

MEMORANDUM

CALFO EAKES & OSTROVSKY PLLC

TO: Stephen Teply, John Wilson, Al Dams

FROM: Patty Eakes and Alicia Cullen

DATE: April 23, 2018

RE: Investigation of Concerns Regarding Mr. Stober

I. Scope of Investigation

We were asked to investigate the sexual harassment and general conduct allegations regarding Mr. Stober that arose in connection with his former role as Chair of the King County Democrats (“KCD”). We subsequently were asked to expand the scope of our investigation to include any instances in which Mr. Stober consumed alcohol during the day and then returned to work at the King County Department of Assessments (“KCA”).

II. Summary of Investigation:

- We interviewed twenty-three witnesses, and interviewed two of those witnesses twice. Eight of these witnesses were identified by Mr. Stober. We also contacted five other individuals who did not respond or who declined to be interviewed.
- We reviewed written statements provided to us by two witnesses regarding the events under investigation. We interviewed one of these witnesses; the other witness declined to be interviewed.
- We reviewed text messages and social media selected and provided by witnesses, as well as conducted our own independent analysis of available social media posts from the witnesses involved in this investigation.¹
- We reviewed press, with emphasis on reporting by Erica C. Barnett.
- We reviewed the written Code of Conduct complaint submitted to the KCD regarding concerns about Mr. Stober.
- We reviewed KCDCC Fact Finding Investigative Report, authored by Afton L. Larsen (the “Larsen Report”).
- We reviewed a KCD Expense Reimbursement Request Report and available receipts.
- We reviewed Mr. Stober’s KCA Leave Analysis, Calendar, and Parking Garage Report.

¹ We received screenshots of excerpts from an extended Facebook chat entitled “Dream Team.” Mr. Stober was one of the three participants, as were two other witnesses that we interviewed, including Ms. Koss Vallejo. Ms. Koss Vallejo provided us with selected screenshots, but declined to provide us with the full conversation. The other witness reported that he/she does not believe he/she currently has access to it. Mr. Stober also represented that he checked his records but no longer has access to this conversation.

III. Summary of Findings

This report is a summary of our factual findings relating to the allegations against Mr. Stober. We have not been asked to determine, and did not determine, whether, based on the facts, there were any violations of KCA policy. Our report recounts some of the information obtained during the course of the investigation to illustrate and support our findings, but it does not contain all of the information received, due to volume. This report also summarizes information, as opposed to stating it verbatim.

In summary, we find that in his role as KCD Chair and as an employer, Mr. Stober engaged in conduct that was outside the bounds of an appropriate employer-employee relationship, including (i) his use of derogatory language about his employee, Ms. Koss Vallejo; (ii) juvenile behavior directed toward Ms. Koss Vallejo; and (iii) the frequency of after-work social events and the amount of alcohol consumed at these events.

Outside of this employer-employee context, we find that Mr. Stober engaged in a pattern of using inappropriate and/or derogatory language, both toward and about men and women associated with the Democratic party.

There are two allegations for which we did not find factual support. First, as to Ms. Koss Vallejo's termination, the timeline does not support a finding that Mr. Stober's termination of her was retaliatory and motivated by his knowledge that a Code of Conduct complaint had been lodged against him based on his interactions with Ms. Koss Vallejo. Second, based on the evidence that was available to us, we did not find that Mr. Stober consumed alcohol at KCD-related mid-day events and subsequently returned to conduct business on behalf of the KCA.

We do find that some of Mr. Stober's conduct was not necessarily singular or outlier conduct — particularly among young members of the KCD. Many witnesses also found him charismatic, energetic, and a positive contributor to the party. However, he is a public figure and held an important, public-facing role at the KCA. He exercised extremely poor judgment, at best, and in certain circumstances, engaged in wholly inappropriate and immature behavior. Moreover, as Mr. Stober is a communications professional, we find that he should have known that his behavior was not appropriate.

IV. Factual Findings

A. Treatment of Ms. Koss Vallejo Within the Employer/Employee Context

1. Derogatory Language

We investigated the allegation that Mr. Stober repeatedly called Ms. Koss Vallejo a stupid bitch. Mr. Stober denied referring to her as a bitch other than in a December 27 text message where he acknowledged using “[n]ah bitch” as a slang expression. See **Exhibit 1**.

Based on our investigation, we find that Mr. Stober called Ms. Koss Vallejo a bitch both verbally and in writing. A number of witnesses offered corroborating accounts regarding Mr. Stober's use of this language at or about Ms. Koss Vallejo. *First*, one member of the KCD

identified by Mr. Stober (and viewed by others as aligned with Mr. Stober) directly recalled him calling Ms. Koss Vallejo a bitch.² *Second*, a witness who worked out of the KCD office, and who also was identified by Mr. Stober, confirmed that Mr. Stober called Ms. Koss Vallejo a bitch. He/she believed this term was used in a sarcastic or friendly way but did not believe it was appropriate language for an employer to use. *Third*, a KCD officer recalled that in January 2018, after the Bellingham incident, Ms. Koss Vallejo accidentally sent out fundraising letters without stamps. Mr. Stober reportedly asked the KCD officer for details about what had occurred, and then called Ms. Koss Vallejo a “dumb bitch” for having forgotten the stamps. While Mr. Stober generally denied having done so, we found the KCD officer to be credible, particularly given the number of other witnesses who recalled Mr. Stober using this language in reference to Ms. Koss Vallejo. *Finally*, two other witnesses reported that this language was common for Mr. Stober, but did not recall specific examples relating to Ms. Koss Vallejo.

To a certain extent, as we were told by multiple witnesses, the term “bitch” can be viewed as “millennial language.” In some of the contexts, such as the above-described text message, the evidence suggests that Mr. Stober did not intend to degrade Ms. Koss Vallejo, particularly as they both acknowledged having a casual relationship. This conclusion also is supported by Ms. Koss Vallejo, who told us that she was not offended by the term “bitch.” However, Mr. Stober was Ms. Koss Vallejo’s employer during the relevant time period, and notwithstanding any casual relationship, it is inappropriate for an employer to refer to an employee as a bitch.³

We also investigated the allegation that, on Ms. Koss Vallejo’s birthday, Mr. Stober called her a stupid bitch and stupid cunt because she was reluctant initially to go out for drinks and/or have shots with him that evening. We interviewed three of the four individuals who reportedly were present when the incident occurred and obtained a written statement from the fourth. Ms. Koss Vallejo and one individual reported that Mr. Stober used this language. Another witness did not recall the comment but could not say for certain whether it was made, as his/her recollection was impacted by the consumption of alcohol. This witness also reported that Mr. Stober was intoxicated at the time. Mr. Stober denied making the comment and further reported that the word “cunt” is entirely outside of his vocabulary. He reported to us that he was memorably chastised by his mother when he was fifteen years old and has never since used the word.

Based on our investigation, we find it more likely than not that Mr. Stober does use the term “cunt” and that Ms. Koss Vallejo had no reason to lie when she said Mr. Stober called her a cunt for not coming out earlier on her birthday. First, we found Ms. Koss Vallejo credible. Ms. Koss Vallejo also raised this as an issue to multiple witnesses well before she was terminated, and we find no reason for her to have been untruthful with those witnesses. In addition, we obtained a written statement from a person who was present at the time of the incident, and which corroborates Ms. Koss Vallejo’s claim. Finally, a number of witnesses, including those identified

² This witness further recalled Ms. Koss Vallejo coming to him/her with concerns about this language. He/she said Ms. Koss Vallejo appeared to shrug off the comments and they ultimately did not seem to bother her.

³ Mr. Stober also admitted calling Ms. Koss Vallejo a hoarder, and there is a text message in which he does so. We do not find this comment to be inherently derogatory nor wholly outside language appropriate for use in the employee-employer setting. Moreover, Ms. Koss Vallejo did not identify this term as concerning to any witness that we interviewed, nor did it appear to be particularly offensive to her during her interview. Instead, she agreed that she attempted to secure free resources for the KCD.

by Mr. Stober, reported hearing Mr. Stober use the term “cunt” on other occasions. Therefore, we conclude that the term is not wholly outside Mr. Stober’s vocabulary as he reported.

2. *Juvenile Behavior*

We investigated allegations that Mr. Stober engaged in inappropriate and juvenile behavior with an employee — Ms. Koss Vallejo. As described below, we find that Mr. Stober engaged in at least two instances of juvenile behavior, both of which were inappropriate, particularly in the employer-employee context.

First, Mr. Stober accessed Ms. Koss Vallejo’s personal Facebook account from her personal device and publicly posted: “I shit my pants.” See **Exhibit 2**. Mr. Stober acknowledged doing so and admitted that, in hindsight, it was a stupid joke that was not funny. We conclude that it is inappropriate for an employer to (i) access an employee’s social media account without permission and (ii) post an embarrassing and/or offensive post on an employee’s personal social media account.

Second, Mr. Stober is alleged to have sprayed Ms. Koss Vallejo with silly string while she was driving and posted a video of the incident to his Instagram account. See **Exhibit 3**. The witness accounts differ as to the context surrounding the incident. Ms. Koss Vallejo reported that she was driving her vehicle and was about to turn onto a busy street. She said that Mr. Stober created a potentially dangerous situation by distracting her and obstructing her vision. For his part, Mr. Stober said he sprayed Ms. Koss Vallejo “on the way out” of a dollar store, that he and Ms. Koss Vallejo both laughed hysterically, and that she did not raise any concerns about his conduct.

We have not been provided with a copy of the video — only a screenshot of the Instagram post.⁴ However, the screenshot does show Ms. Koss Vallejo in a vehicle, which corroborates her recounting of the event. In addition, we note that the Larsen Report provides: “Video footage of Stober spraying Koss Vallejo in the face with silly string while car was [*sic*] engine was engaged. Though at a stop in a parking lot, there was the potential for physical harm to have occurred.” That report indicates the neutral investigator hired by the KCD was able to view the video and confirm its contents.

Based on the foregoing, we find it more likely than not that Ms. Koss Vallejo was driving her car at the time of the incident and not “on the way out” of the dollar store. This created a potentially dangerous situation. Moreover, Mr. Stober posted a reasonably embarrassing video of his employee on his personal social media site without her permission.

3. *Pressure to Drink Alcohol*

We investigated allegations that Mr. Stober frequently and inappropriately consumed alcohol with an employee — Ms. Koss Vallejo. During her interview, Ms. Koss Vallejo told us that approximately eighty percent of her meetings with Mr. Stober involved alcohol and included meetings both at the KCD office and after-work meetings at bars. Mr. Stober agreed that he drank

⁴ Mr. Stober looked for the video on his cell phone during our interview of him but reported that he was unable to locate it.

with Ms. Koss Vallejo after work and that he would offer drinks to others. However, he denied pressuring Ms. Koss Vallejo to drink and said she never expressed concerns to him about the frequency or amount of drinking.

Many witnesses consistently reported that Mr. Stober enjoys going out to bars and drinking alcohol (including individuals identified by Mr. Stober), and others credibly reported that Mr. Stober would purchase shots for people at evening events.⁵ See also **Exhibit 4**. One witness showed us, but declined to share, cell phone video clips of Mr. Stober apparently intoxicated at KCD-related events. Other witnesses reported (i) personally feeling pressure from Mr. Stober to drink and/or (ii) personally observing Mr. Stober pressure others to drink. These accounts lend support to Ms. Koss Vallejo's claim that Mr. Stober also pressured her to drink. Moreover, prior to the Code of Conduct complaint, a number of witnesses either observed or heard from Ms. Koss Vallejo that she felt she had to (and did) drink socially with Mr. Stober in connection with her role as KCD Executive Director. Finally, we note that at least one individual who declined to be interviewed reportedly reached out to Mr. Stober about seeking professional help regarding his consumption of alcohol.

Three witnesses told us that prior to the Code of Conduct complaint, Ms. Koss Vallejo raised concerns to them about the frequency of after-work events, and that such events involved drinking alcohol. However, none of these witnesses reported confronting Mr. Stober about the issue. We also have not seen evidence that Ms. Koss Vallejo directly confronted Mr. Stober about her concerns.⁶ Instead, two witnesses reported that Ms. Koss Vallejo appeared to respond to Mr. Stober's invitations to drink submissively or by politely making excuses. The text messages exchanged between Mr. Stober and Ms. Koss Vallejo on her birthday also reflect Ms. Koss Vallejo passively declining to go out socially with Mr. Stober as well as an apparent lack of awareness by Mr. Stober that his repeated invitations were not welcome. See **Exhibit 1**. We find that, putting aside whether he should have known, Mr. Stober did not appear to interpret such responses as an indication that Ms. Koss Vallejo did not wish to participate in social drinking. Finally, we note that a witness who did engage in a conversation with Mr. Stober about the appropriateness of his conduct said that pressure to drink was not one of the issues that was brought to his/her attention by Ms. Koss Vallejo or anyone else. Based on the foregoing, we conclude that Mr. Stober was not aware that Ms. Koss Vallejo did not want to consume alcohol with him. However, his repeated invitations to Ms. Koss Vallejo to attend alcohol-centered events with him show a complete lack of judgment. Moreover, it is reasonable to conclude that invitations of this nature from an employer to a new employee could be perceived as mandatory/required behavior. In that context, it is reasonable that a new employee would feel pressure to accept such invitations.

⁵ One witness reported being in a car with Mr. Stober in Olympia in January 2017 after Mr. Stober had been drinking. The witness was uncomfortable with Mr. Stober driving, but did not voice concerns at the time as he/she also had been drinking and was not in a position to drive. This same witness also recalled several Snapchat stories in which Mr. Stober reportedly would post a picture of himself drinking and then within five or six hours would post a picture of him driving.

⁶ We do find that in late November 2017, Ms. Koss Vallejo made efforts to establish boundaries regarding the length of her work day and to remove herself from situations in which Mr. Stober was consuming alcohol to excess. However, we have not seen anything to suggest that she confronted him about pressure to consume alcohol. See **Exhibit 5**.

Based on the foregoing, we find that Ms. Koss Vallejo felt pressure from Mr. Stober to drink alcohol. In making this finding, we acknowledge that there appears to be a clear division between those who we were told are the “younger” crowd with whom Mr. Stober would drink more freely and his behavior with a more seasoned group of established party members with whom Mr. Stober reportedly acted consistently professional.

Finally, we investigated allegations that Mr. Stober drank regularly in the KCD office in Auburn. However, we found insufficient evidence to support this allegation. Staff members based in that office largely reported that there was very limited alcohol consumption that took place on-site (i.e., on five or less occasions and after business hours, including on Election Day).

B. Other Derogatory / Offensive Language Outside the Employment Context

1. Comments About Other KCD Members

Two undated comments that Mr. Stober made within the “Dream Team” Facebook conversation about other members of the KCD are concerning. *See Exhibit 6 and Exhibit 7.* In these posts, Mr. Stober first commented about a former state party committeeman and said: “I’ll see if I can print off one more certificate to recognize [Redacted] as party rapist of the year so everyone feels better.” Mr. Stober also commented about a former member of the KCD leadership team and said: “Listen if you all want to clean up the bad blood send [Redacted] a chocolate covered dildo and tell him to get fucked.”

Mr. Stober and another witness who participated in the “Dream Team” Facebook conversation provided an overview of events within the Washington Democratic party that they said provide context for these comments. Nevertheless, we find Mr. Stober’s choice of words to be wholly inappropriate. Even if Mr. Stober intended to exchange these messages privately among friends, the Facebook conversation in which the inappropriate messages were exchanged includes separate discussions of KCD business. At best, there is an inappropriate mix of professional and private matters, which shows a lack of judgment by Mr. Stober.

2. April 2017 Walla Walla Event

Mr. Stober is alleged to have said that Republicans could “suck his cock” and also reportedly used the words “cunt” and “motherfucker” repeatedly. We were told that this incident occurred at the Marcus Whitman hotel in Walla Walla after an April 2017 state committee meeting. Mr. Stober denied the allegation. He admitted that the word “motherfucker” is in his vocabulary, but denied using it that evening.

We interviewed a number of witnesses who were identified as being present at this event and who reportedly had knowledge of what occurred. Two witnesses confirmed that Mr. Stober at least said Republicans could “suck his cock” and used the word “motherfucker.” Both also reported that Mr. Stober was intoxicated at the time. We also interviewed four witnesses who did not recall the comments. One witness confirmed that Mr. Stober had attended the Walla Walla event, but he/she did not recall interacting socially with Mr. Stober that evening. A second witness said he/she was with Mr. Stober in a restaurant and generally was in hearing distance of Mr. Stober

the entire time. He/she was adamant that Mr. Stober never made the comments and was not drunk. A third witness also attended the social events in Walla Walla. He/she did not recall the comments but said they could have occurred outside of hearing range or in a different location of the hotel. He/she also did not observe Mr. Stober intoxicated but said he/she would be surprised if Mr. Stober were not drinking. A final witness also reported being at dinner with Mr. Stober. He/she did not recall Mr. Stober using this language while at dinner.

In this case, we are able to reasonably harmonize the seemingly inconsistent witness statements. Mr. Stober could have changed locations throughout the night. Two of the witnesses who did not hear the comments reported being with Mr. Stober at a restaurant, and one said there were a few dozen people socializing together. The witnesses who reported hearing the comments said they were with a smaller group of people at the bar. Moreover, the two witnesses who heard the alleged comments did not identify the other witnesses as among the members of the smaller group present at the bar. Thus, it is entirely possible that each of these witness accounts is correct and that Mr. Stober later moved to the bar, where he said that Republicans could “suck his cock” and used the word “motherfucker.”

In sum, we find that Mr. Stober did state that Republicans could “suck his cock” and used the word “motherfucker.” While many witnesses reported that profanity is not uncommon among party members, the language that Mr. Stober used in a very public location is inappropriate and unbecoming of the public face of any organization.

3. *Comments About a Senior State Party Officer*

Witnesses, including a senior party member, overwhelmingly reported to us that there is political animosity between Mr. Stober and a senior state party officer. Three witnesses further reported that Mr. Stober used inappropriate or derogatory language to describe this senior state party officer, including bitch, cunt, and “Waddles.” While Mr. Stober has denied using this language — and said that the word “cunt” is entirely outside of his vocabulary — we find it more likely than not that he used inappropriate and derogatory language about this senior state party officer. First, the language is consistent with the overwhelming reports of political animosity that Mr. Stober apparently harbors toward this senior state party officer. In addition, a witness identified by Mr. Stober (and viewed by others as aligned with Mr. Stober) corroborated what other witnesses reported to us regarding Mr. Stober’s language, including that he used the word “cunt” in reference to this senior state party officer.

4. *Other Comments About Women*

Additionally, we conclude that Mr. Stober made inappropriate and offensive statements about women when communicating with others associated with the KCD. See **Exhibit 8**, **Exhibit 9**, and **Exhibit 10**. The first two comments relate to the Women’s March and, again, took place within the “Dream Team” Facebook conversation. We were told that KCD had been attempting to plan an event, but ran into scheduling and logistical challenges given a previously planned Women’s March. In **Exhibit 8**, Mr. Stober commented: “YEAH WTF[.] THEY GONNA BAKE COOKIES ALL DAY TO PROTEST? CLEAN THE HOUSE?! JESUS[.]” He further commented: “We gave them the right to vote what else do they want[?]” In **Exhibit 9**, Mr. Stober

wrote: “Why are you all surprised there is this much drama? WOMENS March and we all know women are drama.” He then included an emoticon of a manicure followed by three laughing faces. Finally, **Exhibit 9**, is a series of text messages from Mr. Stober, which first shows a photograph of a female, followed by the comment: “How’d you get that ass in dem jeans[.]”⁷

When we asked Mr. Stober about these Facebook conversations and text messages, he did not offer that his comments were inappropriate or derogatory (until we directly asked the question) and instead attempted to offer an explanation or told us he did not recall the comments. His approach was in contrast to another participant in the Facebook conversation, who immediately acknowledged that the messages were inappropriate and took accountability for his/her conduct. We conclude that the comments Mr. Stober made about women in these exhibits are inappropriate and may be considered offensive to some individuals.

C. Termination of Koss Vallejo

We investigated concerns that Mr. Stober’s termination of Ms. Koss Vallejo was retaliatory and motivated by his knowledge that a Code of Conduct complaint had been lodged against him based on his interactions with Ms. Koss Vallejo. For her part, Ms. Koss Vallejo told us she thought she was terminated because Mr. Stober had misspent party funds, leaving insufficient funds to pay her salary. Mr. Stober denied a retaliatory motive and instead explained that an incident at a state party meeting in Bellingham was the tipping point, but that there were two prior issues, including job performance/fundraising, that contributed to his decision to terminate Ms. Koss Vallejo.

As an initial matter, there is no dispute that on January 27, 2018, at a state committee meeting in Bellingham, Ms. Koss Vallejo dumped the remainder of her iced coffee onto the hood of a car, which had an ICE hat on the dashboard.⁸ Nor is there a dispute that less than one week later, on February 2, Mr. Stober terminated Ms. Koss Vallejo. We also understand that Mr. Stober learned about the formal, written Code of Conduct complaint on February 2.

We spoke with several senior members of the State Democratic party about the basis for Ms. Koss Vallejo’s termination. Each of these witnesses provided us with consistent accounts that Mr. Stober sought their advice and/or recommendations regarding Ms. Koss Vallejo’s conduct on the same day of the Bellingham incident. Each of these witnesses also concurred with Mr. Stober’s view that Ms. Koss Vallejo’s behavior warranted termination. Finally, these witnesses also consistently reported that Mr. Stober was disappointed that he would need to terminate Ms. Koss Vallejo. These accounts support (i) Mr. Stober’s statement that the Bellingham incident was the tipping point that caused him to terminate Ms. Koss Vallejo; (ii) that the Bellingham incident necessitated Ms. Koss Vallejo’s termination; and (iii) that Mr. Stober made his decision to terminate Ms. Koss Vallejo while still in Bellingham on January 27. In sum, we conclude that Mr. Stober was not motivated by retaliation and that he did not know of the Code of Conduct complaint before making the decision to terminate Ms. Koss Vallejo.

⁷ We were told that the individual pictured in Exhibit 10 is a senior staff member of the Washington State Democrats.

⁸ **Exhibit 11** (<https://www.youtube.com/watch?v=m9sGR7Sq7Pk&feature=youtu.be>).

D. Daytime Alcohol Usage

During our investigation, we were told that a large percentage of the meetings between Ms. Koss Vallejo and Mr. Stober involved the consumption of alcohol. We also were told that, at times, Ms. Koss Vallejo and Mr. Stober would meet for lunch to discuss KCD business. Given that Mr. Stober was a full-time employee of the KCA, we were asked to investigate whether Mr. Stober consumed alcohol during the workday while on the KCA clock. Mr. Stober denied drinking alcohol during the day and subsequently returning to KCA business. Our investigation has not found evidence that Mr. Stober did so. However, as described below, our investigation was somewhat limited with respect to the evidence available to us to investigate this allegation.

We investigated this allegation by discussing it with witnesses during our interviews. However, only one witness other than Ms. Koss Vallejo recalled attending a lunch meeting with Mr. Stober. He/she said Mr. Stober did not consume alcohol during this meeting. We also reviewed KCD expense reports. However, we did not have access to itemized receipts for many of the claimed expenses. Thus, we were unable to tell with certainty whether certain events involved alcohol or whether they occurred during the work day. Instead, we relied on the general descriptions provided by Mr. Stober in submitting expenses as well as the few non-itemized receipts we were able to obtain. This review, though limited, did not suggest that Mr. Stober drank alcohol during the day and then returned to work at the KCA. In addition, we reviewed Mr. Stober's KCA calendar and Parking Garage Report. These records provided limited visibility into the time that Mr. Stober likely was working at the KCA office. While Mr. Stober sometimes left the KCA for the day in the early afternoon or left the KCA office for the lunch hour, more often than not, we did not see departure times that would signal any concerning pattern. Finally, we note that our investigation was limited by the fact that we did not have access to Mr. Stober's financial records. Therefore, we were not able to determine whether he used his own funds to purchase alcohol during the day.

We also investigated allegations that Mr. Stober consumed alcohol when he interviewed Ms. Koss Vallejo for the KCD Executive Director role. Mr. Stober admitted consuming an alcoholic beverage during this interview. However, both Mr. Stober and a KCD witnesses agreed that the interview took place in the late afternoon, after the work day. Ms. Koss Vallejo also recalled the interview taking place later in the day. Therefore, we conclude that there is insufficient evidence to support the allegation that Mr. Stober drank alcohol during this interview while on the KCA clock.

V. Conclusion

Our investigation is now closed. Thank you for the opportunity to investigate this matter. Should you have any further questions or would like any further assistance, please do not hesitate to contact us.