

SWALLOW AND SHURTLEFF
CHRONICLED,
PART 27 OF A SERIES

Utah AG Cronyism

*Are the “Tush” Emails
Real or Fake?*

by Lynn Packer
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Craig L. Barlow, Assistant AG,
Children's Justice Division Chief

Assistant Attorney General Craig L. Barlow not only has a commanding courtroom presence, such as when he helped prosecute polygamist leader Warren Jeffs. A colleague says he also has an “impeccable reputation” and “sharp legal mind.” As division chief of the AG’s Children’s Justice Division Barlow won the prestigious, national Outstanding Service Award for expanding Utah’s Children’s Justice Centers.

But now a series of leaked emails threatens to pull Barlow into the corruption vortex generated by former attorneys general Mark Shurtleff and John Swallow.

“That does not sound at all like anything I wrote,” Barlow told *packerchronicle* when first told about sexually-charged emails he purportedly exchanged with one of his subordinates, Assistant Attorney General Cindy Poulson.

For example in an email dated May 10, 2013 Poulson thanked Barlow for a new office chair he apparently helped procure. He responded, “Well I can’t think of a cuter tush to go in it. Lucky chair.”

<p>Cindy Poulson <cpoulson@utah.gov> To: Craig Barlow <crbarlow@utah.gov> I have my new chair. They were delivered yesterday. Thanks.</p>
<p>Craig Barlow <crbarlow@utah.gov> To: Cindy Poulson <cpoulson@utah.gov> Well, I can't think of a cuter tush to go in it - lucky chair.</p>

Barlow's email exchange with Poulson May 10, 2013

“No, that is not something I would have put in an email or said,” Barlow said in an interview.

So it’s a fake email? he was asked.

“It’s not what I wrote,” he answered.

Genuine or bogus, the leaked emails come at a time Utah’s new

attorney General, Sean Reyes, will be asking his division chiefs like Barlow to resign and reapply for their positions. Barlow was one who was more likely to keep his post or even be promoted to a higher-profile slot. His future in the AG’s office could well hinge on the authenticity of the emails.

Barlow, however, declined *packerchronicle*’s proposal to meet with Chris Earl, the attorney general’s IT specialist, to see if the emails were stored on the Ag’s server. “I’m not going to spend time doing that,” Barlow said. “The office has way bigger issues

than whether there are spiteful people who are creating emails or if there is email contact between people. Either way you call it inappropriate, it does not affect the running of the office.”

Barlow and Poulson

Sources within the AG’s Children’s Justice Division believe Barlow and Poulson have had a less than arm’s length relationship for several years and that Barlow, because of the close friendship, helped Poulson get a salary boost when her employment status was upgraded in June from paralegal to attorney.

“She has been personally involved with Craig,” says one division employee. “She works with him a disproportionate amount of time” when she is also supposed to be working as a paralegal for other attorneys. “They think they are sneaky, sneak off to lunch, flirt and find reasons to touch each other,” the employee said.

Last summer Poulsonj, who earned a law degree in 1990, was essentially promoted from paralegal to attorney status with an accompanying bump in pay.

“Craig has been trying to create a special position for her and made her an attorney, paid her as an attorney while still only doing paralegal work and doing the same job, making an extra \$25,000 a year to do same job,” the employee said. “The whole management system is overwhelmed with corruption.”

No, that’s not the way others in the office see it. One employee who knows both Barlow and Poulson says when Barlow and Poulson go to lunch together it’s as a group that includes other employees. The employee said Poulson’s experience as a paralegal and past experience as an attorney qualified her for her current assistant attorney general position.

Barlow says “I tell you I am one hundred percent comfortable that my friendship did not influence the decision about the value of the change or the transfer. It was not the kind of friendship where it would have had an influence.” Barlow said although he recommended Poulson for the job it was the “head office” that approved it. “It was run by Kirk (Torgensen) and John (Swallow),” he said. “It was not done on my authority.”

Poulson’s immediate supervisor, Kris Knowlton, a section chief, says Poulson was first hired in about 2007 to do community training on internet crimes and children. Then in 2010 she was hired as a paralegal to work for her (Knowlton) and Barlow as well as two prosecutors. She explained why Poulson was selected without going through a process where a job is thrown open to all applicants:

Our ICAC caseloads were becoming more involved and complicated and I asked for more prosecutor assistance. I was told that we didn't have money to hire another prosecutor nor would we be asking for one in upcoming legislative sessions. Also I know, based upon past experience, that there are not a lot of attorneys who want to get involved in cases dealing with child pornography. The subject matter is



Cynthia Poulson, Assistant AG,
Children's Justice Division

not only horrific, but reviewing the evidence is worse. When (a previous prosecutor) was hired, only 2 people had applied; during our last opening, only 1 person applied. I knew Cindy Poulson had passed the bar exam and had maintained her bar license, she just hadn't practiced for a while. She wanted to see if being a paralegal would help her decide if she wanted to pursue being a lawyer again. Since she was hired as a paralegal it was neither ethical, legal or appropriate to ask her to act as an attorney at hearings where we needed coverage. And we NEEDED help in covering hearings. I started asking my superiors about a part time atty/part time paralegal position in 2012 for ICACP. I was told 'yes', then later 'no', then "we'll work on it", and this back and forth indecision went on for a while. I met with our Admin as to whether or not there were any people in the office who had a law degree AND passed the bar AND had a current bar license and was told that there was only one person and that was Cindy Poulson. I was given the 'go ahead' in the fall of 2013 to offer her the position as an Assistant Attorney General who was a contract attorney and her salary was commensurate with her prior "attorney only" experience being considered to do paralegal work as well as work as an atty. I was told this was financially feasible within the current office budget. So Ms. Poulson continues to be the paralegal for one of the ICAC attorneys and for Craig and me as well as covering hearings for the ICAC attorney when needed.

Knowlton said she is not aware whether AG hiring policies require jobs to be posted. She said any suggestion that Barlow and Poulson have an improper relationship is laughable and absurd. But she was unaware that any emails between them had been leaked.

One of those emails happened to be one Knowlton sent. She was asked if that were real or faked.

"I do recall such an email so I checked my emails and can verify that is a real email to me," she replied.

The Emails--Excerpts

"I believe the nature of my relationship and my communication with (Poulson) has been 100% appropriate," Barlow says. Although he believes the emails are fake, he said it's not important to prove they're bogus or determine who sent them. "I don't see them as being of heavy import," he said.

Utah's new attorney general, Sean Reyes, may see it differently. If the emails are genuine he might review whether the Barlow/Poulson relationship is appropriate. If they are fraudulent then he may order a probe to find out who created emails that could malign Assistant Attorney General Poulson and Division chief Barlow.

The emails cover October 2012 to August 2013. Some of them deal with legal cases Barlow and Poulson were working on. The emails were not sent on private accounts but using the utah.gov email service.

A sampling of them reveals chit-chat that would more often be associated with a husband and wife or boy and girl friend, not with a supervisor and subordinate.

The first ones, chronologically, appear to deal with a photo Poulson sent Barlow showing Barlow in a Halloween costume dressed up as Little Bo Peep. Barlow responded that he had seen the photo. "Oh, I so wish I was a lamb."

In a follow-up message Barlow suggests Poulson abandon the “cute as a button” Bo Peep look and go for “Smokin’ Boo (*sic*) Peep and exchange the tights for fishnet stockings and the cute top for a French chambermaid ‘show off the goods’ number.”

That Halloween day Poulson asked, via email, whether Barlow gives out candy or hides and pretends he is not home.

Barlow said he does indeed “give out candy to whichever children come ‘a kockin’.” And added: “Now, if a very fetching shepherdess came around looking for a trick or treat, I would probably have something for her as well.”

The back and forth continued with her response: “I will have to stop by sometime but I will speak with you first I would not drop by unannounced. I so hate the drop in.”

“Oh no, not you sweetie,” Barlow emailed back. “Even if you dropped by without talking first, I would welcome you with bells on. No I meant bishopric types whom I never invite in and whom I invite to never come back.” (Barlow is inactive LDS and brags to associates that he does not get sick because he keeps his blood alcohol level so high it kills all the germs.)

The next day talk turned to Poulson’s neck. “You are the best and you do have an exceedingly lovely neck (among other parts).” Barlow wrote.

In December 2012 Barlow was still focused on Poulson’s looks: “You looked gorgeous today. The yummiest elf ever.”

Another in December: “You were a delectable crumb cake yesterday. I feel bad that I missed the wardrobe malfunction.”

Poulson was not above paying compliments. “You looked quite handsome yourself,” she replied after he called her “gorgeous.”

Poulson, who is married, spoke about an LDS Church calling she had in email exchanges on February 15. Barlow said he would not spend any time going to church but talks about a wine-tasting party at the house of Scott Reed, the AG’s Criminal Justice section chief.

I’m not excited about going to Scott and Patty’s because I don’t like most of the people they invite—Leo, Lana Taylor, Don Brown, Mick, Kirk, etc., but I get grief because I have blown off two other similar gatherings.

“Oh, and I won’t spend any time going to church,” Barlow wrote.

Poulson responded, “Oh yeah I forgot several hours of church on Sunday and work on a darn Primary Auxiliary Ward Mission Plan.”

In early May a group of co-workers planned to meet at Market Street Grill for lunch. Should the two been seen by colleagues sitting next to each other?

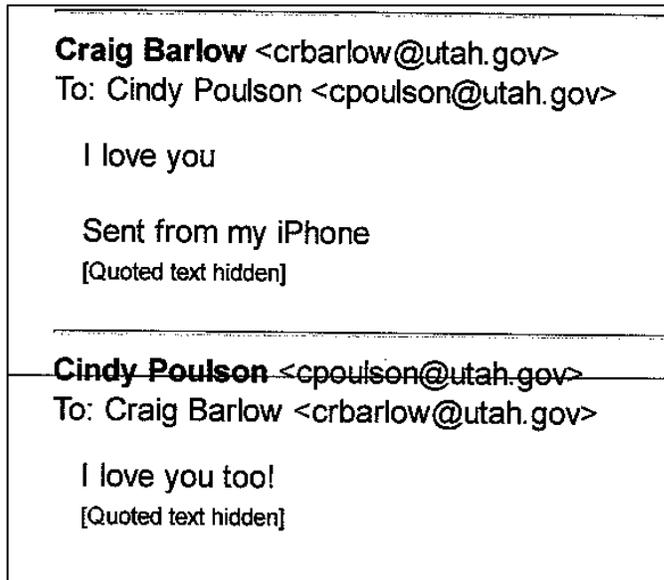
“You know it is ok for you to sit next to me when there is vacant chair,” Barlow wrote. “I don’t think anyone will accuse you of impure motives or actions at a division lunch and even I can keep my hands to myself when there is an audience.”

Also in May Barlow commented that Poulson “looked dang good yesterday—the top was killer.” That was the same month as the “cute tush” email.

In June, the month she got the attorney job, Poulson wrote Barlow, “Well I adore you.”

Later in June Poulson was apparently ill. He writes, “If you were here I would give you a big hug” then “Are you feeling better and are you still ravishing?”

In early July the pair exchanged one-liners:



In July it appears Chief Deputy Attorney General Kirk Torgensen stopped by her office to discuss her new job and dogs. “I know you have done a lot to get this accomplished. XOXO,” she wrote to Barlow.

Four days later Poulson had a trip to St. George. “Leaving tomorrow for St. George. I will miss you.”

Barlow replied, “Likewise, sweetie.”

Cynthia Anne Stonebraker Poulson

In a brief interview Poulson told *packerchronicle* that she characterizes her relationship with Barlow as a “friendship”, nothing more. She declined continuing the interview but did respond once to an email question.

Poulson, maiden name Stonebraker, is a 1982 graduate of Murray High School.



Before becoming a paralegal and remarrying Cindy Stonebraker was an education specialist for the AG's Internet Crimes Against Children Task Force. She taught parents around the state how to protect their children from Internet predators.

She received both her undergraduate and law degrees from the University of Utah, the latter in 1990. She passed the Utah bar exam in 1991.

Kris Knowlton, her current supervisor, says Poulson was hired by the AG's office in about 2007 as a community trainer to

educate the public about Internet crimes and children. (Records show her hire date was likely March, 2006.)

In 2010 the AG's Children's Justice Division hired her to work as a paralegal for the two prosecutors in the section she was already working in as well as for Knowlton and Barlow. That led up to her June, 2013 hiring as a prosecutor while continuing some paralegal duties.

Flashback: Poulson, via email, says she had earlier worked as an attorney for Utah's Industrial Commission Anti-discrimination Division in 1990 and 1991, apparently beginning with the division before she was licensed. Next she says she was "Utah Industrial Commission Legal Counsel, Uninsured Employers Fund, 1991-1992."

Utah Department of Administrative Services records show she was hired as a temp employee in August, 1990 at \$12 an hour. That record does not show her job description. In November, 1991, she was upgraded from temp to full time at \$13.51 an hour. Her employment with the Utah Industrial Commission ended in May, 1992.

The Utah Bar will not say if Poulson maintained her license in the coming years calling that record private. In 1993 she was arrested on a reckless driving charge and again in 1994 for possession of a controlled substance and burglary. The court record does not show whether any convictions resulted from the arrests because the record appears to have since been legally expunged. (Note: After a record is legally expunged an offender does not need to disclose any arrest or conviction to potential employers.)

In September 1997 a Karen Openshaw was arrested and later charged with felony assault on a Utah highway patrolman. The court docket shows Openshaw was also known as Cynthia Stonebraker. Stonebraker eventually pled guilty to a reduced charge of misdemeanor assault and sentenced to a year in jail.

That record has yet to be expunged and the court docket remains public. It shows that Stonebraker missed a preliminary hearing because she was incarcerated in Tooele County Jail. The next preliminary hearing was postponed because "the defendant has been transported to the Utah State Prison and was not produced for the hearing." Finally Stonebraker did appear, entered the guilty plea and was sentenced to the year in prison. The docket says, "The sentence shall run concurrent with the present prison sentence being served."

Department of Corrections spokesman Steve Gehrke says there is no record of a Cynthia Stonebraker serving time at Utah State Prison. It may have been expunged. Gehrke says the record does show an indication of an old case that includes a reference to a Pardon Board hearing in 2010 "during which the Board appears to have granted her a 'full pardon'" for an undisclosed conviction.

It appears Poulson has recently applied for another pardon, this one on the 1997 assault conviction. A hearing on the application is scheduled for January 13 this month.

Poulson thus far declines comment on Weber and Tooele cases.



**Cynthia Anne Stonebraker
mug shot September, 1994**

Poulson kept her maiden name Stonebraker after she married Todd Luker in the late 90s. The couple had a daughter in 1999.

Poulson did tell *packerchronicle* she worked as an attorney for the Salt Lake law firm Larson, Turner, Fairbanks and Dalby between 2002 and 2003. In July 2003 her husband, whose primary vocation had been bartender, died after a history of substance-abuse-related arrests. It's rumored he died of an overdose.

Still using her maiden name Stonebraker, Poulson was in fact hired by the Larson Dalby firm and did work there between 2002 and 2003. Brian Larson, now with his own firm, said he helped hire Poulson as a paralegal. He said he later found out she was a licensed attorney, a fact she failed to disclose on her resume. "That would have caused me to fire her," he said, "but frankly she was doing a pretty good job. So he counted it as one strike against her and moved on.

Larson said he even had her do some attorney-related tasks—acting as an attorney—for a couple of months. But, he said, a second strike came when he discovered she had a substance problem and he terminated her employment.

Even today a co-worker says Poulson sometimes appears impaired with slurred speech. But he concedes it may be from valid prescription medication.

After working at the law firm Poulson says she was an adjunct professor for Family Law at Salt Lake Community College between 2005 and 2006.

Poulson's AG Employment Contract

Attorney General Employment Contract

The Utah Attorney General's Office (the Office) and Cindy Poulson (Poulson) enter into this employment agreement to set forth the terms and conditions of Poulson's employment with the Office.

Poulson and the Office declare and hereby agree to the following terms and conditions.

1. Poulson is a current employee of the Office and works as a paralegal in the Children's Justice Division.
2. Poulson is a member in good standing of the Utah State Bar Association. Her Bar number is 0534.
3. Poulson was admitted to the bar in 1991. Poulson has actively practiced law for three (3) years since her admission to the bar. According to Office policy, Poulson is considered to have a 2010 Bar admission date.
4. The Office needs additional prosecution capability in its Internet Crimes Against Children (ICAC) section. Poulson is a paralegal in the ICAC section and is well acquainted with ICAC cases and ICAC section policies, practices and protocols.
5. Poulson is desirous of working as an Assistant Attorney General (AAG) in the ICAC section. She is also desirous and willing to continue to perform paralegal duties in the ICAC section. Poulson and the Office understand and acknowledge that under standard State of Utah Human Resources rules and corresponding rules in the Office, Poulson cannot be required to perform paralegal duties if she is employed as an AAG. The Office and Poulson understand and agree that Poulson may voluntarily waive the restriction on performing paralegal duties when Poulson is employed as an AAG and Poulson hereby affirmatively waives the above referenced restriction. As consideration for this waiver, the Office will convert Poulson's current FTE position from paralegal to AAG and its correspondingly higher salary.
6. Poulson's salary as an AAG with a stipulated 2010 Bar admission date is \$28.94/hour or \$60,195/year.
7. Poulson is a merit protected employee and has been since approximately September 16, 2006.
8. Poulson will continue to be merit protected and is entitled to accrue annual leave, sick leave and other benefits of merit protected employment in the Office.
9. Poulson will be eligible for career ladder grade advancements within the Office as her performance and time of service dictate. Such advancements will be based on the stipulated 2010 Bar admission date.
10. The terms and conditions of this employment contract will be effective upon signing.
11. I have read, understand and agree to the terms and conditions of this employment contract.

Employee Signature: Cynthia Poulson Date: 7/30/13

Hiring Official Signature: _____ Date: _____

Attached to the leaked emails were two other records: Poulson's 2013 employment contract and a pay statement. The statement shows that during 2013 she made \$50,893 working over half of the year as a paralegal, the rest being paid as an attorney.

The other record is Poulson's July 30, 2013 "Attorney General Employment Contract." It says her salary "with a stipulated 2010 Bar admission date" is \$60,195 a year.

What does the "stipulated" Bar date mean? Assistant attorney generals' pay often hinges on when they were admitted to the bar. The earlier the date, the fatter the paycheck. Poulson was admitted in 1991 and gave up a much higher salary by agreeing to set the date at 2010.

Barlow says that's proof she received no special treatment. "She gave up years and years of bar status at a substantially reduced salary," he said.

“It’s not cronyism it’s that she suffered economically compared to other attorneys with her bar date.”

The contract says Poulson had “actively practiced law for three years since her admission to the Bar.” Thus, “according to office policy, Poulson is considered to have a 2010 Bar admission date.”

It remains unclear, though, whether she actually worked three years as an attorney. If she didn’t she may have defrauded the state by claiming even three years of actual attorney experience during the 23 years she may have been licensed to practice.

Her supervisor, Kris Knowlton, said she thought Poulson had worked as an attorney for Utah lawyer Keith Henderson. Henderson confirms Poulson did work for him, but as a paralegal. In any event Poulson did not cite that as part of her attorney work experience.

So far the jury is still out on her attorney time-of-service.

The contract attached to the leaked emails, a document Barlow says is genuine,

was signed only by Poulson. Barlow recalls signing it as well so there may be an updated version in office files.

I have read, understand and agree to the terms and conditions of this employment contract.	
Employee Signature: <u>Cynthia Poulson</u>	Date: <u>7/30/13</u>
Hiring Official Signature: _____	Date: _____

Postscript

Short of an admission by the email leaker that he or she falsified them or an admission by Barlow or Poulson that they’re real, there may never be absolute proof that the emails are genuine or forged.

If they turn out to be on the AG’s servers it is possible, although unlikely, that some computer wiz inserted fake ones. If they are not there it could be they were there once, but, even though unlikely, were surreptitiously deleted.

Instead circumstantial evidence may end up proving or disproving.

So far there is some evidence that indicates they’re false. There’s Barlow’s statement. The anonymity of the leaker does not lend them any credibility. Common sense suggests that no AG employee would be dumb enough to put intimate messages in government email.

But the weight of the evidence, so far, supports their authenticity:

- They look real
- Barlow concedes the employee contract attached to the emails is authentic even if he says the emails themselves are bogus.
- Kris Knowlton says at least her email within the group is real.

Packerchronicle has submitted a records request to AG GRAMA officer Susan Eisenman for all emails involving Barlow and Poulson. The request also seeks Eisenman’s emails because of allegations that are surfacing that she may have won her post as the new State Agency Counsel Division Chief because of favoritism. Swallow appointed her two months ago, before he resigned.

Eisenman was named AG Attorney of the Year in 2008 for her work on the so-called “David C.” lawsuit that ran 14 years and cost the state \$7 million in legal fees. When she received the award Barlow said, “Susan is one of the finest lawyers I have ever worked with.”

Nevertheless *packerchronicle* has asked that Eisenman be removed as GRAMA officer and spokesperson for all cronyism-related requests going forward.

Poulson’s promotion may be the tip of the iceberg.

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For questions, comments or suggested corrections of factual errors please contact Packer at 801 397 2380 or lpacker@comcast.net.