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**ATTORNEY-CLIENT PRIVILEGED
AND WORK-PRODUCT PRIVILEGED COMMUNICATION**

**Internal Investigation Summary Regarding Complaints
About Jackie Wahl**

A. Summary of Investigation

I was asked by the City of Carter Lake, Iowa, to perform an outside investigation as a result of grievances and complaints submitted by four employees of the City: Kendra Hollenbach, Diane Moncion, Lauri Wilhite and Lisa Ruehle. See complaints attached hereto as **Exhibit A**. Mayor Ron Cumberledge also submitted complaints about Jackie Wahl's behavior. See **Exhibit B**. The investigation was assigned to me by city attorney, David Levy, at the direction of the City Council, after a grievance hearing at which the employee complaints were presented to the City Council.

At issue with regard to the complaints were a variety of issues, including, but not limited to:

- (1) Jackie Wahl allegedly calling Diane Moncion and offering her Lauri Wilhite's work hours at the Community Center;
- (2) Jackie Wahl allegedly telling Diane Moncion that Lauri Wilhite was "under investigation for not working a 40-hour work week";
- (3) Jackie Wahl providing links to Council members and other community members regarding Lauri Wilhite's past drug addiction issues and professional consequences after a contentious call between the two regarding employee benefits;
- (4) Jackie Wahl making an allegedly false allegation against Diane Moncion about damage to Jackie's vehicle in response to Diane disputing Jackie's denial of the phone call referenced in number 1 above;
- (5) Jackie Wahl allegedly telling people that Diane Moncion had physically assaulted her;

- (6) Jackie Wahl allegedly going beyond the scope of her role as a City Council member to question and give direction and criticism to city employees;
- (7) Jackie Wahl's behavior allegedly resulting in employee resignations;
- (8) Jackie Wahl allegedly targeting city employees with whom she disagrees, specifically, Kendra Hollenbach and her employees at the Community Center;
- (9) Creation of a hostile work environment for city employees;
- (10) Jackie Wahl allegedly getting community members placed on Boards to specifically provide opposition to city employees; and
- (11) Jackie Wahl allegedly contacting Kendra Hollenbach's supervisor at Thomas Jefferson

Over the course of the investigation additional issues arose, which required further investigation:

- (1) allegations of wrongdoing by Kendra Hollenbach and Shane Hollenbach in their relationship with Jackie Wahl;
- (2) allegations of wrongdoing by Kendra Hollenbach and Shane Hollenbach in their relationship with Lisa Fuji;
- (3) alleged mishandling of the youth sports program, coaches, background checks, and behavior;
- (4) confrontation between Jackie Wahl and Kendra Hollenbach at Carter Lake Days event; and
- (5) allegations that Kendra Hollenbach misused city money in the youth sports programs.

Over the course of the last three weeks, I have interviewed 18 people identified in the materials provided to me by the city and further identified by other witnesses, including those identified by Jackie Wahl. I also met at length with Jackie Wahl and her attorney. Both Jackie Wahl and Kendra Hollenbach also provided me with character reference emails attesting to their positive qualities.

At the beginning of each witness interview, I advised each individual that I was an outside attorney brought in to investigate an internal set of grievances and to provide a report to city attorney, David Levy, and that I was requesting their honest participation in the investigation. I assured them they would not be retaliated against in the workplace for any information they provided, nor would they be retaliated against for participating in the interview. I let them know to contact David Levy or myself in the event they believed they were being retaliated against in the context of their employment with the city.

I met privately with each individual and kept notes during the course of our discussions. None of the interviews were tape recorded, but the general substance of each interview will be set forth herein.

B. Documents Provided and Reviewed.

- Exhibit A Complaints filed by City Employees
- Exhibit B March 22, 2024 Memo from Mayor Cumberledge Regarding Jackie Wahl Conduct
- Exhibit C Carter Lake Governing Body Rules for Mayor and City Council
- Exhibit D 90-day Plan of Correction
- Exhibit E Criminal Background Summaries Prepared by Jackie Wahl Regarding Bobby Peters, Kendra Hollenbach and Shane Hollenbach
- Exhibit F Police Report Regarding March 18, 2024 Incident with Jackie Wahl's Car
- Exhibit G Phone Records Evidencing Jackie Wahls Calls to Diane Moncion
- Exhibit H Shannon Putney Resignation Letter
- Exhibit I Documents from Kendra Hollenbach Praising Her Work
- Exhibit J Prior Grievance Material Submitted by Kenda Hollenbach
- Exhibit K Documentation from Jackie Wahl Regarding Problems in the Youth Sports Program in 2021
- Exhibit L Jackie Wahl Football Field Discussion Timeline Documentation
- Exhibit M December 13, 2021 Memo to Kendra Hollenbach Asking Her to Address "Allegations Of Misconduct Regarding Her Behavior" in Front of the City Council, Listing Council Member Names But Not Signed

- Exhibit N Financial Documents from the Youth Sports Program Provided by Kendra Hollenbach to Respond to the Allegation of Financial Wrongdoing
- Exhibit O Community Center Director Job Description
- Exhibit P Aaron Grell email re: the Mayor
- Exhibit Q Documentation re: altercation at Carter Lake Days between Jackie Wahl and the Hollenbachs
- Exhibit R Documentation of prior verbal reprimand and prior correspondence re: violation of the 90 day Plan

C. Goal of the Investigation

The goal of the investigation is to determine the following: (1) whether or not evidence supports the occurrence of the complained about behaviors; (2) whether the complained about behaviors are a violation of applicable rules and/or terms of the 90-day plan; (3) whether any of the complained about behaviors constitute illegal conduct.

The remainder of this report is designed to make determinations regarding the above issues and make recommendations for follow-up in any of the areas complained about which appear to have actually occurred and which are either a violation of the 90-day plan or other applicable rules; and to make recommendations regarding conduct which appears to have occurred which is illegal under local, state, or federal law, or otherwise inappropriate.

D. Analysis and Recommendations

Based on the foregoing witness interviews and documents produced, it is my analysis that the following conduct more likely than not occurred; and some conduct is less than ideal, and none currently illegal.

Conduct Complained About	Did Conduct Occur	Conduct Less than Ideal/Policy Violation/90 Day plan violation	Conduct Illegal
Jackie Wahl calling Diane Moncion and offering her Lauri Wilhite's work hours	The greater weight of the evidence indicates the two calls were made and Jackie said	Conduct outside the acceptable scope of conduct for a city Council member and	Not criminal, but outside the conduct acceptable for a city Council member and

at the Community Center	what she was alleged to have said	in violation of 90-day plan	in violation of 90-day plan
Jackie Wahl telling Diane Moncion that Lauri Wilhite was “under investigation for not working a 40-hour work week”	The greater weight of the evidence indicates this was said to Diane, but was not true when it was said	Conduct outside the acceptable scope of conduct for a city Council member and in violation of 90-day plan	Not criminal, but outside the conduct acceptable for a city Council member and in violation of 90-day plan
Jackie Wahl providing links to Council members and other community members regarding Lauri Wilhite’s past drug addiction issues and professional consequences after a contentious call between the two regarding employee benefits	This did in fact occur and occurred on the heels of Jackie Wahl having conflict with Lauri Wilhite about Lauri telling other city employees that Jackie was trying to reduce their benefits and an argumentative phone conversation re: same	The conduct appears retaliatory and not consistent with expectations for an elected official interacting with a city employee and likely violates the 90-day plan	No
Jackie Wahl making a false allegation against Diane Moncion about damage to Jackie’s vehicle in retaliation for Diane correcting Jackie’s denial of the phone call referenced above	The greater weight of the evidence indicates that the complaint was unfounded, no damage occurred, and there is a dispute about what occurred, but no compelling evidence of malicious intent	The conduct of the police report may have been retaliatory given it occurred on the heels of a public dispute between Diane and Jackie, but it cannot be proven by the greater weight	No, because the evidence is insufficient to prove that the report was known to be false when it was made
Jackie telling people that Diane Moncion had physically assaulted her	This allegation is in dispute and could not be proven	If it occurred, it would not be appropriate	No
Jackie Wahl going beyond the scope of her role as a City Council member to question and give direction and criticism to city employees	Yes, the greater weight of the evidence indicates this occurred on multiple occasions	Conduct outside the acceptable scope of conduct for a city Council member and in violation of 90-day plan	Not criminal, but outside the conduct acceptable for a city Council member and in violation of 90-day plan
Jackie Wahl’s behavior resulting in employees resigning	Yes, as stated by the employees themselves	Conduct outside the acceptable scope of conduct for a city Council member and in violation of 90-day plan	Not criminal, but outside the conduct acceptable for a city Council member and in violation of 90-day plan
Jackie Wahl targeting city employees with	Yes, the greater weight of the evidence	Conduct outside the acceptable scope of	Not criminal, but outside the conduct

whom she disagrees, specifically, Kendra Hollenbach and her employees at the Community Center	indicates this occurred	conduct for a city Council member and in violation of 90-day plan	acceptable for a city Council member and in violation of 90-day plan
Creation of a hostile work environment for city employees	The evidence indicates Jackie Wahl had conflict with employees, and they may have felt harassed, but none was based on membership in a protected class	Harassing employees is not ideal and could, under some circumstances, be illegal	No illegal conduct arising to the level of unlawful harassment/hostile environment because no evidence harassment based on protected class membership, but vague allegations of racial animus motivating some interactions is a potential concern
Jackie Wahl getting community members placed on Boards to specifically provide opposition to city employees	Yes, Jackie admits she wanted certain people on the parks board to provide a voice of opposition	Not necessarily	No
Contacting Kendra Hollenbach's supervisor at Thomas Jefferson	This allegation is in dispute and could not be proven	If it occurred, it would not be appropriate	No
Allegations of wrongdoing by Kendra Hollenbach and Shane Hollenbach in their relationship with Jackie Wahl	Poor behavior occurred on the part of all three people, most of which is not germane to the complaints	n/a	n/a
Allegations of wrongdoing by Kendra Hollenbach and Shane Hollenbach in their relationship with Lisa Fuji;	Poor behavior occurred on the part of all three people, most of which is not germane to the complaints	n/a	n/a
Alleged mishandling of the youth sports program, coaches, background checks and behavior	During 2021, mistakes were made that were ultimately corrected, but Jackie Wahl overstepped her bounds in how she addressed it and has continued to bring it	None of it was ideal, but it has been corrected and people need to put it in the past	No

	forward to justify actions		
Confrontation between Jackie Wahl and Kendra Hollenbach at Carter Lake Days event	Yes, this occurred. Jackie admits starting the confrontation, which was inappropriate, as was continuation by both individuals	Inappropriate behavior by both individuals	No
Allegations that Kendra Hollenbach misused city money in the youth sports programs	No evidence of this whatsoever	Jackie admits she was the one questioning this issue (thus starting the rumor) which is inappropriate conduct by a Council member toward a city employee	No

The outcome of this investigation is that some, but not all, of the behavior complained about occurred. The greater weight of the evidence indicates that Jackie Wahl did in fact make two phone calls to Diane Moncion in which she offered Diane Lauri Wilhite's hours at the community center and said that Lauri was under investigation for not working a 40-hour work week. She also indicated that Jacob would be calling Diane and she called back a second time to ask Diane to keep the conversation confidential and not tie her name to it. This is conducted outside the acceptable scope of action for a City Council member and also violates the 90-day plan and expectations previously set.

It's also not in dispute that Jackie Wahl sent links to Council members and others regarding Lauri Wilhite's past drug addiction and professional consequences after she and Lauri had a confrontational phone call about employee benefits. The conduct appears retaliatory, and Jackie did not directly deny that she sent the links for retaliatory purposes. She shared that she was trying to show people that inadequate background checks were done on employees, but she does not allege that Lauri did anything wrong in the five years she has worked for the city or that her past disqualified her from employment with the city. It appears more likely than not that Jackie's motivation was to impugn Lauri's credibility and malign her character to call her words and complaints into question. Retaliatory conduct is not appropriate when an elected official is interacting with a city employee and violates the 90-day plan and expectations for Council members.

As to the allegations regarding damage to Jackie Wahl's vehicle, the greater weight of the evidence indicates that the complaint was determined to be unfounded by the police; no damage in fact occurred, and there is a dispute

about what occurred, but there is no compelling evidence of malicious intent or intentionally false police reports being made. The timing is suspect, however. The same is true for the allegations that Jackie Wahl told people that Diane Moncion had physically assaulted her. While people apparently asked Diane Moncion if it was true, the evidence does not exist to trace that rumor back to Jackie Wahl.

The greater weight of the evidence is compelling that Jackie Wahl felt entitled to go beyond the scope of her role as a city Council member to question and give direction/criticism to city employees on many occasions. It also appears clear that Jackie's behavior resulted in various employees resigning, as stated by some of the employees themselves. Relatedly, the evidence is compelling that Jackie Wahl targets city employees with whom she disagrees, specifically, Kendra Hollenbach and various employees of the community center, including Shannon Putney in the library. While the conduct does not create an illegal hostile work environment as defined in the law, because there is no evidence it was directed at individuals due to their membership in a protected class, if it continues, Jackie Wahl's behavior could create liability for the city. Employees feeling hostility from someone to whom they must answer in the course of their work--or face consequences--is less than ideal and depending on who it is directed at in the future could create allegations of harassment based on protected class membership.

Jackie's behavior in which she does not "stay in her lane" as a Council member is symptomatic, in this investigator's opinion, of a bigger problem in Carter Lake. That problem stems from several issues, primarily lack of clear policies, failure to observe chain of command, a lack of HR functions, and inconsistent training. Job descriptions should be kept up to date. Supervisors should be clearly identified and evaluations should be done on a regular basis.

If there are complaints about a city employee, they should go to the city employee's supervisor or the mayor. They should not be pursued by rogue city Council members doing their own investigation and seeking their own solutions. Problems should not be addressed differently based on whether someone likes a particular individual or not, and that is true for the city employees' treatment of community members, as well.

Some people feel Jackie Wahl's behavior has been justified because of perceived lack of action by the city clerk or by the mayor, but the rules and the law create no such justification or exception. A city council member's power is what it is, even if other people are not performing their duties the way the council member believes they should be performed.

It occurs to me that Carter Lake is large enough (and divided enough) that it may need a city administrator or city manager position. It has a half-time mayor position, but it needs someone beyond the city clerk to be responsible for training of employees, supervision, evaluation, mediating and problem-solving. The City Council needs to have a place where citizens can be directed to have their concerns addressed. A city manager or administrator could play a mediator or ombudsman role as well to solve conflict before it gets out of hand.

Things are already out of hand in Carter Lake, to some extent. The social media posts I reviewed are appalling. The cursing and name-calling and reputational harm people sling at one another is, frankly, embarrassing. People need to stay off of Facebook and other social media platforms and have face to face, professional and cordial communication with one another. They need to have difficult conversations in an adult manner to get to solutions before things blow up like they have. Council members need training when they join the Council as to what their appropriate role is and its scope. The city attorney could provide that training and give Council members a better understanding of how to stay in their lane.

Council members also need to be assured that their concerns and the concerns of the community are being addressed. Either the current mayor needs to increase the transparency about the actions that he takes, or a city manager or administrator needs to be installed. The status quo should not continue in any event. But no matter what, city council members need to accept that they may not always be able to see the outcomes of issues; and some outcomes may not be as they prefer. Going rogue to investigate or intervene is not appropriate in either event, however.

The same is true with the culture of behavior in city offices and at City Council meetings. The starting of rumors by asking salacious questions, which then turn into rumors, which then turn into allegations is unprofessional, unkind and must stop. For example, Jackie Wahl admitted that she is the one who asked questions about whether Kendra Hollenbach was misusing city money in the youth sports program. The notion that there was financial wrongdoing, in and of itself, is harmful; and Jackie did so without any facts supporting it whatsoever. It was then passed on to other people to the point where I spent considerable time going over the financial records with Kendra and on my own and found no evidence of wrongdoing whatsoever. Jackie Wahl's "questions" and (as she calls them) "suggestions" are reckless at times and are playing games with people's reputations and lives. It simply must stop.

So, too, with the confrontation between Kendra and Jackie Wahl at Carter Lake Days. The documentation from third parties present at the event indicated that there was quite a disruption that was embarrassing to other participants in

the activities and was conduct not becoming of representatives of the city. The same is true of the behavior of Council members, city employees and community members at City Council meetings. Yelling at one another, swearing at one another, calling Council members idiots, flipping people off, telling people you wish they would die, calling people liars and otherwise airing dirty laundry is unbecoming, unprofessional and evidence of the degree to which relationships have been fractured in Carter Lake. Behavioral expectations should be installed and enforced. City employees who yelled at City Council members and called them idiots should be instructed that such behavior should never occur again. The mayor or someone else needs to take control of Council meetings and intervene when people are being subjected to abusive behavior.

I recommend a reaffirmation of the 90-day plan; I recommend a public reprimand or censure of Jackie Wahl, and specific direction from the remaining members on the counsel to cease and desist the behavior that has been identified as part of this investigation.

I recommend consideration of the creation of a city manager or city administrator role, and that someone from outside of Carter Lake be hired to perform that role. I encourage everyone involved to work on increased civility and collegial behavior and to stop the gossip, rumors and nasty social media posts. There are a lot of good things going on in Carter Lake, but the infighting can do nothing but dilute the many positive experiences people have as part of the Carter Lake community.

Things in the past need to be put in the past. There should no longer be discussion of the football program in 2021. City Council members and community members both need to learn to accept an outcome even if they disagree with it. The efforts to go around an outcome to try and effectuate a different outcome are divisive, at best. City Council members need to commit to staying in their lane and acting only through official action approved at meetings by a majority vote. If something occurs in closed session, it needs to stay in closed session. If someone has a criticism of a city employee it should be brought to the appropriate manager or the mayor, and then addressed by the manager or mayor in an effort to encourage and improve performance, not to target and get rid of someone.

There's nothing wrong with political strategy, including trying to place people on boards so there's equal representation or even strategic representation, but accepting ultimate outcomes that differ from someone's individual desires is necessary, rather than use of gamesmanship to try and change the outcome.

There's an opportunity here for Carter Lake to turn the corner and start a new chapter. Structural changes to leadership and governance need to occur. The behavior of many people involved needs to change. Jackie Wahl is not the only person whose behavior has been inappropriate. She was the subject of the complaints and therefore the subject of much of the investigation, but there was, frankly, enough blame to go around.

Jackie has to change her behavior, however, or it will continue to damage the city and the City Council will be left with no option but to consider taking steps to remove her from the City Council. The voters will also have to take these events into consideration if Jackie runs for another term on the Council. Jackie has the skills and strengths to be a positive force in the Carter Lake community if she chooses to do so. It is my hope that is what occurs, but it is necessary for the Council to get Jackie's attention at this juncture to effectuate changed behavior.

Should you need further information from me, please so indicate. Thank you for involving me in this important matter.

Report prepared by Susan K. Sapp, Attorney at Law



Susan K. Sapp

May 16, 2024

Date