

CONFIDENTIAL MEMORANDUM

TO: J. Stuart Adams, Senate President

FROM: Mark D. Tolman and Abigail M. Dizon-Maughan

DATE: October 14, 2022

SUBJECT: Allegations Raised by Sonia Weglinski against Sen. Gene Davis —
Report of Investigation

Dear President Adams:

This Confidential Memorandum summarizes our investigation and our factual findings. Consistent with our agreement with the Senate, we have not reached any legal conclusions. Instead, our review is focused on whether a violation of the Senate’s policies has occurred.

BACKGROUND

Sonia Weglinski (“**Ms. Weglinski**”) is a female student at the University of Utah. Ms. Weglinski worked as a legislative intern assigned to Senator Gene Davis (“**Sen. Davis**”) during the 2022 legislative session, while she was 19 years old. Her internship began on January 10, 2022 and ended on March 4, 2022. (*See* S. Weglinski Timeline of Events.)

Sen. Davis has served in the Utah Legislature for more than 34 years, most recently as the Senate Minority Caucus Manager. Sen. Davis lost the primary election and will not return as an elected official during the 2023 legislative session.

Ms. Weglinski’s responsibilities as an intern overlapped with her work on Sen. Davis’s re-election campaign and those roles cannot be bifurcated. For example, as part of her duties to Sen. Davis as an intern, Ms. Weglinski kept and managed Sen. Davis’s legislative calendar. As his campaign volunteer (and later employee), Ms. Weglinski coordinated Sen. Davis’s legislative and campaign calendars. As an intern, Ms. Weglinski also managed Sen. Davis’s legislative social media account. When she joined his re-election campaign staff in January 2022 as a volunteer, Ms. Weglinski coordinated and managed both his legislative social media accounts and his re-election campaign accounts. Additionally, Ms. Weglinski regularly attended and participated in weekend campaign meetings at Sen. Davis’s home between January and March 2022. (X)

[REDACTED]

The Senate has asked us to serve as neutral third-party fact investigators to review Ms. Weglinski’s concerns about Sen. Davis that arose during her internship. Our investigation initially focused only on this issue: *Is it more likely than not that Sen. Davis’s interactions with Ms. Weglinski during her internship violated the Senate’s policies?*

During our investigation, we learned that Sen. Davis may have served alcohol to Ms. Weglinski while she was an intern and under the legal age of 21. Although this alleged conduct is not implicated by the policies we reviewed, if true, the allegation reflects negatively on Sen. Davis’s judgment and credibility. Additionally, this alleged conduct could implicate Utah’s criminal code. As a result, we’ve also investigated this additional issue: *Is it more likely than not that Senator Davis served alcohol to Ms. Weglinski, an underage person?*

ALLEGATIONS¹

Ms. Weglinski publicly alleged inappropriate conduct by Sen. Davis in early August 2022. In an Instagram post, Ms. Weglinski claimed that, while she was an intern for Sen. Davis, he “would put his arm around [Ms. Weglinski’s] waist,” “play with [her] toes,” and “constantly invade [her] physical boundaries.” (See @soniaweglinski Instagram post.) During our interview, Ms. Weglinski also alleged that one evening, following a campaign meeting at Sen. Davis’s home during her internship, Sen. Davis streamed a Hulu television show with crude sexual language and graphic sexual themes and situations – the pilot episode of “You’re the Worst.” Ms. Weglinski also alleges that Sen. Davis poured her a shot of tequila at a weekend meeting at his home.

INTERVIEWED WITNESSES

Sonia Weglinski – Ms. Weglinski appeared by WebEx and with counsel.

Sen. Gene Davis – Sen. Davis appeared in-person at Parsons Behle & Latimer and with counsel.

[REDACTED] (“[REDACTED]”) [REDACTED] met Ms. Weglinski in January 2022 when the two co-managed Sen. Davis’s social media accounts. [REDACTED] observed many interactions between Ms. Weglinski and Sen. Davis and has independent knowledge of some of the accusations Ms. Weglinski raised against Sen. Davis. We interviewed [REDACTED] by phone.

¹ Our instructions were to investigate only purported misconduct that occurred while Ms. Weglinski was Sen. Davis’s intern. During the investigation, Ms. Weglinski raised additional allegations of misconduct that occurred after her internship ended and while she worked on Sen. Davis’s re-election campaign. Those incidents are not discussed in this Confidential Memorandum.

[REDACTED] – [REDACTED] (“[REDACTED]”) was [REDACTED]. Most recently, [REDACTED] was Sen. Davis’s [REDACTED]. [REDACTED] observed interactions between Ms. Weglinski and Sen. Davis while Ms. Weglinski was an intern and worked on the re-election campaign. Although [REDACTED] observed interactions between Ms. Weglinski and Sen. Davis, [REDACTED] admitted to us that his memory of the events may not be accurate due to underlying health conditions. We interviewed [REDACTED] by phone.

[REDACTED] – [REDACTED] (“[REDACTED]”) was [REDACTED] and observed interactions between Ms. Weglinski and Sen. Davis. [REDACTED] has independent knowledge of some of the circumstances surrounding some of the accusations Ms. Weglinski raised against Sen. Davis. [REDACTED] appeared in-person at Parsons Behle & Latimer.

[REDACTED] – [REDACTED] (“[REDACTED]”) was [REDACTED]. [REDACTED] observed some interactions between Ms. Weglinski and Sen. Davis during the legislative session and spoke to Ms. Weglinski about her allegations after she posted about her experience on Instagram. [REDACTED] does not have independent knowledge of the allegations Ms. Weglinski raised against Sen. Davis. We met with [REDACTED] in-person at Parsons Behle & Latimer.

[REDACTED] – [REDACTED] (“[REDACTED]”) was [REDACTED]. [REDACTED] observed some interactions between Ms. Weglinski and Sen. Davis and spoke to Ms. Weglinski about the allegations after Ms. Weglinski posted about her experience on Instagram. [REDACTED] does not have independent knowledge of the allegations Ms. Weglinski raised against Sen. Davis. We met with [REDACTED] in-person at Parsons Behle & Latimer.

DOCUMENTS REVIEWED

We also reviewed documents in connection with our investigation including Ms. Weglinski’s social media posts, a timeline she created as a part of this investigation, a June 7, 2022 letter from Ms. Weglinski to Sen. Davis, [REDACTED] social media post addressing Ms. Weglinski’s allegations, emails between [REDACTED] and Ms. Weglinski, and text messages between [REDACTED] and Ms. Weglinski. We also reviewed the Legislature’s Workplace Discrimination and Harassment Policy and Legislative Management Committee Policy for Legislative Intern Program.

INVESTIGATION SUMMARY

Allegation that Sen. Davis Played/Touched Ms. Weglinski’s Feet/Toes.

Ms. Weglinski alleged that, on more than one occasion, Sen. Davis touched or played with her feet or toes. One specific incident Ms. Weglinski recalled occurred in Sen. Davis’s senate office. Ms. Weglinski, who was wearing open-toed shoes, was reclined in one of his chairs and

her feet were up. She recalled that Sen. Davis walked by her and as he did, he grabbed her toes as if playing “little piggies.” (S. Weglinski, 19.) Sen. Davis laughed and had a paternal demeanor. (S. Weglinski, 24.) Although Ms. Weglinski could not remember specifics, she claimed that Sen. Davis also touched her feet or toes at Sen. Davis’s home. (*Id.*) She estimated that this behavior continued throughout her internship and happened four or five times. (S. Weglinski, 25.)

██████████ somewhat corroborated Ms. Weglinski’s recollection that Sen. Davis touched her feet on at least one occasion. ██████████ recounted that Sen. Davis admitted to ██████████ that he touched Ms. Weglinski’s feet one time. ██████████ stated that Mr. Davis told ██████████ that Ms. Weglinski fell asleep on his couch and that he “tapped” her foot to wake her up to alert her that he was leaving. (██████████)

Ms. Weglinski stated to us that she felt uncomfortable each time Sen. Davis touched her feet. (S. Weglinski, 25.) She informed us that she would let out a “really, really fake chuckle” and wanted the situation to “quickly end.” (*Id.*)

For his part, Sen. Davis denied touching Ms. Weglinski’s feet or toes. (G. Davis, 20.)

We find that Ms. Weglinski’s account was more credible than Sen. Davis’s. Sen. Davis’s admission to ██████████ supports Ms. Weglinski’s allegation that Sen. Davis touched her feet and that he did so without consent or invitation.

Allegation that Sen. Davis Invaded Ms. Weglinski’s Personal Boundaries.

Ms. Weglinski alleged two events that could be generally described as invasions of her physical boundaries. Ms. Weglinski claimed that Sen. Davis put his arm around her waist while descending stairs at the Capitol and hand- or spoon-fed her food on multiple occasions. Ms. Weglinski recalled that these situations happened at the Capitol while she was an intern.

Allegation that Sen. Davis Put His Arm or Hand Around Ms. Weglinski’s Waist.

Ms. Weglinski reported one instance during which Sen. Davis put his hand around her lower waist as the two walked down the stairs at the Capitol. Ms. Weglinski stated that Sen. Davis put his hand on her waist to guide her to the platform. (S. Weglinski, 27.) At least one person witnessed this incident, but Ms. Weglinski did not know her. (S. Weglinski, 26.) She recalled seeing the witness’s face and it appeared to Ms. Weglinski that she looked concerned. (*Id.*) Ms. Weglinski recalled feeling uncomfortable at the time but did not want to “start anything.” (*Id.*)

Sen. Davis denied putting his hand on Ms. Weglinski’s waist. He claimed that he was raised by his mother and grandmother to be a “strict gentleman,” and as such, he allows a woman to lead if they were going up stairs, and he would lead if they were going down. (G. Davis, 21.)

We did not hear or receive any information that could substantiate Ms. Weglinski’s allegation that Sen. Davis put his arm around her waist as they descended the stairs. We have no reason to believe that Sen. Davis did not or does not walk side-by-side with a woman on stairs to adhere to the antiquated belief of who should lead whom when going up or down stairs.

Although we could not substantiate this specific allegation, we find that it is more likely than not that Sen. Davis more generally “invaded Ms. Weglinski’s personal space.” It became apparent to us that Sen. Davis casually touched Ms. Weglinski without apparent thought as to Ms. Weglinski’s boundaries. For example, ██████████ found the relationship between Ms. Weglinski and Sen. Davis “odd.” (██████████) ██████████ thought they were too comfortable around each other. (*Id.*) ██████████ felt that Sen. Davis and Ms. Weglinski were very “chummy,” and that Sen. Davis was “huggy” with Ms. Weglinski and touched her on the arm or shoulder and pulled her close to him. (██████████)

Allegation that Sen. Davis Fed Ms. Weglinski.

Ms. Weglinski reported that Sen. Davis hand- or spoon-fed Ms. Weglinski food and that these occasions occurred both at Sen. Davis’s senate office and his home during the legislative session. None of the witnesses we interviewed observed Sen. Davis feeding Ms. Weglinski, but one witness stated that, because Sen. Davis was very “chummy” with Ms. Weglinski, ██████████ “would not be surprised” if it occurred. (██████████)

Ms. Weglinski described that Sen. Davis would offer Ms. Weglinski a snack or bring her food but when she would reach to take what he was offering, Sen. Davis would move the food away from her and feed her with his utensils or his hand. (S. Weglinski, 23.) Ms. Weglinski stated this became a “normal” thing. (*Id.* at 23-24.) At the time, Ms. Weglinski dismissed Sen. Davis’s actions as “paternal” because she viewed him as a “grandpa figure.” (*Id.*)

Sen. Davis denied feeding Ms. Weglinski with his hand or utensils because they “never dined together.” (G. Davis, 15.) However, ██████████ recalled that both Ms. Weglinski and Sen. Davis told ██████████ separately, that Ms. Weglinski had cooked a meal for Sen. Davis at his home, contradicting Sen. Davis’ broad assertion that he and Ms. Weglinski never dined together. (██████████)

We find Ms. Weglinski’s account to be more credible than Sen. Davis’s. We observed that Ms. Weglinski was more forthcoming and consistent in her recollection. We do not find that Sen. Davis was truthful in his response and thus less credible than Ms. Weglinski.

Allegation that Sen. Davis Showed an Inappropriate Television Show to Ms. Weglinski and Others.

Ms. Weglinski recalled that Sen. Davis was “adamant about how funny” a television show was and one evening after a campaign meeting, invited Ms. Weglinski, ██████████, and ██████████ to stay after the meeting to watch the show. (S. Weglinski, 13.) This occurred while Ms. Weglinski was still working as an intern. (S. Weglinski, 21.)

Ms. Weglinski described the show as “grotesque” and recalled that it had “sex scene after sex scene,” which she found “vulgar.” (S. Weglinski, 13.) Sen. Davis laughed during the sex scenes and did not turn off the show. (S. Weglinski, 14.) Ms. Weglinski felt very uncomfortable. (*Id.*)

██████████ likewise recalled that Sen. Davis played a television show that was “raunchy,” with “all kinds of nudity and sex.” (██████████) ██████████ felt “bugged” that Sen. Davis would turn on such a show with an intern in the same room. (*Id.*) ██████████ recalled that the television show was streamed on Hulu and was the pilot episode of a series entitled, “You’re the Worst.” Although Ms. Weglinski did not initially recall the name of the program, ██████████ later confirmed ██████████ recollection. In connection with this investigation, Mr. Tolman watched the pilot episode of “You’re the Worst” and confirms that the program contains graphic sexual content, including vulgar language and the depiction of sexual acts.

Sen. Davis could not recall watching such a show with Ms. Weglinski. (G. Davis, 12.)

We find Ms. Weglinski’s account to be credible and supported by ██████████ independent recollections.

Allegation that Sen. Davis Served Ms. Weglinski Alcohol.

Ms. Weglinski reported that Sen. Davis served tequila to her and to perhaps two other individuals. This incident purportedly occurred after a campaign meeting at Sen. Davis’s home during Ms. Weglinski’s internship. Ms. Weglinski alleged that Sen. Davis offered her and the others present shots of tequila. Ms. Weglinski states that she felt very uncomfortable and that she took a sip but did not finish it. (S. Weglinski, 13.) ██████████ corroborated Ms. Weglinski’s account – ██████████ also recalled that Sen. Davis poured Ms. Weglinski a shot of tequila and that Ms. Weglinski took a sip but did not finish it. (██████████)

Sen. Davis admits that tequila may have been served at his home during weekend campaign meetings. However, Sen. Davis denies that he ever offered Ms. Weglinski alcohol. (G. Davis, 13.)

We find Ms. Weglinski’s account to be credible and supported by ██████████ independent recollections.

Delayed Reporting.

Although the above-described incidents occurred while Ms. Weglinski worked as a legislative intern, Ms. Weglinski opted not to publicly announce her allegations until August 2022. Ms. Weglinski claimed three reasons for her delay. First, Ms. Weglinski did not want to accuse Sen. Davis of misconduct before the primary elections because she did want people to accuse her of political game-playing and to avoid being dismissed as a political ploy. (@soniaweglinski Instagram post.)

Second, Ms. Weglinski felt that she could not report Sen. Davis’s behavior while she was an intern because of the imbalance of power between a senator and an intern and the brevity of the session. She expressed concern that her complaint would not be received because “so many [people] respect Sen. Davis.” (S. Weglinski, 30.) Additionally, Ms. Weglinski only “wanted to be an intern,” which she viewed as prestigious, and did not want to deal with the “drama” that would follow a complaint. (S. Weglinski, 30, 32.)

And third, Ms. Weglinski states that she viewed some of Sen. Davis’s behavior as innocent and grandfatherly while it occurred. Ms. Weglinski states that her perspective about Sen. Davis’s behavior changed after she reviewed a social media post about another woman’s experiences with Sen. Davis. (S. Weglinski, 30.)

Sen. Davis’s Credibility.

We did not find Sen. Davis to be forthcoming or completely honest during his interview. He made several inconsistent statements and certain of his claims were contradicted by other witnesses.

For example, Sen. Davis did not consistently testify that he was never alone with Ms. Weglinski. Sen. Davis initially claimed that Ms. Weglinski was not alone with him at his home and that other campaign workers were usually there. (G. Davis, 12.) Later in the interview, Sen. Davis admitted that Ms. Weglinski may have stayed longer than other campaign workers but if she did, he was in his office or sitting on his couch working. (G. Davis, 14.)

Additionally, [REDACTED] confirmed for us that Sen. Davis and Ms. Weglinski were alone in his home while she was an intern. ([REDACTED]) [REDACTED] and [REDACTED] were concerned about the appearances of Sen. Davis being alone in his home with a young intern and even discussed it with Sen. Davis. ([REDACTED]) They each told Sen. Davis that he should not be alone with her. ([REDACTED]) Sen. Davis does not recall having these discussions. (G. Davis, 26.)

Sen. Davis also repeatedly relayed that he endeavored to keep Ms. Weglinski’s work as an intern separate from her work for his campaign. He claimed that he did not have conversations with Ms. Weglinski about hiring to do work on his campaign until late February or early March 2022 and she did not attend campaign meetings in his home while she was an intern. (G. Davis, 11-12, 18, 29.) However, Sen. Davis later admitted that Ms. Weglinski had attended campaign meetings between January and March 2022, but he contended that these meetings took place in his office at the Capitol and not at his home. (G. Davis, 30). However, [REDACTED] recalled that [REDACTED] met Ms. Weglinski for the first time in late January at a campaign meeting at Sen. Davis’s house and that campaign meetings were held at Sen. Davis’s house, not in his Senate office. ([REDACTED]) Ms. Weglinski attended the vast majority of those meetings between January and March 2022. ([REDACTED])

[REDACTED]

[REDACTED]

CONCLUSIONS

Is it more likely than not that Sen. Davis’s interactions with Ms. Weglinski during her internship violated the Senate’s policies?

Yes. Independent third-party witnesses support and corroborate Ms. Weglinski’s allegations that Sen. Davis invaded her personal space, touched her feet, and watched a sexually explicit television show with her and at least one other person. Although we could not find similarly supportive recollections or documents, we also find it more likely than not that Sen. Davis hand- or spoon-fed Ms. Weglinski.

Although we did not find direct evidence that Sen. Davis acted with prurient intent or intentionally to create an offensive work environment for Ms. Weglinski, the actor’s intent is not determinative of a policy violation. Rather, we look to the impact of the conduct on Ms. Weglinski.

We also find it more likely than not that Sen. Davis was not forthcoming during his interview and misrepresented the approximate date Ms. Weglinski began to work on his re-election campaign, was not truthful when he stated that he was not alone with Ms. Weglinski, and concealed certain acts, such as touching Ms. Weglinski’s feet, dining alone with her, or showing her a sexually explicit television show.

Policy Implications

Sen. Davis’ conduct likely violates the Legislature’s Workplace Discrimination and Harassment Policy. Under this policy, sexual harassment means, in pertinent part “unwelcome ... verbal or physical conduct of a sexual nature when the conduct ... creates an intimidating, hostile, or offensive work environment.” Although it appears that Sen. Davis may not have intended to create an offensive work environment for Ms. Weglinski, the policy does not have an intent component. In other words, the policy prohibits even unintentional harassment when the conduct is of an offensive, sexual nature. We find that Mr. Davis’s conduct was, in part, of a sexual nature and that it was subjectively and objectively offensive—that is, Ms. Weglinski was offended by it and we believe a reasonable person also would have taken offense to the conduct. Moreover, Sen. Davis’s inappropriate behavior toward Ms. Weglinski continued throughout Ms. Weglinski’s internship, from January through March 2022.

Is it more likely than not that Senator Davis served alcohol to Ms. Weglinski, an underage person?

Yes. An independent third-party witness supports and corroborates Ms. Weglinski’s allegation that Sen. Davis served her alcohol after a meeting, while she was still an intern. Ms. Weglinski drank a small amount of the alcohol but did not finish the drink. At the time Sen. Davis likely served alcohol to Ms. Weglinski, she was 19 years old.

Policy Implications

We are not aware of any legislative policy that is expressly implicated by serving alcohol to an underage intern. Nevertheless, we believe this behavior reflects negatively on Sen. Davis's judgment and credibility and may violate Utah's criminal code.