

SWALLOW AND SHURTLEFF CHRONICLED,
PART 28 OF A SERIES

Utah AG Cronyism

The Cynthia Poulson Promotion Snafu

by Lynn Packer
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Cynthia Stonebraker mugshot, 1997,
Tooele County Jail

*Bulletin: The AG's office today disclosed it has opened an investigation into issues raised by **packerchronicle** regarding leaked emails and hiring standards for applicants with criminal histories. In addition Assistant Attorney General Cynthia Poulson today withdrew her request for a pardon of a 1997 criminal assault charge. The AG's probe will likely seek to determine what she disclosed about her criminal past when she was hired as a trainer in 2006, promoted to a paralegal in 2010 and advanced to attorney status in 2013 as well as look into whether leaked emails exchanged between her and her boss are real or fake.*

Cynthia Stonebraker Poulson, 49, was named an assistant attorney general last July despite at least three criminal convictions, two of which had been expunged from court records. In October, 2013 she filed a petition to get the third stricken from the record. The Utah Board of Pardons had set a hearing on the petition for next Monday, January 13, to set aside her 1997 conviction for assault on a police officer in Weber County and delete all traces of the case from state paper and computer files. But earlier today she withdrew her request and the hearing was canceled.

In her application to the pardon's board, a record obtained by *packerchronicle* via an open-records request, Poulson says she will be fired if she does not get the assault conviction pardoned. Her promotion had been approved by Craig Barlow, division chief of the AG's Children's Justice Division at the same time Barlow and Poulson were allegedly exchanging sexually-charged emails. (Barlow denies sending the emails and claims they were fabricated. See Part 27 of this series.)

In May 2013 Poulson asked the state's Bureau of Criminal Identification (BCI) to expunge the assault conviction. But in June BCI denied her petition. Nevertheless, the next month Barlow promoted Poulson despite the conviction remaining on the books.

The snafu exposes cronyistic hiring and promotion practices within the AG's office. It calls into question how Poulson was hired in the first place, in 2004 by the AG's office in disregard of her criminal past.

Poulson's pardoned and expunged Tooele County and Salt Lake County arrests involved possession of controlled substances. The still unpardoned Weber offense was different:

On September 14, 1997 Utah Highway Patrolman Dino Diamanti pulled over a motorcycle on Interstate 15. He identified the driver as David A. Openshaw and his female passenger as Karen K. Openshaw, who the trooper thought was David's wife.

The Trooper returned to his patrol car, called the dispatcher to run a check and learned David Openshaw had an outstanding arrest warrant.



David A. Openshaw Mugshot 1997

When Diamanti notified the suspect he was under arrest the woman stood in the way, yelled for her purported husband to run and shoved Diamanti to the ground. The couple fled on the cycle triggering a high-speed chase down the freeway then onto Roy's Main Street.

"Eventually somewhere in Roy she got off and hid behind a house," Diamanti told *packerchronicle*. "We followed the guy until on Main Street his motorcycle stalled." He said Roy police found and arrested who they thought was Karen Openshaw.

David Openshaw was charged with a traffic offense, failure to stop for a police officer, escape from official custody and no proof of insurance. Karen Openshaw was charged with aiding an escape from custody.

It was later that authorities learned Openshaw was actually Cynthia Anne Stonebraker (Cynthia Poulson). Stonebraker missed two hearings, the first because she was incarcerated in Tooele County Jail on another charge and the second because, according to the docket, she had been transported to the Utah State prison. She eventually pled guilty to a reduced charge of assault on a police officer and was sentenced to a year

Timeline

- **November 18, 1997.** Poulson convicted of assault on a police officer.
- **September 1997-March 1998.** Paulson served concurrent prison terms for Tooele drug possession conviction (since pardoned) and Weber assault conviction (pardon pending).
- **May 2013.** Poulson asked Utah's Bureau of Criminal Identification (BCI) to expunge her 1997 assault-on-an-officer record.
- **June 25, 2013.** BCI denied Paulson's request.
- **July 30, 2013.** AG's office promoted Poulson to attorney status despite conviction on her record.
- **Unknown date.** AG's office told Poulson she will be fired if she does not get the 1997 conviction expunged.
- **October 21, 2013.** Poulson applied to the state for a pardon that would expunge her 1997 conviction.
- **January 13, 2013.** Utah's Board of Pardons was scheduled to hear Poulson's request but she withdrew her petition on **January 9.**

in prison. At the time of sentencing she was already in prison and ended up serving a concurrent term from September 1997 to March 1998.

Meanwhile David Openshaw missed one of his hearings because he was later incarcerated in Cache County Jail on two drug offenses. He was eventually sentenced by the courts in Ogden and Logan to up to five years in prison. He served just over a year.

Patrolman Diamanti, now retired, told *packerchronicle* he had no objection to Poulson being pardoned. He sent a letter to the Board of Pardons saying that if his memory served him correctly “Ms. Poulson reportedly apologized for the incident in court” and that “the incident was minor in nature.”

Diamanti thought Poulson was merely helping her boyfriend avoid arrest because of *his* bench warrant. What Diamanti did not know either at the time of the arrest or his interview is that Poulson also had an arrest warrant at the time that Diamanti would have discovered had she provided her real name. Poulson disclosed that fact in her October 2013 request for a pardon. “I had a warrant for my arrest for leaving the Odyssey House,” she wrote. “As the trooper was checking Openshaw’s info I learned Openshaw did not have a DL and he had drugs on his person.” “I gave the false name Karen Openshaw to avoid going to prison,” she said. (Openshaw apparently dumped the drugs during the chase because he was not charged with possession.)

Two years before her arrests in Tooele and Weber counties and one year after her arrest in Salt Lake County on a drug charge Poulson had also pled guilty in connection with a Salt Lake County auto accident. She was cited on June 1, 1995 for improper lookout, driving on an expired license and operating an uninsured vehicle. The court docket shows she was in rehab during the course of the case. A bench warrant was issued for her arrest after she failed to appear for trial. Later she appeared, the bench warrant was withdrawn and she pled guilty to two misdemeanor counts and agreed to pay restitution for the accident.

But her problems with that matter continued.

The docket reflects failure to make restitution payments. On February 20, 1996 she called the court and explained she could not make a hearing because she was in jail in Tooele serving a 60-day sentence.

In May of 1996 another bench warrant was issued when she failed to make additional payments. The money may have eventually been paid because the warrant was withdrawn and the case closed in August 1996.

In 1998 Poulson had been out of law school for eight years, in and out of jail and in and out of rehab. In 2001 and 2002 she worked as a paralegal for a Salt lake law firm but was terminated for substance abuse.

Ironically, in 2002 Poulson petitioned the court in Tooele to get her possession of a controlled substance conviction reduced to a Class A Misdemeanor from a Third Degree Felony. Such moves pave the way for records to be expunged—felonies are more difficult to take off the books than misdemeanors.

Between about 2004 and 2005 she moved to Evanston, Wyoming to work for a community education center. Her pardon application says the reason she left was to move back to Utah. The education center’s human resources director declines disclosing why Poulson left.

Her last job before join the AG’s office in 2006 was with the Lawyers Helping Lawyers program sponsored by the Utah Bar Association and American Bar Association.

The program helps lawyers dealing with mental health and substance abuse issues. She was hired by program director Richard Uday as his assistant. He said she helped present educational programs at bar events and attend commission meetings which made her “very visible with the bar.”

At one of the events Uday said Poulson made the acquaintance of Ken Wallentine with the AG’s office who hired her as an Intelligence Analyst for his Internet Crimes Against Children Section. She conducted training sessions throughout the state.

The Withdrawn 2013 Pardon Application

On October 21, 2013 Paulson’s lawyer—the same Richard Uday she worked for at Lawyers Helping Lawyers—submitted an urgent request to the Utah Board of Pardons. It included what he called was a “renewed” or “updated” Application for Pardon. Uday said Paulson’s 1997 assault conviction had been inadvertently excluded from a full pardon she was granted in 2010. He attached a letter from Poulson’s Division Chief, Craig Barlow, which said, “A federal mandate of criminal history checks for all employees of the Utah Attorney General’s Office will cause Cindy to lose her job if the 1997 case is not expunged or pardoned before the end of the year.”

Poulson, on her application, said the same thing, “My employer, the Utah Attorney General’s Office, recently told me of a new federal mandate that all employees must have a clean criminal record.” “My supervisors have told me that if I fail to get the criminal case off my record before January 1, 2014, my employment will be terminated,” she wrote. “I will lose my job and my career.”

In her applicant’s letter Polson made a strong case for a pardon:

- In 2010 after receiving my full and unconditional pardon, I applied for a job as a paralegal working on the prosecution side of the Utah Attorney General’s Office.
- I have overcome my addiction (sic) to drugs and alcohol and my criminal past.
- I am a productive member of society and have been clean and sober since February 28, 2004.
- I am active in my church and served in a variety of positions including Primary President.
- I brought my student loan out of default.
- I served the prison sentence imposed for this serious crime.

Poulson’s letter disclosed the bad with the good. “When I learned that the second 1997 charge was showing up on a Court Exchange search for my name, Cynthia

The image shows a form from the State of Utah Board of Pardons and Parole. The title is 'APPLICATION FOR PARDON'. Below the title, it says 'Please complete this entire application form and provide all information as requested. Please attach all reports, records or letters as indicated and required. Incomplete or unsigned applications will not be considered.' The form is divided into sections. The first section is 'SECTION I - APPLICANT INFORMATION'. It contains the following fields: Last Name (Cynthia), First Name (Poulson), Middle Name (Anne), Date of Birth (04), Social Security # (redacted), Driver's License # (redacted), Home Address (4331 Laura Drive), City (Murray), State (UTAH), Zip Code (84107), Telephone (redacted), and Email (redacted). There is also a section for 'Have you ever previously applied for, or been granted, a pardon for any other offense or conviction?' with 'Yes' and 'No' options. Below that, it says 'If yes, please provide the date of the pardon, the conviction(s) pardoned, and attach a copy of the application and the Pardon Certificate.' The form is partially filled out with handwritten and printed text.

Stonebraker, I applied to BCI for a certificate of eligibility. In a letter dated June 25, 2013 BCI denied my request for an expungement of this charge stating that my entire criminal history including expunged charges presented this charge from being approved for expungement.”

Documentation that might further helped her case was absent. Despite her alcohol and drug addition is appears the AG’s office did not require a drug test prior to employment in 2004 and did not follow up with random tests.

Poulson applied for a judicial review of BCI’s denial, a review she said is scheduled for trial on May 2014. In the meantime she turned to the Pardon Board, which also has the power to expunge her record, and could act more quickly than the courts.

Poulson’s two AG supervisors, Ken Wallentine and Craig Barlow, provided letters of support for the now withdrawn pardon application. Wallentine made a startling disclosure. “When I hired her, I knew that Ms. Stonebraker had criminal (sic) record.” “She told me about it,” he wrote. “There were many qualified applicants, but I hired Ms. Stonebraker because I was impressed with her heartfelt desire to make a difference in protecting children and families in Utah and my belief that it was an opportunity to hire a truly exceptional person.”

Barlow’s letter was equally supportive. “I have worked directly with Cindy on several cases both in her role as a paralegal and as an Assistant Attorney General,” he wrote. “She is smart, thoughtful and completely committed to being a competent and responsible professional.” (If Barlow is correct and leaked emails are forgeries he had no obligation to disclose his alleged bias. He did say, “I also consider Cindy a friend.” “I have met her very bright and personable daughter several times.”)

The AG’s Car Repair Contract

The purported emails between Craig Barlow and Cindy Poulson are not all that’s leaked out of the AG’s Office. An anonymous source alleged that Poulson’s husband, Scott, has had a no-bid contract to service vehicles driven by Ken Wallentine’s investigators.



Scott Poulson operates Scotty’s Auto Repair in Murray. After an initial inquiry a spokesperson for Utah’s Finance Department said neither the state nor AG’s office does any business with Scotty’s Auto Repair. But after further inquiry the state disclosed there is no direct contract, but conceded Scotty’s is a subcontractor for Automotive

Resources International (ARI fleet management) that does contract with Utah for vehicle maintenance.

The state’s fleet manager, Scott Bingham, said Scotty’s was chosen by ARI not his office. But Bingham said the state did negotiate directly with Scott Poulson when Bingham thought charges were excessive. Last year the state gave Scotty's Repair \$8,687.21 of the \$23,268.87 it paid to maintain the 54 vehicles assigned to the AG.

Bingham said the state and/or ARI was free to award the repair work to Scotty's because no bids are required for expenditures under \$1,000. Bingham said that threshold applies per vehicle repair not accumulated repairs.

Coincidentally Scotty's deal with the state may have ended January 1. Bingham says his agency has discontinued the ARI contract for the vehicles under his supervision which includes the AG's 54 cars and trucks.

Scott Poulson, like Cynthia's previous husband Alan Luker, also has a string of alcohol-related arrests. Like his wife he has also been represented by attorney Richard Uday. In June 2012, for example, Poulson pled guilty to driving under the influence. He was sentenced to 180 days in jail reduced to ten days for time already spent after he delayed getting treatment and installing an ignition interlock on his car.

In 2009 the court dismissed criminal mischief and intoxication charges against him due to "evidentiary reasons."



**Scott Matthew Poulson Mugshots
1994-2013**

Postscript

Because the AG's office has begun an investigation into matters raised by *packerchronicle* reports, spokeswoman Missy Larsen says her office will no longer answer questions about those matters. Open-records requests on the topic remain pending.

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