what the "foreign intrusion" might have been.

(NOTE: A year later, after Davidson moved to Moab and initiated efforts to beef up that city's IT security, City Recorder Stenta referred to the incident in Kemmerer twice in city emails and recalled that Davidson "recommended an IT consultant that she had utilized previously to help with a government system had been hacked into by China." There was no reference to an "internal threat" at all. Also, according to Kemmerer City Recorder Glenda Young, "Niyu's (Pearson) services were terminated on June 16, 2015, and we have not used nor talked to him since.")

COMING TO MOAB & TAYO, INC.

By the time Davidson accepted her new position in Moab, debate about Kemmerer's departing city manager had reached a fever pitch. One Kemmerer-based facebook page called 'South Lincoln Freeman' became a gathering place for supporters and opponents of Davidson. The comments were so intense, angry and emotional, I could find nothing substantive and worthy of printing, from either the Pro- or Anti-Davidson constituencies. But clearly, the town had been badly divided over decisions made by Davidson and the city council.

Inflaming public sentiment even more, the city's parks and recreation director, April Corwin, was placed on administrative leave on March 10, and terminated on March 18. Two days later, the City of Moab signed a contract to hire Rebecca Davidson. In fact, for almost two weeks, Davidson was almost certain she was Moab-bound.

Records obtained from the GRAMA search indicate that in the first two weeks of March, Davidson was already the council's first choice; all that remained to be resolved was the salary/benefit package. Eventually the council agreed to pay Davidson an annual salary of \$110,000 plus the cost of moving her to Moab.

Only Councilman Doug McElhaney offered any resistance. In a March 5, 2015 email, he wrote, "We should not pay 20% more than we were paying our last city manager. We are forgetting we are offering employment, not begging for help. I don't think \$9583.00 a month with insurance and retirement is a slap in the face."

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On March 7, he added, "When did we agree on a 10% raise after the first year almost automatic?" And on March 18, he complained, "I still think a 3 year employment contract where at the end our city manager will be receiving \$130,000 is wrong."

But McElhaney's concerns were effectively after the fact. On March 6, the offer was made public. Davidson notified the city recorder on March 12 that she had turned over the contract to her attorney. And on March 20, a contract to hire Davidson was signed by Mayor Dave Sakrison.

Davidson's announcement that she was leaving came as a shock to many, including the Kemmerer Gazette, noting that her sudden departure was "a surprise."

And while the Kemmerer mayor and city council wished her well, it made an unusual decision when the City Council "voted 4-2 to restrict Davidson's ability to hire and fire employees during her final weeks." A majority of Kemmerer's governing body apparently feared Davidson would fire or replace even more staff in her remaining time there. Whether April Corwin's termination pushed the council's action, just two days before Davidson got the official thumbs up from Moab, is not known.