



State of Ohio  
**Office of the Inspector General**

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THOMAS P. CHARLES, Inspector General

## REPORT OF INVESTIGATION

**FILE ID NUMBER:** 2008299

**AGENCIES:** Ohio Department of Job and Family Services  
Ohio Department of Public Safety  
Ohio Attorney General's Office  
Ohio Department of Taxation

**BASIS FOR INVESTIGATION:** Inspector General Initiative

**ALLEGATION:** Whether state officials improperly accessed confidential state records.

**INITIATED:** October 27, 2008

**DATE OF REPORT:** November 20, 2008

## **EXECUTIVE SUMMARY**

File ID No. 2008299

The Office of the Inspector General initiated an investigation based upon allegations that state officials improperly accessed and distributed confidential state records related to Samuel Joseph Wurzelbacher (“Wurzelbacher”), a.k.a. “Joe the Plumber.” Wurzelbacher first garnered media attention during an impromptu U.S. presidential campaign stop in his hometown near Toledo on October 12, 2008, when he posed a question to then-presidential candidate Senator Barack Obama about the impact his tax plan would have on Wurzelbacher’s desire to purchase his employer’s plumbing business. During the third presidential debate between Senator Obama and Senator John McCain on October 15, 2008, both candidates engaged in a spirited discussion about wealth redistribution during which “Joe the Plumber’s” name was repeatedly invoked. The debate thrust Wurzelbacher into the national spotlight, prompting reporters across the country to begin digging into his background.

Our investigation determined that there were 18 separate records checks conducted on Wurzelbacher following the October 15, 2008, presidential debate. Of those 18 checks, five were conducted in response to media requests for information and eight were conducted by various agencies without any legitimate business purpose. (For a complete breakdown, see Exhibit A.) Fourteen of those checks occurred within 48 hours of the debate. Searches were conducted on databases maintained by the Ohio Department of Job and Family Services (“ODJFS”), the Ohio Attorney General’s Ohio Law Enforcement Gateway (“OHLEG”) system, the Ohio Department of Public Safety’s Bureau of Motor Vehicles (“BMV”), the Toledo Police Department, and the Ohio Department of Taxation (“Taxation”).

In summary, we determined that ODJFS Director Helen Jones-Kelley’s authorization to search three confidential agency databases for information on Wurzelbacher was improper, and that her use of state email resources to engage in political activity was also improper. We further find an omission on the part of the Ohio Attorney General’s Office for failing to prevent a misuse of the OHLEG system by an agency contractor, and a wrongful act with the contractor for using OHLEG to access confidential information about Wurzelbacher.

Due to the involvement of multiple agencies, we will address searches done on Wurzelbacher by each of the agencies separately.

### **Ohio Department of Job and Family Services**

We found that ODJFS Director Jones-Kelley authorized searches related to Wurzelbacher on three confidential agency databases shortly after the October 15, 2008, presidential debate. Searches were done on the Support Enforcement Tracking System (“SETS”) for child support enforcement; the Client Registry Information System Enhanced (“CRIS-E”), which maintains records pertaining to the Temporary Aid to Needy Families program; and Ohio Job Insurance (“OJI”), which contains information about unemployment benefits.

Director Jones-Kelley’s authorization of the searches done on Wurzelbacher did not satisfy the Ohio Administrative Code requirement that access to ODJFS’ confidential database systems must be related to an “agency function or purpose.” Although the Director indicated that it was agency practice to search ODJFS databases when someone is “thrust quickly into the public spotlight,” we found no policies or procedures to support her.

In light of her rationale for authorizing the searches on Wurzelbacher, we asked Director Jones-Kelley to provide the names of all individuals whose names were searched in ODJFS databases using this rationale. We received a list that was prepared solely from the recollections of ODJFS employees who were involved in the prior decisions that resulted in searches being conducted on people “thrust quickly into the public spotlight.” The list showed one search in 2003, two in 2006, two in 2007, and four in 2008. However, ODJFS provided no records pertaining to these prior searches. Additionally, while the employees maintained that the searches had an agency purpose, they provided no records to support this claim. Consequently, we find this information to be unpersuasive evidence to support Jones-Kelley’s claim that such searches were an acceptable agency practice.

We additionally interviewed two former agency directors who contradicted Jones-Kelley's claim that such searches were past agency practice. Both directors said they never authorized, and never would have approved, searches of individuals who achieved "celebrity" status. Accordingly, we find reasonable cause to conclude that Jones-Kelley committed a wrongful act by authorizing the searches on Wurzelbacher.

During the course of this investigation, we also received information that Director Jones-Kelley may have used state resources to engage in political activity. Jones-Kelley had asked Charles Huston, ODJFS' network service technician, to synchronize her personal Blackberry with the ODJFS email system. As a result, all emails sent from her Blackberry went through the ODJFS email system. Among the emails that went through the ODJFS system were four in which Jones-Kelley provided lists of names of potential contributors to the Obama campaign. One of those emails included Jones-Kelley's offer of a \$2,500 contribution to the campaign. On all four occasions the emails were either sent from, or received at, Jones-Kelley's state email address. This use of the ODJFS system violates the Governor's policy on political activity and constitutes an inappropriate use of state resources. Consequently, we also find reasonable cause to believe that Jones-Kelley committed a wrongful act in this instance.

#### **Ohio Attorney General's Office – Ohio Law Enforcement Gateway**

We found that access to Wurzelbacher's BMV information was made through a user account on the Ohio Law Enforcement Gateway system, which is maintained by the Ohio Attorney General's Office ("OAG"). The account holder who conducted the search of Wurzelbacher – as well as searches of other individuals at various times – was a former information technology contract employee with the OAG. The former OAG contractor was employed as a state contractor with the Ohio Department of Insurance ("Insurance") at the time the searches occurred. We determined that the search conducted by this individual was not authorized by anyone at the OAG or Insurance and did not occur with any state official's prior knowledge. We also found that the OAG failed to alter or disable an OHLEG test account used by this person when the employment contract ended. The individual continued to use this account to conduct searches on individuals through the OHLEG system. This matter is currently being investigated

by the Ohio State Highway Patrol for possible criminal charges. We find that the OAG committed an act of omission by failing to properly disable or change the OHLEG test account. We also find that the former contractor committed acts of wrongdoing by accessing the OHLEG system.

### **Cuyahoga Support Enforcement Agency**

We noted that on October 17, access to information about Wurzelbacher was made through the BMV Fraud application maintained by ODJFS. Early in their own investigation of that access, ODJFS system administrators believed they had determined that the inquiry had been made by a user within the Cuyahoga Support Enforcement Agency (“CSEA”). We worked with ODJFS and DPS to investigate this matter and determined that this nexus could not be verified. At the time the October 17 query was made, the system was not designed to track individual users’ activities. The only conclusion that could be made from our efforts is that it is likely that someone within the ODJFS system queried Wurzelbacher’s records on October 17. We do not have jurisdiction over CSEA. However, that agency is conducting its own internal investigation.

### **Toledo Police Department**

Two records checks of Wurzelbacher’s driving history and other information were made through a user account with the Law Enforcement Automated Data System (“LEADS”) by individuals employed by the Toledo Police Department on October 16, 2008, and October 31, 2008. LEADS is a confidential law enforcement database administered by the Ohio Department of Public Safety (“DPS”). The Toledo Police Department is conducting its own administrative investigation into these records checks and will report its findings to DPS and this office upon completion.

### **Ohio Department of Public Safety**

We found that DPS searched its BMV database related to Wurzelbacher on three occasions, all of them in response to media requests. The information released to the media was public information. Accordingly, there is no reasonable cause to believe that a wrongful act or omission occurred in these instances. However, DPS is currently investigating a query through

the BMV database from the state's independently contracted Deputy Registrar's Office in Sylvania, Ohio.

### **Ohio Department of Taxation**

We determined that Taxation checked its database systems twice on October 16, 2008, and a third time on October 17, 2008, in response to media inquiries about the status of a tax lien against Wurzelbacher. We interviewed Taxation's Communications Director, John Kohlstrand, who confirmed that he coordinated with the Ohio Attorney's Office in preparing a response to reporters. Taxpayer records maintained on Taxation's data system are deemed confidential by statute and the public release of any such information is prohibited. Public information regarding the status of a tax lien may be released by the Ohio Attorney General's Office after a lien is filed in court. All of the information appearing in the media about Wurzelbacher's tax lien was consistent with public information released by the OAG and available from the Lucas County Clerk of Courts.

We found that Taxation's searches were not inappropriate based on criteria established by the agency and the Internal Revenue Service, which govern access to such records by authorized employees. In this case, Taxation officials checked their database to verify whether Wurzelbacher's tax lien was still valid. We found no evidence that any confidential information was shared with anyone outside the agency.

### **Conclusion**

Clearly, all these searches were done in the midst of a national political campaign. But we did not find any evidence that shows the data was accessed or information released in response to media requests in an effort to support any political activity or agenda.

We are making several recommendations and are requesting that the affected agencies respond with plans of action for implementing them within the next sixty days. We also have provided a copy of this Report of Investigation to the Franklin County Prosecutor's Office for their review and consideration.

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## Glossary Index of Acronyms Used in This Report

<b>Acronym</b>	<b>Name</b>	<b>Description (if needed)</b>
<b>“BMV”</b>	Ohio Bureau of Motor Vehicles	BMV is a division of DPS
<b>“CSEA”</b>	Cuyahoga Support Enforcement Agency	
<b>“CRIS-E”</b>	Client Registry Information System Enhanced	A confidential ODJFS database that tracks benefits programs
<b>“DPS”</b>	Ohio Department of Public Safety	
<b>“LEADS”</b>	Law Enforcement Automated Data System	LEADS is a confidential DPS database that contains law enforcement files
<b>“OACP”</b>	Ohio Association of Chiefs of Police	
<b>“OAG”</b>	Ohio Attorney General’s Office	
<b>“ODJFS”</b>	Ohio Department of Job and Family Services	
<b>“OHLEG”</b>	Ohio Law Enforcement Gateway	OHLEG is the AG’s confidential criminal justice information network
<b>“OJI”</b>	Ohio Job Insurance	A confidential ODJFS database dedicated to unemployment compensation
<b>“OLLEISN”</b>	Ohio Local Law Enforcement Information Sharing Network	A database of OHLEG
<b>“OSP”</b>	Ohio State Highway Patrol	
<b>“SETS”</b>	Support Enforcement Tracking System	A confidential ODJFS database that monitors the child support program



## **I. BASIS FOR INVESTIGATION**

On October 24, 2008, news media sources reported that state records associated with Samuel Joseph Wurzelbacher (“Wurzelbacher”) a.k.a. “Joe the Plumber”<sup>1</sup> were accessed by certain state agencies. On October 27, 2008, pursuant to section 121.42 of the Ohio Revised Code, this office initiated – on its own accord – an investigation into whether confidential state records related to Wurzelbacher at the Ohio Department of Job and Family Services, Ohio Department of Public Safety, Ohio Attorney General’s Office – Ohio Law Enforcement Gateway, and the Ohio Department of Taxation were improperly accessed and/or distributed to unauthorized personnel.

## **II. ACTION TAKEN IN FURTHERANCE OF INVESTIGATION**

During the course of this investigation, we conducted sworn interviews of state officials involved in conducting queries related to Wurzelbacher. We reviewed state email accounts, as well as computer logs, which tracked searches conducted on various databases. Additionally, we examined policies, procedures, and laws governing the circumstances under which various confidential databases may be properly accessed to obtain information.

## **III. DISCUSSION**

### **Background – Samuel “Joe the Plumber” Wurzelbacher**

Samuel Joseph Wurzelbacher first garnered media attention during an impromptu U.S. presidential campaign stop in his hometown near Toledo, Ohio, on October 12, 2008, in which he posed a question to then presidential candidate Barack Obama. The exchange was recorded on video and subsequently replayed by local and national media outlets. Wurzelbacher immediately achieved national notoriety during the third presidential debate on October 15, 2008, when he was referred to as “Joe the Plumber” on numerous occasions by both candidates, as a result of the exchange that occurred three days prior. “Joe the Plumber” is a reference to Wurzelbacher’s occupation as a plumber.

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<sup>1</sup> See Discussion Background regarding Samuel “Joe the Plumber” Wurzelbacher.

**Allegation:** *Whether state officials improperly accessed confidential state records.*

**1. Ohio Department of Job and Family Services**

The Ohio Department of Job and Family Services (“ODJFS”) administers programs that include Child Support, Unemployment Compensation, Temporary Aid to Needy Families, and Workforce Development. There are various data systems, unique to the agency, which support these programs. These include the Support Enforcement Tracking System (“SETS”), Client Registry Information System Enhanced (“CRIS-E”), Ohio Job Insurance (“OJI”), and a United States Department of Labor Apprenticeship Registry program (“Apprenticeship Registry”) for Ohio. Records within the Apprenticeship Registry are public records. However, the other data systems previously mentioned contain confidential data. The confidentiality requirements governing SETS, CRIS-E and OJI are primarily specified under Ohio Revised Code sections 5101.26, 5101.27, 5101.28, 5101.29, 5101.30 and Ohio Administrative Code Chapter (“O.A.C.”) 5101, section 1-1-03. (See also 42 U.S.C. 645 (26) and 45 C.F.R. 307.13.) Respectively, ODJFS has issued administrative rules that authorize and limit the use of personal information of individuals maintained in their data systems.

Use and access of these databases is contingent upon an agency function or purpose. For example, authorization for access to the SETS database is limited to the extent necessary to carry out the agency’s responsibilities under that program. (See O.A.C. 5101:12-1-15.)

Additionally, prior to receiving a user ID and password to access these confidential database systems, ODJFS personnel are trained in areas related to confidentiality, safeguarding guidelines, and security procedures. Once issued a password, personnel may only access confidential data systems to the extent necessary to carry out the programs ODJFS administers.

As part of this investigation, we tracked the media contacts ODJFS received requesting public information regarding Wurzelbacher. Additionally, through sworn interviews, we were able to determine the sequence of events which resulted in the queries or searches related to

Wurzelbacher being performed on the U.S. Department of Labor's Apprenticeship Registry database.

Andrew Maciejewski, Executive Administrator with the Ohio State Apprenticeship Council, Office of Workforce Development within ODJFS, received the first inquiry regarding Wurzelbacher on October 16, 2008, at approximately 11:00 a.m. Maciejewski reported that his inquiry was prompted by a telephone call from Local 50 of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry ("Association-Local 50"), in Toledo, Ohio. The Association-Local 50 inquired whether or not Wurzelbacher was a plumber's apprentice. The Apprenticeship Council database, a national database on all apprentices, is maintained and accessed by the Office of Workforce Development. However, due to the misspelling of Wurzelbacher's name, no data was provided.

At approximately 11:30 a.m., on the same date, Maciejewski received a second call from Gary Schaeffer, Superintendent of Ohio Industrial Compliance, a division within the Ohio Department of Commerce, requesting the same information. Schaeffer informed Maciejewski that the request was in response to a media inquiry. Another search of the Apprenticeship Council database was made; this time with Wurzelbacher's name spelled correctly. Maciejewski provided the public information to Schaeffer, basically confirming that Wurzelbacher was enrolled in the apprenticeship program. However, records indicated that he was "overdue," or had not completed that program. Maciejewski informed his supervisor, John Weber, Assistant Deputy Director of Workforce Development and Dennis Evans, Acting Director of Communications at ODJFS, of the expressed media interest.

Evans recalled that he received his first media inquiry concerning Wurzelbacher's apprenticeship status on October 16, 2008, at approximately 2:00 p.m. from Bill Hershey, Statehouse reporter for the *Dayton Daily News*. Hershey told Evans that he had been referred to ODJFS by the Department of Commerce. Evans called Maciejewski, obtained the requested information, and informed Hershey that Wurzelbacher was listed as an apprentice who was "overdue." This was public information, contained within the registry of the Apprenticeship Council, and the release

of this information was not improper. Evans stated that after this first inquiry, he went to ODJFS Director Helen Jones-Kelley's ("Jones-Kelley") office and informed Jones-Kelley of the media interest. Evans provided us a copy of the ODJFS media log for October 16, 2008. This log shows four calls from the media, all requesting information about Wurzelbacher's status as an apprentice plumber. These calls were from the *Associated Press*, *Dayton Daily News*, *National Journal* and the *Toledo Blade*.

Director Jones-Kelley stated that soon after her conversation with Evans, she entered Assistant Director Fred Williams' office. Williams was in a conversation with Doug Thompson, Deputy Director of Child Support. Director Jones-Kelley told us that she assumed that they were discussing "Joe the Plumber" and the related media stories that were "swirling around." Jones-Kelley joined in the conversation and the three began discussing "Joe the Plumber." Afterwards, Jones-Kelley gave her approval for a search of Wurzelbacher's records.

During Director Jones-Kelley's interview with this office, she was asked to explain the basis for her authorizing a check of Wurzelbacher's name through ODJFS' confidential database systems, to include SETS, CRIS-E, and OJI. Jones-Kelley provided three justifications for authorizing searches of the ODJFS databases. One reason provided was the fact that Wurzelbacher was thrust into the media spotlight. The next was that she was concerned about criticism for not being "proactive." She also said that other administrations followed the same practice and that there were no policies as to how to handle high profile individuals.<sup>2</sup>

None of the justifications provided by Jones-Kelley meet any reasonable "agency function or purpose" as required by the administrative code. We also note that Jones-Kelley's comment as to the absence of policies regarding high profile individuals makes sense in view of the standard set forth in the code.

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<sup>2</sup> Through her lawyer, Director Jones-Kelley provided us with three names of individuals from whom she obtained this impression – Barbara Boyd, Arnold Tompkins, and Barbara Riley.

Even assuming that Jones-Kelley's stated justifications reasonably squared with the required standards to search, the supporting information she provided was contradicted, inconsistent and ambiguous. We noted the following:

- The Director told us that Evans had mentioned to her that he received media inquiries related to Wurzelbacher several times throughout the day.

Although the director stated that Evans had approached her as soon as she arrived in the morning and informed her of the "Joe the Plumber" media interest, Evans disputed this point. Evans stated that he did not see the Director until after the 2:00 p.m. call he received from the Statehouse reporter for the *Dayton Daily News*.

- Jones-Kelley could not specifically recall who suggested running a check on Wurzelbacher through the agency's database systems.

There were only three people in the room when the discussion first arose about checking on Wurzelbacher – Director Jones-Kelley, Assistant Director Fred Williams, and Deputy Director of Child Support Doug Thompson. These are the highest ranking officials at a state agency discussing a high profile issue; yet none of them could recall details regarding their official actions or provide an articulable reason to justify how the search satisfied the criteria for accessing confidential ODJFS databases.

- Jones-Kelley stated that ultimately she approved a review of confidential ODJFS databases to ascertain whether or not a concern existed with Wurzelbacher. She stated, "And I am sure that we got a question or a comment about child support, about being behind on child support. And I believe that was what prompted this."

She was unable to provide a more specific answer as to what prompted her decision to run the check.

- She also stated that there were blogs and reports about “Joe the Plumber” being behind in his child support payments and that he did not have a driver’s license.

Director Jones-Kelley produced no examples of blogs she reviewed. Even if examples were produced, we find that authorizing searches of confidential databases should be predicated on more than blog posts, rumors and innuendo about private citizens.

- Thompson stated that after the meeting with Director Jones-Kelley and Williams, he called Carri Brown, Assistant Deputy Director Office of Child Support, and requested that she conduct the inquiry into the SETS access.

He did not recall who suggested that a check be made of Wurzelbacher’s records, but he did recall Director Jones-Kelley approving the check.

- Director Jones-Kelley stated that in approving the search she was following the same practice of past administrators and that there were no policies as to how to handle high profile individuals.

The OIG requested information to support Jones-Kelley’s claim that she was following past practice set by former ODJFS directors. The only evidence provided was an anecdotal list, which included a total of nine searches conducted between 2003 and 2008. However, no documentation was provided to support the claim that these searches had a legitimate agency purpose, making them unpersuasive evidence of Jones-Kelley’s claim that they were proper.

- Director Jones-Kelley stated that during her conversation with Williams and Thompson, a comment was made that Wurzelbacher was “one of ours”, implying that he was a client of one of the programs administrated by ODJFS.

None of the three people interviewed (Jones-Kelley, Williams, and Thompson), could recall who specifically made the remark, “one of ours.” The remark implies that ODJFS officials believed that Wurzelbacher was in their database system, for whatever reason.

Carri Brown stated that, due to her inactive user account, she went to Vanessa Niekamp, an Administrative Assistant 4 in the same section and requested that Niekamp conduct the inquiry. Brown was under the impression that this was a legitimate task and she said Thompson informed her that a child support problem might exist with Wurzelbacher. Brown recalled that she simply told Niekamp to run the check.

Niekamp visited this office on October 23, 2008, and expressed concern over researching Wurzelbacher’s information. Niekamp stated that she was informed that Wurzelbacher was the suddenly well-known “Joe the Plumber” when her supervisor, Deputy Director Thompson, asked her about the Wurzelbacher SETS inquiry she performed at Brown’s request. She said Thompson dictated to her the exact wording of an email that she was to send and “literally demanded” that she send the email to Rick Copley, Chief Privacy Officer, explaining that this SETS inquiry performed for Brown was for child support purposes. We believe that this email orchestrated by Thompson was an attempt to deceive as there was no agency function or purpose for accessing Wurzelbacher’s records.

Niekamp’s concern was that she had violated ODJFS policy by conducting a database query on Wurzelbacher, and other employees had been terminated for conducting queries for non-business related purposes. Niekamp said Brown told her that an individual (who was only referred to as “he”) had called ODJFS because he was not pleased with the administration of his case and ODJFS owed him money. Niekamp was under the impression from Brown that Wurzelbacher was the “he” who called ODJFS.

Assistant Director Williams contacted Paul Fraunholtz, Deputy Director of Family Stability, and instructed him to conduct a search of the CRIS-E database. Fraunholtz, in turn, contacted Judy Cicatiello, Deputy Director of Unemployment Compensation, and requested she run an inquiry

on Wurzelbacher using the Ohio Job Insurance database, which occurred on October 16. Both Fraunholtz and Cicatiello conducted searches on Wurzelbacher.

As previously mentioned, Director Jones-Kelley stated that she authorized the searches based on the understanding that the practice of doing administrative reviews began under the previous administration. However, Barbara Riley, Director of the Department of Aging and former Director of ODJFS (2005-2006), stated that during the two years she was the ODJFS director, she never conducted research on someone just because he was elevated to “celebrity” status. She stated that there may have been cases where someone came into money, such as winning the lottery, and a check could have been conducted to determine if there were any debts owed to the state. However, she stated that the practice of checking lottery winners was common. We noted that according to Ohio Revised Code sections 3770.071 and 3770.073, the Lottery Commission (“Commission”) is authorized to search various state databases for information pertaining to individuals who receive more than \$600.00 in lottery winnings. The search is then conducted by ODJFS for child support arrearages and the results of the searches are reported to the Commission. ODJFS does not take it upon themselves to initiate the inquiry; rather, they respond to a request submitted by the Commission.

We also interviewed Tom Hayes, another former Director of ODJFS (2001-2004) who preceded Riley. He subsequently served as the Director of the Ohio Lottery Commission. He stated that he never approved any inquiries based on someone obtaining “celebrity” status. He stated that as the director of the Ohio Lottery Commission, he negotiated an interagency agreement to check lottery winners against the SETS database.

John Gore, former Assistant Deputy Director for the Office of Child Support, also contradicted the claim that searches were conducted solely based on celebrity status. He stated that in the 4½ years he served as the Assistant Deputy Director, he never recalled the ODJFS data systems being used as they were in this instance related to “Joe the Plumber.”



More importantly, we found no past or present records or written policies, with the exception of an agreement regarding lottery winners, supportive of Jones-Kelley authorizing the search of individuals on the basis of celebrity status.

In this case, there is no dispute that ODJFS initiated searches and/or queries of its confidential data systems related in order to access the records for Samuel Joseph Wurzelbacher. We note there is no indication that any confidential data was disseminated outside the agency. However, we could find no legitimate agency function or purpose for checking Wurzelbacher's name through SETS, CRIS-E, and OJI or for authorizing those searches. The only documented inquiries ODJFS received related to Wurzelbacher's status as a plumbing apprentice. ODJFS receives nearly 1,000 requests for that kind of public information each year.

ODJFS has established policies governing when they should check individuals against their confidential databases. However, there are no policies addressing what standards or criteria should be followed for accessing confidential databases in extraordinary circumstances, such as when individuals are "thrust into the media spotlight" or receive notoriety/celebrity status. We further noted two queries were made within the ODJFS system which could not be traced back to a specific account holder because there was no mechanism to track users who perform queries, unlike those mechanisms associated with LEADS or OHLEG.<sup>3</sup>

In light of the ongoing political and media maelstrom, Jones-Kelley's decisions about whether to search confidential databases for information on Wurzelbacher have received heightened scrutiny. Unfortunately our attempts to determine whether there were legitimate reasons for the searches were met with inconsistent and ambiguous recollections and inadequate documentation.

The lack of detail regarding official governmental decisions in this case does not promote trust and confidence that the decision to run records checks on Wurzelbacher was necessary to carry out ODJFS' responsibilities under its administered programs.

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<sup>3</sup> Since the initiation of our investigation, ODJFS now tracks queries through its BMV Fraud portal.

Jones-Kelley's justifications were not reasonable under the required standards. Also, based on numerous discrepancies and contradictions, we find that her information lacked credibility. Finally, the information upon which she based her authorization was not from valid sources and was ambiguous at best. Accordingly, we find that Jones-Kelley's decision to authorize searches of the ODJFS databases was not appropriate.

**Accordingly, we find there is reasonable cause to believe that a wrongful act or omission occurred in this instance.**

### **Other Matters**

During the course of this investigation, we received information that Director Jones-Kelley may have used state resources to engage in political activity. The allegation was that Jones-Kelley provided a list of names of potential contributors to the Obama campaign using her state email account.

In investigating this information, we found that within Jones-Kelley's first year as director of ODJFS, she had specifically asked Charles Huston, the agency's network service technician, to synchronize her personal BlackBerry with the ODJFS email system. As a result of her request, emails sent from her BlackBerry went through the ODJFS email system. This necessarily uses state email resources to send and receive BlackBerry messages.

The contention that Jones-Kelley's believed that such use of her personal BlackBerry did not involve the use of state resources is not credible. The fact the she sought assistance from a state network services technician supports the conclusion that Jones-Kelley should have known that state resources were involved. Further, according to Huston, whenever a message was composed on the BlackBerry, the originating email address (in this case Jones-Kelley's ODJFS email address) would be displayed on the device. In fact, email header information we obtained confirms the emails did originate from her ODJFS email account.

In reviewing her emails, we identified one dated July 8, 2008, in which Jones-Kelley supplied to Michael O'Neil at [www.BarackObama.com](http://www.BarackObama.com) a list of four couples and one individual as potential contributors from the Dayton area. Later on that same day, Jones-Kelley sent another email to O'Neil providing the names of additional couples and individuals to consider as potential donors. In that second email, Jones-Kelley also offered a donation of \$2,500 to the Obama campaign. A subsequent reply to these emails from O'Neil acknowledges Jones-Kelley's offer and invites her to attend a political fundraiser on July 11, 2008.

Furthermore, we found that Jones-Kelley used her BlackBerry to schedule appointments on her Novelle calendar, which is maintained on the ODJFS system. We found three instances in which she scheduled appointment times for Obama campaign activities on her calendar. The first of the events was scheduled for February 14, 2008. The remaining appointments were slated for February 17 and February 26, 2008.

Jones-Kelley stated that she used her personal BlackBerry for all of these messages. However, this BlackBerry was synchronized to a state server. Jones-Kelley assumed that the emails were being transmitted through her personal email account, and not through her ODJFS email account. This use of the ODJFS system violates the Governor's policy on political activity and constitutes an inappropriate use of state resources. Copies of the above-referenced emails are attached to this report as Exhibit B. **We find this to be a wrongful act on the part of Jones-Kelley.**

## **2. Ohio Department of Public Safety**

The Ohio Bureau of Motor Vehicles ("BMV") is a division of the Ohio Department of Public Safety ("DPS"). The BMV is responsible for maintaining a statewide database of drivers' license records and vehicle registration records that are issued in Ohio. Access to these BMV records is controlled by federal and state law, as well as departmental policy. According to federal law, United States Code Title 18 §2721 specifies the permissible access and use of state motor vehicle records. The federal code defines fourteen specific purposes that are permissible reasons to release state BMV information. Ohio Revised Code §4501.27 mirrors the federal code, and sets forth the various permissible uses of Ohio motor vehicle records. Agency policy

containing guidelines for responding to public record requests can be found in policy DPS-400.04.

Contrary to popular belief, and according to law, Ohio driving records, or portions thereof, other than personal information, such as Social Security Numbers, Dates of Birth, et cetera; are considered public records pursuant to Revised Code section 149.43 and must be disclosed to the media. Upon request, only the non-personal information contained in the BMV records must, in fact, be disclosed according to the various guidelines set forth in the aforementioned federal and state law provisions. During this investigation, we found that aside from the BMV data itself, the various systems utilized to electronically search and access the BMV data have differing levels of restrictions.

One such system that can be utilized to electronically search records is the Law Enforcement Automated Data System (“LEADS”). LEADS is a data retrieval system utilized by Ohio law enforcement agencies for law enforcement purposes. Information found in the LEADS system comes from BMV and other records. The Ohio State Highway Patrol (“OSP”) has oversight of the system. Information obtained through the LEADS system is considered confidential, and users of the system must hold a LEADS permit. Users commonly use LEADS information for criminal justice purposes and are also subject to periodic testing to maintain their user permits.

The Ohio Law Enforcement Gateway (“OHLEG”) is another data retrieval system utilized by law enforcement for law enforcement purposes which includes access to both BMV records and other secured or confidential databases. The Ohio Attorney General’s Office (“OAG”) administers the database and maintains oversight of the system. Use is restricted to those registered with the OAG and users pledge that information obtained through the system will be utilized for criminal justice purposes.

The Ohio Department of Job & Family Services has an agreement with the BMV to allow ODJFS access to BMV records through a portal on the ODJFS inter-agency web, known as the

BMV Fraud Application. Only certain persons have access for purposes related to their job function. Access is controlled by a user's profile and password.

ODJFS clearly has a business need to access BMV records. ODJFS reports child support arrearages, which can result in the suspension of driving privileges in cases involving non-payment of support. ODJFS administers and maintains the Support Enforcement Tracking System ("SETS") computer inter-web system, which is utilized by each of the 88 county child enforcement agencies. The various county child support agencies can also access BMV records through ODJFS's inter-web portal.

Each of these systems mentioned were utilized to access the records of Samuel J. Wurzelbacher in the following instances:

#### **October 16, 2008**

BMV accessed Wurzelbacher's driving record at 10:56 a.m. Steve Eder from the *Toledo Blade* contacted the ODPS Communication Section requesting the driving record of Samuel J. Wurzelbacher. In response to the media request, BMV faxed Wurzelbacher's driving record information to the *Toledo Blade*. BMV accessed Wurzelbacher's vehicle registration information a second time at 12:27 p.m. based on another request from the *Toledo Blade*. The requested information was subsequently faxed to them. **This was not improper since state law requires the release of this information to the media.**

At 5:41 p.m., a Toledo, Ohio Police Dispatcher identified as Julie McConnell queried the BMV database through the LEADS system. OSP requested an explanation from the Toledo Police Department as to why Wurzelbacher's driving record was queried through the LEADS system. As a result, Toledo Police initiated an internal investigation. They found that McConnell had accessed the information as a "favor" for a Toledo area media representative. This employee faces possible disciplinary action for gross misconduct.

### **October 17, 2008**

Daniel Newhauser from the *East Valley Tribune*, which serves the East Valley region of Phoenix, Arizona, contacted the ODPS Communications Section requesting Wurzelbacher's driving records. In response to the media request, BMV faxed a redacted copy of Wurzelbacher's driving record to the newspaper. **The release of this information was not improper.**

At 12:05 p.m., BMV's database was queried through the ODJFS inter-web portal. Based on a preliminary review of the query by BMV, the inquiry appeared to have originated from the Cuyahoga Support Enforcement Agency. We worked with ODJFS and DPS to investigate this matter, and, upon further scrutiny, we determined that this nexus could not be verified. Due to existing limitations of the database system, both the BMV and ODJFS were unable to track who specifically accessed the data, and what data was retrieved. As a result, the Cuyahoga Support Enforcement Agency is conducting a forensic review of the suspected terminal used to access the information.

### **October 29, 2008**

At 3:40 p.m., the BMV database was queried through the ODJFS inter-web portal. Again, due to limitations of the system, neither BMV nor ODJFS can identify who made the inquiry, and what information was accessed. **Therefore, we cannot determine if the query was proper.**

At 6:24 p.m., Toledo Police Officer Scott Bailey queried the BMV database through the LEADS system as a result of stopping Wurzelbacher for an alleged traffic violation. Wurzelbacher was subsequently issued a warning for speeding. **This was a proper use of LEADS.**

### **October 31, 2008**

At 1:46 p.m., a Toledo Police records clerk queried the BMV database through the LEADS system. The OSP asked for an explanation from Toledo Police Department as to why Wurzelbacher's BMV records were accessed. The Toledo Police Department determined that a records clerk at Toledo Police Department had received a public records request and

subsequently verified the spelling of Wurzelbacher's name through LEADS. We have been told that Toledo Police will determine what corrective measures will be taken regarding the improper use of the system.

### **November 7, 2008**

At 1:15 p.m., the state's independently contracted Deputy Registrar's Office in Sylvania, Ohio, queried Wurzelbacher's information in the BMV database. Based upon a preliminary review, it does not appear that the inquiry had a business purpose. DPS investigators are currently investigating the potential inappropriate access of the BMV database through the LEADS system.

### **3. Ohio Attorney General's Office**

Beginning in 2004, when the Ohio Law Enforcement Gateway ("OHLEG") system was first being developed by the Ohio Attorney General's Office, 62 generic test accounts were established for use by state contractors and state employees tasked with developing the system.

OHLEG is a portal through which criminal justice agencies can access several different data systems. One of the data systems, the Ohio Local Law Enforcement Information Sharing Network ("OLLEISN"), was being developed by the Ohio Association of Chiefs of Police (OACP). The OACP employed six independent contractors to help develop OLLEISN. After February 11, 2008, OLLEISN was transitioned to the OAG. To assist in the transition, the six OACP contractors were given temporary contracts by the OAG. The six contractors immediately started working under the new OAG contracts.

All six contractors completed their work on the transition of the system at various times over the following three months, with the last contractor leaving on May 23, 2008. The first contractor to finish work under his contract was the former OLLEISN project manager, who concluded providing services on March 7, 2008. He later became an independent contractor with the Ohio Department of Insurance ("Insurance"). It was discovered that this contractor had accessed the OHLEG portal, searching for information on Samuel J. Wurzelbacher, as well as numerous other

individuals, after leaving the OLLEISN project, by utilizing the generic test account and password he had used while working on the project. OHLEG and OLLEISN have measures in place to identify each and every user who requests information from these systems, as well as the date and time a user makes an inquiry. Thus, system administrators were able to identify the contractor who accessed Wurzelbacher's records on October 16<sup>th</sup>, the day after the debate. The Ohio State Highway Patrol is conducting a criminal investigation of the unauthorized access of the OHLEG system.

We learned from the OAG that all the contractors shared a common test account to access OHLEG. Due to the fact that multiple individuals used the same test account, it was impossible for the OAG to limit any one contractor from accessing OHLEG without cancelling access for the whole group. As a result, the OAG shut down all access to the test accounts and is currently in the process of developing security protocols in the event test accounts are needed in the future.

The contractor's use of the application was after his contract had terminated and thus was improper. This matter remains under investigation by the Ohio State Highway Patrol. **Accordingly, we find a wrongful act occurred in this instance.**

Additionally, the OAG should have had measures in place to terminate access for all users who separate from service with the OAG. **Accordingly, we find reasonable cause to believe an act of omission occurred in this case.**

#### **4. Ohio Department of Taxation**

The Ohio Department of Taxation ("Taxation") is responsible for the administration and enforcement of over 20 state and locally levied taxes. Under the categories of administration and enforcement, the department performs such duties as registering taxpayers, processing tax returns, determining tax liabilities, issuing refunds and assessments, conducting audits, and enforcing Ohio tax laws. Ohio law specifically prohibits the disclosure of confidential taxpayer information to any person who is not an employee of Taxation. Taxation employees are required to annually attend in-house disclosure training. The training reviews the rules about



safeguarding taxpayer information in order to prevent unauthorized disclosure. In addition, the penalty for the unauthorized disclosure of confidential information about a taxpayer is quite severe – a felony punishable by a fine not exceeding \$5,000.00 or imprisonment for not more than 5 years, or both, together with the cost of prosecution. Unauthorized browsing is a misdemeanor punishable by a fine up to \$1,000.00 and/or imprisonment up to one year.

We determined that Taxation checked its database systems on October 16 and October 17, a total of three times. We interviewed several Taxation employees and reviewed emails. One of the individuals interviewed was Taxation’s Communication Director John Kohlstrand (“Kohlstrand”). He confirmed that an initial check, which was unsuccessful, occurred at approximately 10:00 a.m. on October 16 and was in response to a media inquiry about the status of Wurzelbacher’s tax lien.<sup>4</sup> We interviewed the Taxation attorney who conducted this initial search and she confirmed that the search took place and stated that the purpose of this search was to determine if the lien was still valid. The search was unsuccessful because Wurzelbacher’s first name, “Samuel,” was unknown to Taxation at this time. Several hours later, Taxation learned from the media Wurzelbacher’s first name and a second search was successfully performed. The results of this search were relayed to Taxation’s legal counsel in the Attorney General’s Office because it had received media inquiries about the lien and had been unable to locate information relating to the lien. Both of these searches were performed by Taxation’s legal department and the purpose for the searches was proper. Additionally, Taxation initiated a third search after 5:00 P.M. on October 16th of another one of its databases. The purpose of this search was to determine if proper service had been obtained regarding the underlying tax assessment which led to the filing of Wurzelbacher’s tax lien and to see if any payments on the tax had recently been made. This search was completed on the morning of October 17, 2008. The reason for this search was to determine if the lien was valid. This search was also proper.

Additionally, with prior input from Taxation’s legal Department, Kohlstrand answered media questions pertaining to procedural issues involving tax liens. In answering these questions, Kohlstrand was careful not to address any specific taxpayer information but was instead

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<sup>4</sup> Based on public records available from the Lucas County Clerk of Courts, the tax lien filed against Wurzelbacher was released on November 6, 2008.

describing the process of how and why a tax lien is filed. We note that taxpayer records maintained on Taxation's data systems are deemed confidential by statute and the public release of any such information is prohibited. However, any public information regarding the status of a tax lien may be released by the Ohio Attorney General's Office after a lien is filed in court. Our investigation found that neither Kohlstrand nor anyone else from Taxation provided confidential taxpayer information and that the information appearing in the media about Wurzelbacher's tax lien was consistent with public information released by the OAG and available from the Lucas County Clerk of Courts.

We found that Taxation's searches were not inappropriate based on criteria established by agency as well as the Internal Revenue Service governing access to such records by authorized employees. As described above, Taxation checked its databases to verify whether Wurzelbacher's tax lien was still valid. And, as stated above, we found no evidence that confidential information was shared with anyone outside the agency.

We also obtained assistance from Taxation's information technology personnel who manage and secure the agency's various databases containing confidential tax information. Some of the databases containing personal taxpayer information track when Taxation account holders make modifications to taxpayer information. A search by Taxation technicians produced no positive hits indicating that Wurzelbacher's confidential information was modified. However, the database systems are not set up to identify and track queries performed by Taxation personnel (when no changes to taxpayer records are made). Therefore, while there is no evidence of any searches other than the three searches that have been previously discussed, we cannot conclusively determine if any other searches of Wurzelbacher's confidential tax information took place. **Accordingly, in the case of the three searches we could identify, there is no reasonable cause to believe that a wrongful act or omission occurred in this instance.**

#### **IV. CONCLUSION**

We found that Director Jones-Kelley had no legitimate agency function or purpose to support her decision for checking confidential ODJFS databases related to Samuel Joseph Wurzelbacher. The justifications she offered in support of her decision were not credible, and they included

contradictions, ambiguity, and inconsistencies. The information she said she relied on emanated from unreliable sources, such as blogs and hearsay. Therefore, we find that she had no reasonable basis to authorize searches on Wurzelbacher.

We also found that Assistant Director Fred Williams and Deputy Director of Child Support Doug Thompson participated in the decision making process with Director Jones-Kelley, and that they bear some responsibility for the decision to perform queries related to Wurzelbacher. Thompson's conduct is further called into question by the fact that he directed an ODJFS employee, Vanessa Niekamp, to send a deceptive email to Rick Copley, Chief Privacy Officer, explaining that the query on Wurzelbacher was for child support purposes.

It is also our conclusion that the Deputy Director of Family Stability, Paul Fraunholtz and the Deputy Director of Unemployment Compensation, Judy Cicatiello played no direct role in the decision making process that led to the queries being run on Wurzelbacher. However, they are not without fault in this situation either – albeit to a lesser degree than Jones-Kelley, Williams, and Thompson. They oversee two of the confidential ODJFS database systems accessed to conduct queries on Wurzelbacher. Fraunholtz oversees the CRIS-E database and Cicatiello oversees the Ohio Job Insurance database, and they both stated that queries were performed within their respective databases. We cannot accept as an excuse that they merely ran the query after receiving a request from senior management – Fraunholtz from Assistant Director Williams and Cicatiello from Fraunholtz. They are responsible for ensuring that access to these databases is limited to the furtherance of the agency's functions or purposes. In this case, Fraunholtz and Cicatiello both failed to exercise independent judgment expected of senior management. At the very least they should have inquired how the requests related to legitimate agency operations.

We note the prompt steps already taken by the Ohio Attorney General's Office to shut down all access to the OHLEG test accounts until they develop security protocols in the event that test accounts are needed in the future. The actions underlying a former contractor's conduct involving access to OHLEG are part of a pending criminal investigation being conducted by the Ohio State Highway Patrol. Additionally, we note that administrative internal investigations are

pending with the Toledo Police Department and Cuyahoga Support Enforcement Agency regarding the appropriateness of records checks related to Wurzelbacher. We did not find wrongdoing related to the queries conducted at the Ohio Department of Public Safety and Ohio Department of Taxation.

We are unable to conclude that Director Jones-Kelley's approval to search ODJFS databases for information about Wurzelbacher was politically motivated. However, the circumstances surrounding the unauthorized searches are exacerbated in light of the director's sending and receiving email related to a political activity through state resources.

Both curiosity and media requests fueled interest related to "Joe the Plumber." Nevertheless, the withering media attention that Wurzelbacher received does not provide justification for state officials and employees to have conducted the wide range of searches that were done on a private citizen.

Finally, we would like to commend ODJFS employee Vanessa Niekamp for coming forward and bringing information to our attention under such difficult circumstances.

## **V. RECOMMENDATIONS**

Based on our findings, we make the following recommendations and request the following agencies respond to this office within the next sixty days with a plan of action as to how the recommendations will be implemented:

### **Ohio Department of Job and Family Services**

1. Establish written guidelines that identify the business relation and procedures for conducting queries in highly visible media cases. Searches should be prohibited solely on the basis of someone being thrust in the media spotlight. There should be some articulable reason for the access of secured/confidential databases. The reason must be related to the duties and business of the agency conducting the search.

2. Searches on ODJFS databases should be tracked to allow system administrators and/or investigators the ability to identify each account holder who conducts queries.

#### **Ohio Department of Taxation**

1. Searches on Taxation's databases should be tracked to allow system administrators and/or investigators the ability to identify each account holder who conducted a query.

#### **Ohio Attorney General's Office**

1. All agency accounts with access to OHLEG should be reviewed to determine whether any accounts are invalid, obsolete, or should be revoked.
2. When an account holder separates from service with the Attorney General's Office, their OHLEG account should be immediately cancelled.

#### **VI. REFERRAL**

A copy of this report will be provided to the Franklin County Prosecutor's Office for review and consideration.

# **EXHIBITS**

EXHIBIT A

Wurzelbacher Record Checks								
Hit #	Date	Agency	System	Requestor	Released Outside Agency	Public Record?	Legitimate Business Purpose	Notes
1	10/16/2008	ODJFS	Apprenticeship Council Database	Association Local 50	No	Yes	Yes	No records located, name misspelled
2				Commerce, Ohio Indust. Compliance	Yes	Yes	Yes	
				Associated Press	Yes	Yes	Yes	
				Dayton Daily News	Yes	Yes	Yes	
				National Journal	Yes	Yes	Yes	
				Toledo Blade	Yes	Yes	Yes	
3	10/16/2008	ODJFS	Support Enforcement Tracking System (SETS)	Dir. Jones-Kelly	No	No	No	
4	10/26/2008	ODJFS	Client Registry System Enhanced (CRIS-E)	Dir. Jones-Kelly	No	No	No	
5	10/16/2008	ODJFS	Unemployment Ohio Job Insurance (OJI)	Dir. Jones-Kelly	No	No	No	
6	10/16/2008	BMV	BMV Database	Toledo Blade	Yes	Yes	Yes	
7	10/16/2008	BMV	BMV Database	Toledo Blade	Yes	Yes	Yes	
8	10/16/2008	Toledo P.D.	LEADS	Media Rep.	Yes	No	No	
9	10/17/2008	BMV	BMV Database	East Valley Tribune	Yes	Yes	Yes	
10	10/17/2008	ODJFS	BMV Database	Unknown	Unknown	No	No	
11	10/29/2008	ODJFS	BMV Database	Unknown	Unknown	No	No	
12	10/29/2008	Toledo P.D.	LEADS	Officer	No	No	Yes	
13	10/31/2008	Toledo P.D.	LEADS	Records Clerk	Yes	No	No	
14	11/7/2008	Deputy Registrar - Sylvania	BMV Database	Unknown	Unknown	No	Unknown	
15	10/16/2008	State Contractor - Insurance	OHLEG	Contractor	Unknown	No	No	
16	10/16/2008	Taxation	Taxation Database	Media Rep.	No	No	Yes	Unsuccessful query
17	10/16/2008	Taxation	Taxation Database	Attny. Gen.	No	No	Yes	
18	10/17/2008	Taxation	Taxation Database	Taxation	No	No	Yes	

## EXHIBIT B

HELEN JONES-KELLEY - OBAMA kickoff

Page 1 of 1

**From:** HELEN JONES-KELLEY  
**Date:** 2/14/2008  
**Time:** 7:00:00 PM - 8:00:00 PM  
**Subject:** OBAMA kickoff  
**Place:** Omega



HELEN JONES-KELLEY - Obama mtg

Page 1 of 1

**From:** HELEN JONES-KELLEY  
**Date:** 2/17/2008  
**Time:** 5:00:00 PM - 6:15:00 PM  
**Subject:** Obama mtg  
**Place:** 1751 Rahn Rd

**From:** HELEN JONES-KELLEY  
**Date:** 2/26/2008  
**Time:** 7:00:00 PM - 10:00:00 PM  
**Subject:** Clinton/Obama debate  
**Place:** Cleveland State

**From:** "Michael O'Neil" <moneil@barackobama.com>  
**To:** JONES-KELLEY, HELEN  
**Date:** 7/8/2008 10:33:10 AM  
**Subject:** Thank you

---

I had it wrong.

I appreciate your help!

Michael O'Neil  
Obama for America  
(312) 819-2734

Return-path: <moneil@barackobama.com>  
 Received: from mail15.odjfs.state.oh.us ([10.10.80.138])  
 by gwia11.odjfs.state.oh.us with ESMTP; Tue, 08 Jul 2008 16:40:49 -0400  
 Received: from smtp.barackobama.com (smtp.barackobama.com [208.116.214.90])  
 by mail15.odjfs.state.oh.us (8.13.8/8.13.8) with ESMTP id m68KemL8022337  
 (version=TLSV1/SSLv3 cipher=DHE-RSA-AES256-SHA bits=256 verify=FAIL)  
 for <Helen.Jones-Kelley@jfs.ohio.gov>; Tue, 8 Jul 2008 15:40:49 -0500  
 X-ASG-Debug-ID: 1215549646-390702780000-pK6Vtg  
 X-Barracuda-URL: http://208.116.214.90:8000/cgi-bin/mark.cgi  
 Received: from outbound.barackobama.com (localhost [127.0.0.1])  
 by smtp.barackobama.com (Spam Firewall) with ESMTP id C8FCC1F5FE8  
 for <Helen.Jones-Kelley@jfs.ohio.gov>; Tue, 8 Jul 2008 15:40:46 -0500 (CDT)  
 Received: from outbound.barackobama.com (manny.obama.local [10.100.2.10]) by  
 smtp.barackobama.com with ESMTP id 6CEZznvW1wOYnyyz for <Helen.Jones-Kelley@jfs.ohio.gov>;  
 Tue, 08 Jul 2008 15:40:46 -0500 (CDT)  
 X-ASG-Whitelist: Client  
 X-MimeOLE: Produced By Microsoft Exchange V6.5  
 Content-class: urn:content-classes:message  
 MIME-Version: 1.0  
 Content-Type: text/plain;  
 charset="us-ascii"  
 Content-Transfer-Encoding: quoted-printable  
 X-ASG-Orig-Subj: RE: List  
 Subject: RE: List  
 Date: Tue, 8 Jul 2008 15:40:51 -0500  
 Message-ID: <150035A90093D4A9609987376E9B8331F6E6C4C@manny.obama.local>  
 In-Reply-To: <487366A9-4752-094F0@jfs.ohio.gov>  
 X-MS-Has-Attach:  
 X-MS-TNEF-Correlator:  
 Thread-Topic: List  
 Thread-Index: AcjhHTNt4ZGYa+ooSwuNEaErEzydkAAHZtpg  
 References: <487366A9.4752.004F.0@jfs.ohio.gov>  
 From: "Michael O'Neil" <moneil@barackobama.com>  
 To: "HELEN JONES-KELLEY" <Helen.Jones-Kelley@jfs.ohio.gov>  
 X-Barracuda-Connect: manny.obama.local[10.100.2.10]  
 X-Barracuda-Start-Time: 1215549646  
 X-Barracuda-Virus-Scanned: by Barracuda Spam Firewall at barackobama.com  
 X-MessageScreenMessageID: 1215549649.372990.1567.3948462116  
 X-MessageScreenDCCClass: Unknown  
 X-MessageScreenDCCRefID: str=0001.0A090203.4873D0D1.0077:SCFSTAT1154235,ss=1,fgs=0  
 X-MessageScreenContentScore: Score of 0 assigned to Content  
 X-MessageScreenUCEScore: Score of 3 assigned to UCE  
 X-MessageScreen: Analyzed by IntelliReach MessageScreen(tm)

Thank you - this is wonderful.

This is a great help and I appreciate your taking the time to assist our efforts!

Michael O'Neil  
 www.barackobama.com  
 (312) 505-4899

-----Original Message-----

From: HELEN JONES-KELLEY [mailto:Helen.Jones-Kelley@jfs.ohio.gov]  
 Sent: Tuesday, July 08, 2008 12:08 PM

To: Michael O'Neil  
Subject: List

I apologize for "piecemealing" this info. ~~Just returning to my office~~  
~~and stuck on a conference call.~~ Here is the start of my list.

The Feldmans and Rabinowitz's are absolute definites for Friday. They just need the details. Still attempting to reach the others, but know that they would want to be there if they're in town. More names shortly.

Deborah and Bruce Feldman  
1480 Wainscott Way  
Dayton, Ohio 45414  
(937) 898-9399  
feldmand@mcOhio.org

Bernie and Carol Rabinowitz  
269 Rue Marseille  
Dayton, Ohio 45429  
(937) 294-7576

Larry and Marilyn Klaben  
6900 Meeker Woods  
Dayton, Ohio 45414

Stuart Rose

Norman and Mary Rita Weissman  
5100 Garden Spring Court  
Dayton, Ohio 45429  
(937) 291-9111

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Subject: RE: More Names  
Received: Tue, 8 Jul 2008 16:55:08 -0500  
From: "Michael O'Neil" <monel@barackobama.com>  
To: "HELEN JONES-KELLEY" <Helen.Jones-Kelley@jfs.ohio.gov>

Thank you Helen.

Michael O'Neil  
www.barackobama.com  
(312) 505-4899

-----Original Message-----

From: HELEN JONES-KELLEY [mailto:Helen.Jones-Kelley@jfs.ohio.gov]  
Sent: Tuesday, July 08, 2008 4:32 PM  
To: Michael O'Neil  
Subject: More Names

Got pulled into an unexpected meeting. Just getting back to the office and to this. Attached are more names of people who would be willing and able to make appropriate contributions for Friday. I will work on this more before this evening, since these are names that will be of benefit over time even if Friday is not a possibility.

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain private, confidential, and/or privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, employee, or agent responsible for delivering this message, please contact the sender by reply e-mail and destroy all copies of the original e-mail message.

**Message Id:** 4873D12F.185 : 85 : 37253  
**Subject:** RE: List  
**Created By:** moneil@barackobama.com  
**Scheduled Date:**  
**Creation Date:** 7/8/2008 4:40 PM  
**From:** "Michael O'Neil" <moneil@barackobama.com>

**Recipients**

Recipient	Action	Date & Time	Comment
 RPCEN05.DCEN01 To: HELEN JONES-KELLEY (JONESH)			

**Post Offices**

Post Office	Delivered	Route
RPCEN05.DCEN01		jfs.ohio.gov

**Files**

File	Size	Date & Time
MESSAGE	1473	7/8/2008 4:40 PM
Mime.822	3754	

**Options**

**Concealed Subject:** No  
**Expiration Date:** None  
**Priority:** Standard  
**Reply requested by:** None  
**Security:** Standard  
**To Be Delivered:** Immediate

**Junk Mail Handling Evaluation Results**

Message is eligible for Junk Mail handling  
 Sender e-mail address is in recipient's personal address book

**Junk Mail settings when this message was delivered**

Junk List is enabled  
 Junk Mail using personal address books is not enabled  
 Block List is not enabled

**From:** "Michael O'Neil" <moneil@barackobama.com>  
**To:** "HELEN JONES-KELLEY" <Helen.Jones.Kelley@jfs.ohio.gov>  
**Date:** 7/8/2008 4:42 PM  
**Subject:** RE: List

Thank you - this is wonderful.

This is a great help and I appreciate your taking the time to assist our efforts!

Michael O'Neil  
www.barackobama.com  
(312) 505-4899

-----Original Message-----

**From:** HELEN JONES-KELLEY [mailto:Helen.Jones-Kelley@jfs.ohio.gov]  
**Sent:** Tuesday, July 08, 2008 12:08 PM  
**To:** Michael O'Neil  
**Subject:** List

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The Feldmans and Rabinowitz's are absolute definites for Friday. They just need the details. Still attempting to reach the others, but know that they would want to be there if they're in town. More names shortly.

Deborah and Bruce Feldman  
1480 Wainscott Way  
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(937) 898-9399  
feldmand@mcoho.org

Bernie and Carol Rabinowitz  
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Dayton, Ohio 45429  
(937) 294-7576

Larry and Marilyn Klaben  
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Dayton, Ohio 45414

Stuart Rose

Norman and Mary Rita Weissman  
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Dayton, Ohio 45429  
(937) 291-9111

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distribution is prohibited. If you are not the intended recipient, employee, or agent responsible for delivering this message, please contact the sender by reply e-mail and destroy all copies of the original e-mail message.

**From:** "Michael O'Neil" <monell@barackobama.com>  
**To:** "HELEN JONES-KELLEY" <Helen.Jones-Kelley@jfs.ohio.gov>  
**Date:** 7/9/2008 3:33 PM  
**Subject:** RE: Forgot

Mr. Mann has already RSVPd!

Michael O'Neil  
www.barackobama.com  
(312) 505-4899

-----Original Message-----

**From:** HELEN JONES-KELLEY [mailto:Helen.Jones-Kelley@jfs.ohio.gov]  
**Sent:** Wednesday, July 09, 2008 2:28 PM  
**To:** Michael O'Neil  
**Subject:** Forgot

I left Charles A. Jones and Atty Doug Mann off the list. I can provide addresses when I return to my office after this current mtg

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**From:** "Michael O'Neil" <moneil@barackobama.com>  
**To:** JONES-KELLEY, HELEN  
**Date:** 7/9/2008 5:09:11 PM  
**Subject:** RE: More

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Michael O'Neil  
www.barackobama.com  
(312) 505-4899Helen,

You have been wonderful. I would appreciate your \$2,500 contribution to our efforts and join us on Friday of course. The location is:

Stivers School for the Arts  
1313 East 5th St.  
Dayton, OH 45402

I would like anyone who can give \$5,000 or \$2,500 to pick up their tickets tomorrow starting at noon and bring their checks made out to the "Obama Victory Fund" (form attached) to:

Ticket pickup tomorrow beginning at noon  
Montgomery County Democratic Party Headquarters  
131 S. Wilkinson St.  
Dayton, Ohio

Michael O'Neil  
www.barackobama.com  
(312) 505-4899

-----Original Message-----

**From:** HELEN JONES-KELLEY [mailto:Helen.Jones-Kelley@jfs.ohio.gov]  
**Sent:** Tuesday, July 08, 2008 10:28 PM  
**To:** Michael O'Neil  
**Subject:** More

Here are a few more names that may pan out for Friday. Please let me know if you need me to do some additional follow up on my end. I will have a little free time tomorrow afternoon. If you are making direct contacts, please feel free to let them know I gave you their names. I will try to contact some of them as well. I neglected to add myself to the list if space still permits. I can write a \$2500 check if space allows for those writing the "smaller" checks. An additional offer I can make for a future date is helping to arrange an event for Michelle Obama. I am a member of the LINKS, past president of the Junior League and Delta Sigma Theta Sorority, and member of the Dayton Opera Guild, all numbering in a few thousand women.

Jerome and Eloise Broner  
(Her name is pronounced E-lois)  
2308 Briggs Road  
Centerville, OH45459  
(937) 436-0052

Lawrence and Alma Clarke  
2200 Crestridge Drive  
Dayton, OH 45414  
(937) 898-0565

(Rev) Greg and Gail Johnson  
1751 West Rahn Road

Centerville, OH 45459  
(937) 312-1755  
(937) 902-1600 (cell)  
She is an active supporter but hasn't written her check yet - is VERY interested

Robert and Michelle Johnson  
2296 Annandale Pl  
Dayton, OH 45385  
(937) 376-4530

Bill and Gail Littlejohn  
1253 Hook Estate Drive  
Dayton, OH 45405  
(937) 275-8825

Carolyn Mack  
450 West Grand Ave  
Dayton, OH 45405  
(404) 788-5184 (cell)

Atty Alvarene Owens  
1728 South Main St  
Dayton, OH 45409  
(937) 275-6842 (work)

Atty Greg and Mary Beth Gibson  
4440 Royal Ridge Way  
Dayton, OH 45429  
(937) 294-6293

Lee and Betsy Whitney  
3507 Indian Hill Dr  
Dayton, OH 45429  
(937) 293-9831

Mr John Moore, Sr.  
23 Kimberly Circle  
Dayton, OH 45408  
(937) 268-5920

I expect that the names I've provided will give you more than enough people to fill the slots you have at the contribution levels you seek. If for some reason, they don't, due to vacations, etc. I have more:-)

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**Attachments:** Obama Victory Fund Contribution Form Midwest.pdf

The first \$2,300 of each contribution from an individual will be allocated to Obama for America and will be considered designated for the primary election. The next \$2,300 of each contribution from an individual will be allocated to Obama for America and will be considered designated for the general election. The next \$28,500 of each contribution from an individual will be allocated to the Democratic National Committee. Any contributor may designate his or her contribution for a particular participant. (Participants are Obama for America and the DNC). The allocation formula above may change if any contributor makes a contribution that, when allocated, would exceed the amount that the contributor may lawfully give to either participant.

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and employer of individuals whose contributions exceed \$200 in an election cycle.

Please make checks payable to:

**OBAMA VICTORY FUND**

Attn: Michael P. O'Neil

233 N. Michigan Ave

Chicago, IL 60601

Fax: (312) 324-3820

Please designate \$ \_\_\_\_\_ to Obama for America primary account and \$ \_\_\_\_\_ to Obama for America general election account (if no designation of a lesser amount is made, first \$2,300 will be allocated to Obama for America primary and the next \$2,300 will be allocated to Obama for America general election).

First & Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

If foreign address provide US passport number \_\_\_\_\_

Employer: \_\_\_\_\_ Occupation: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Work Fax: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Email: \_\_\_\_\_

I certify that I am a U.S. citizen or legal permanent resident of the U.S.

Signature: \_\_\_\_\_

Please bill my personal credit card:  Visa  MasterCard  AMEX  Discover

Amount: \$ \_\_\_\_\_ Invited By: \_\_\_\_\_

Card Number: \_\_\_\_\_ Exp: \_\_\_\_\_

Name as it appears on the card: \_\_\_\_\_

Second Name on Account, if Joint Account\*: \_\_\_\_\_

\*Contributions will be evenly attributed between names.

2<sup>nd</sup> Name Employer: \_\_\_\_\_ 2<sup>nd</sup> Name Occupation: \_\_\_\_\_

Signature: \_\_\_\_\_

Second Signature for Joint Account: \_\_\_\_\_

OVF Staff Name: \_\_\_\_\_ Signature: \_\_\_\_\_

(please print)

Obama Victory Fund does not accept contributions from currently registered federal lobbyists, registered foreign agents, political action committees, or minors under the age of 16.

Contributions and gifts to the Obama Victory Fund are not deductible for federal income tax purposes.

Paid for by Obama Victory Fund, a joint fundraising committee authorized by Obama for America and the Democratic National Committee.

**From:** HELEN JONES-KELLEY  
**To:** JONES-KELLEY, HELEN  
**Date:** 7/10/2008 9:08:31 AM  
**Subject:** Fw: More

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**Attachments:** RE: More

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