

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On January 15, 2015, OEI Inspector Phil Lindley conducted a recorded interview of Ken Detzner, the Florida Secretary of State. The following is a synopsis of the interview of Detzner and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-48).

Detzner listened to the audio recording located on Weeks' cellphone that was recorded on or about April 3, 2014, of a conference call. Detzner identified his own voice as the voice objecting to Weeks' request for permission to record the call. Detzner verified the voices of the other participants to the conference call.

Case Number: EI-26-0074	Serial #: 32
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 01/13/2015	Activity End Date:01/16/2015
Approved By: Ward, Richard Allan	

Description: Interview of Florida Secretary of State, Ken Detzner

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On January 20, 2014, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Ms. Linda Constantine, a Deputy Supervisor of Elections, for Flagler County, FL.

The following is a synopsis of the interview of Constantine and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-49).

Constantine stated she had no direct knowledge concerning the recordings Weeks made, the process of transferring recordings to discs, or the fulfillment of public records requests by the office. Constantine stated that she learned of the incidents after the fact. Constantine said she was aware of historical taping of Canvassing Board meetings by use of a mini-recorder. Constantine said she could not provide any information concerning the editing of recordings or memory storage devices located off-site from the SOE office.

On January 21, 2015, Constantine was asked and listened to the recording Weeks made of a telephone call on or about April 3, 2014, with the Florida Secretary of State (Related Item (INV-44)). In particular, a female voice was heard on the recording in the background talking to Weeks at about the 15 minute point of the recording. Constantine was of the opinion the female voice belonged to her coworker, Darlene Walker, a SOE employee who is on leave until February 15, 2015.

Case Number: EI-26-0074	Serial #: 33
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 01/20/2015	Activity End Date:01/22/2015
Approved By: Ward, Richard Allan	

Description: Interview of Linda Constantine, Flagler Supervisor of Elections Office Staff

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On December 31, 2014, OEI Inspector Phil Lindley, received from FDLE forensics, a report containing data copied from Week's cell phone. Lindley reviewed the data and on January 5, 2015, located an extended audio recording of a conversation indicating it was recorded on or about December 31, 2013. Lindley also noted there was no statement asking for consent to record the conversation. The content of the conversation related to funeral arrangements for William Wallace Weeks. A copy of the audio recording is retained in the case file as a Related Item (INV-50). Lindley began investigative efforts to locate, fully identify, and interview the person whose voice was recorded on Weeks' phone.

On January 20, 2015, Lindley, while accompanied by SAO Investigators Mike Taylor and Gina Baker, telephoned Mr. Steve Overturf, Funeral Director, Johnson-Overturf Funeral Home, Palatka, FL at telephone number (386) 325-4521. Lindley identified himself and his purpose for contacting Overturf. Overturf confirmed to Lindley that he had a conversation with K. Weeks to arrange for the burial of William Weeks, who Overturf identified as Weeks' father-in-law. Overturf stated that he was not aware the recording was made and Overturf did not give his consent to be recorded.

Overturf declined to participate in this investigation. Overturf identified his brother (Charles Overturf) as the Supervisor of Elections for Putnam County, FL. Overturf also said, that he had a long business history with the Weeks family. Overturf stated that he did not want to cause political problems for his brother, and that he did not want to lose future business from the Weeks family.

Case Number: EI-26-0074	Serial #: 34
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/22/2015
Approved By: Ward, Richard Allan	

Description:Telephone conversation with Mr. Steve Overturf

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On January 20, 2014, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Ms. Kaiti Lenhart, recently named Interim Supervisor of Elections, for Flagler County, FL. Following Weeks' resignation of office on January 6, 2015, Lenhart was named Weeks' replacement by the Governor.

The following is a synopsis of the interview of Lenhart and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-51).

Lenhart stated Weeks recorded Canvassing Board meetings with her cell phone and then downloaded the recordings and transferred them to discs onto the office computer. Lenhart produced the cable Weeks' used to transfer recordings from her cell phone to the office computer. Lenhart knew of no editing programs on the SOE computer system and opined that Weeks would have done the editing on the cell phone. Following her interview, Lenhart accessed Weeks' computer and verified there were no added editing programs.

On January 21, 2015, Lenhart listened to the recording Weeks made of a telephone call on or about April 3, 2014, with the Florida Secretary of State (Related Item (INV-44)). In particular, a female voice was heard on the recording in the background talking to Weeks at about the 15 minute point of the recording. Lenhart thought the female voice belonged to Darlene Walker, a SOE employee who is on medical leave until February 2015.

Case Number: EI-26-0074	Serial #: 35
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 01/20/2015	Activity End Date:01/23/2015
Approved By: Ward, Richard Allan	

Description: Interview Ms. Kaiti Lenhart, SOE, Flagler County, FL

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Following the receipt of forensics data obtained from Weeks' cell phone, OEI Inspector Phil Lindley identified a recording made of a female named "Shannon" in a conversation with Weeks. The recording was placed in the Related Items section of this case file (INV-52). Meta data included references the recording was made on or about May 6, 2014. The recording was divided into four segments. Lindley undertook efforts to fully identify, locate, and interview "Shannon".

On January 20, 2015, Lindley and SAO Investigator Gina Baker Taylor conducted a sworn and recorded interview of Ms. Shannon Brown. The following is a synopsis of the interview of Brown and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-53).

Brown listened to the four segments of the recordings and identified her voice as one of the voices recorded. Brown identified the other voice recorded as that of Weeks'. Brown said the recording was during a conversation in Weeks' front yard, in Flagler County, FL and the date of May 6, 2014 was probably correct. Brown stated the recording was made without her knowledge and without her consent. Brown related she did not see Weeks' phone or any other recording device at the time of the conversation. Brown described the conversation as personal and that Brown wanted the conversation kept private.

Brown related that Weeks was concerned that Weeks' daughter was involved with Brown's ex-husband and that Weeks was gathering information about the ex-husband.

Upon conclusion of the sworn interview, Brown expressed the opinion that segments of the recording were deleted, but that the four portions presented, were actual excerpts of portions of the conversation between Brown and Weeks. Brown opined that Weeks had deleted portions

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Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/23/2015
Approved By: Ward, Richard Allan	

Description: Interview of Ms. Shannon Brown

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that contained certain portions of Weeks' statements. Brown also listened to the latter portions of Related Item (INV-54) a recorded conversation between Weeks and Sergeant Michael Coomands, Holly Hill Police Department, recorded on or about July 11, 2014. Brown identified the female voice that joined the conversation as Weeks' daughter, Michelle.

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Following receipt of forensics data obtained from Weeks' cell phone, OEI Inspector Phil Lindley identified a recording made of an apparent phone call with a police Sergeant in a conversation with Weeks. The recording is placed in the Related Items section of this case file (INV-54). Meta data included references the recording was made on or about July 11, 2014. Lindley undertook investigative efforts to fully identify, locate, and interview the officer.

On January 21, 2015, Lindley and SAO Investigator Gina Baker Taylor conducted a sworn and recorded interview of Sergeant Michael Coomans, of the Holly Hill, FL Police Department. The following is a synopsis of the interview of Coomans and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (also in INV-54).

Coomans listened to the recording and reviewed Computer Assisted Dispatch (CAD) reports. Coomans independently recalled the conversation. Coomans identified his voice on the recording and the other voice as belonging to Weeks. Coomans stated that upon request, he called Weeks. Coomans said he was in Holly Hill, FL, at the time of the recording and he recalled that Weeks was in Palm Coast, FL when he called her. Coomans stated that he was recorded without his knowledge or his consent. Coomans identified Weeks' husband, and one of her daughters named Michelle, as joining in the final portion of the recorded conversation.

Case Number: EI-26-0074	Serial #: 37
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/23/2015
Approved By: Ward, Richard Allan	

Description: Interview of Sgt Michael Coomans, Holly Hill Police Dept

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Following the receipt of forensics data obtained from Weeks' cell phone, OEI Inspector Phil Lindley identified a recording of the August 20, 2014, Canvassing Board meeting included in the forensic data. The recording was noted to be longer than the version previously provided by Weeks. The previous version was labeled "Canvassing Board Meeting Aug 20, 2014 Part 1" (See INV-14). The previously provided version was of about 2 hours and 52 minutes duration. The forensic recovered version was noted to be of about 3 hours and 47 minutes duration and was retained in the case file as a Related Item (INV-55). Lindley noted the forensic recovered version continued recording after the Canvassing Board adjourned at the stated time of 4:56 p.m. Lindley also noted a recorded conversation following adjournment. The recorded conversation was between Flagler County Judge D. Melissa Moore Stens and an unidentified male.

On January 21, 2015, Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Judge Stens. The following is a synopsis of the interview of Stens and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (also as INV-55).

Judge Stens listened to the extended version of the August 20, 2014, Canvassing Board recording and identified her voice as one of the voices recorded after adjournment. Stens said that she was recorded without her knowledge and without her consent. Stens stated Pierre Tristam was the other person whose voice was recorded.

Case Number: EI-26-0074	Serial #: 38
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/23/2015
Approved By: Ward, Richard Allan	

Description:Recorded conversation made of Judge D. Melissa Moore Stens on 8/20/14 and sworn recorded second statement of Judge Stens obtained on 1/21/15

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Following the receipt of forensics data obtained from Weeks' cell phone, OEI Inspector Phil Lindley identified a recording of an apparent phone call between City of Palm Coast, City Clerk, Virginia Smith and Weeks. Meta data included references the recording was made on or about April 7, 2014. The recording was retained in the case file as a Related Item (INV-56).

On January 21, 2015, Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Smith. The following is a synopsis of the interview of Smith and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (also as INV-56).

Smith listened to the recording and identified her voice as one of the voices recorded. Smith identified Weeks' voice on the recording. Smith stated the phone call was recorded without her knowledge or consent. Smith said she was not notified the call was recorded. Smith stated she had independent recollection of the telephone call, and Smith stated she was in Palm Coast, Flagler County, FL at the time of the phone call.

Case Number: EI-26-0074	Serial #: 39
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/23/2015
Approved By: Ward, Richard Allan	

Description:Recorded telephone call of Ms Virginia Smith 4/7/14 and Sworn Statement 1/21/14

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On January 23, 2015, OEI Inspector Phil Lindley conducted a sworn and recorded interview of Mr. Ronald A. Labasky, Legal Counsel to the Florida State Association of Supervisors of Elections. Labasky listened to the recording of the April 3, 2014, telephone call between Florida Secretary of State Ken Detzner and Weeks.

The following is a synopsis of the interview of Labasky and should not be considered a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-57).

Labasky had independent recollection of the telephone call. Labasky identified his own voice on the recording. Labasky said the recording was made without his knowledge or consent. Labasky stated that Weeks asked for consent to record the call, but the Secretary of State denied her request to record the call.

Case Number: EI-26-0074	Serial #: 40
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/26/2015
Approved By: Ward, Richard Allan	

Description: Interview of Ronald A. Labasky, Counsel, Fla State Assn of Supervisors of Elections

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In response to a subpoena duces tecum, issued by the SAO, GoDaddy.com responded with a disc that contained email account activity for the Flagler County SOE Office for the period August 25, 2014 to September 12, 2014. GoDaddy provided a Certificate of Authenticity. The disc GoDaddy provided, as well as a printout of the disc contents, the GoDaddy.com transmittal letter, the Certificate of Authenticity, and a copy of the SAO subpoena duces tecum was scanned to the case file as INV-58.

A review of the GoDaddy.com information, failed to disclose information or investigative leads as to the source used to edit audio recordings.

Case Number: EI-26-0074	Serial #: 41
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/24/2014	Activity End Date:01/28/2015
Approved By: Ward, Richard Allan	

Description:GoDaddy response to subpoena for transactions

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The SAO requested the recorded sworn statements of the various witness interviews be transcribed. In response to the SAO request, FDLE obtained the following written transcripts which will be electronically attached to the case file as Related Items:

- The transcript of the interview of Florida Secretary of State Kenneth Detzner conducted on January 13, 2015, is attached to the case file as INV-59.
- The transcript of the interview of Deputy SOE Linda Constantine conducted on January 20, 2015, is attached to the case file as INV-60.
- The transcript of the interview of newly appointed SOE Kaiti Lenhart conducted on January 20, 2015, is attached to the case file as INV-61.
- The transcript of the interview of Shannon Brown conducted on January 20, 2015, is attached to the case file as INV-62.
- The transcript of the second interview of County Judge Melissa Moore Stens, conducted on January 21, 2015, is attached to the case file as INV-63.
- The transcript of the interview of Police Sergeant Michael Coomands conducted on January 21, 2015, is attached to the case file as INV-64.
- The transcript of the second interview of City of Palm Coast Clerk Virginia Smith, conducted on January 21, 2015, is attached to the case file as INV-66.
- The transcript of the interview of attorney Ron Labasky conducted on January 23, 2015, is attached to the case file as INV-68.

Case Number: EI-26-0074	Serial #: 42
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 01/15/2015	Activity End Date:01/30/2015
Approved By: Ward, Richard Allan	

Description:Transcripts of Recorded Interviews

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Following the receipt of forensics data obtained from Weeks' cell phone, OEI Inspector Phil Lindley identified a recording that included voices of representatives of the Florida Office of the Attorney General in a telephone conversation with Weeks. The recording was placed in the Related Items section of the case file as a Related Item (INV-69). Meta data included references the recording was made on or about September 18, 2014. Lindley undertook efforts to fully identify, locate, and interview the Office of the Attorney General personnel who were recorded.

On February 3, 2015, Lindley conducted a sworn and recorded interview of Assistant Attorney General Gerry L. Hammond. The following is a synopsis of the interview of Hammond and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-70). Hammond listened to the recording of the telephone call. Hammond said she had independent recollection of the call and Hammond said she had talked to Weeks more than once. Hammond identified her voice on the recording and stated the call was recorded without her knowledge or consent. Hammond stated that she was in Leon Country, FL at the time of the call, and that Weeks was in Flagler County at that time.

Hammond produced four (4) pages of agency telephone call records from the files of the Office of the Attorney General. The telephone records document Weeks' was at her office number in Flagler County, FL at the time of the September 18, 2014 recording. Scanned copies of the telephone records are retained in the case file as a Related Item (also as INV-70).

Case Number: EI-26-0074	Serial #: 43
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:02/03/2015
Approved By: Ward, Richard Allan	

Description: Interview of Assistant Attorney General Gerry L. Hammond

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Following the receipt of forensics data obtained from Weeks' cell phone, OEI Inspector Phil Lindley identified a recording that included voices of representatives of the Florida Office of the Attorney General in a telephone conversation with Weeks. The recording was placed in the Related Items section of the case file as a Related Item (INV-69). Meta data included references the recording was made on or about September 18, 2014. Lindley undertook efforts to fully identify, locate, and interview the Office of the Attorney General personnel who were recorded.

On February 6, 2015, Lindley and OEI Inspector Luis Negrete conducted a sworn and recorded interview of Whitney Anderson, former Attorney General hotline worker. The following is a synopsis of the interview of Anderson and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-71).

Anderson listened to the recording of the telephone call (INV-69). Anderson recalled that she telephoned Weeks at the Flagler County Supervisor of Elections Office in response to a message Weeks left on the Attorney General's Hotline. Anderson identified her voice on the recording and stated the call was recorded without her knowledge or consent.

Anderson reviewed four (4) pages of agency telephone call records from the files of the Attorney General's Office (INV-70). The telephone records document Weeks' was at her office telephone number in Flagler County, FL, when Anderson returned the call and spoke with Weeks.

Case Number: EI-26-0074	Serial #: 44
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:02/09/2015
Approved By: Ward, Richard Allan	

Description: Interview of Whitney Anderson, A.G. Hotline

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On February 12, 2015, OEI Inspector Phil Lindley conducted a second sworn and recorded interview of J. Andrew Atkinson, General Counsel to the Florida Secretary of State. (SoS). Atkinson was previously interviewed in conjunction with this investigation on January 8, 2015. Following that interview, Atkinson subsequently reviewed an elections complaint submitted to the Florida SoS by Weeks. Weeks attached an audio file to her complaint. Atkinson realized the audio file that Weeks submitted was a copy of the same recording that was a part of the predicate for this FDLE investigation. Atkinson telephoned Lindley to report the SoS received a copy of the recorded conversation from Weeks.

The following is a synopsis of the interview of Atkinson and should not be considered a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-72).

Atkinson related and also produced SoS business records showing, Weeks submitted a lengthy complaint to the SoS. Weeks signed elections complaint forms against Flagler County Commissioner Charles Erickson and County Attorney Al Hadeed dated December 19, 2014. Weeks incorporated the two individual complaints against Ericksen and Hadeed, into a larger complaint naming five (5) officials. Weeks submitted her complaint to the SoS, via U.S. Mail from Bunnell, FL, postmarked January 5, 2015. Weeks included with her complaint a CD that contained a copy of the whispered conversation between Hadeed and Ericksen recorded on August 25, 2015. The SoS received Weeks' complaint in the mail on January 8, 2015.

A copy of the audio file Weeks submitted, along with scanned copies of the individual complaint forms Weeks signed against Ericksen and Hadeed, as well as a copy of the postmarked envelop are placed into the Related Items section of the case file (also in INV-72).

Case Number: EI-26-0074	Serial #: 45
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 02/12/2015	Activity End Date:02/12/2015
Approved By: Ward, Richard Allan	

Description:Subsequent interview, J. Andrew Atkinson, General Counsel, Fla Sec State

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

The SAO requested the recorded sworn statements of the various witness interviews be transcribed. In response to the SAO request, FDLE obtained the written transcript of the statement of Assistant Attorney General Gerry Hammon, recorded on February 3, 2015, which will be electronically attached to the case file as a Related Items (INV-73).

Case Number: EI-26-0074	Serial #: 46
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 02/12/2015	Activity End Date:02/12/2015
Approved By: Ward, Richard Allan	

Description: Transcript of the recorded interview, Assistant Attorney General Gerry Hammond

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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The SAO requested the recorded sworn statements of the various witness interviews be transcribed. In response to the SAO request, FDLE obtained the written transcript of the interview of Florida Assistant Director of Elections, Gary Holland, which will be electronically attached to the case file as Related Item (INV-74).

Case Number: EI-26-0074	Serial #: 47
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:02/16/2015
Approved By: Ward, Richard Allan	

Description: Transcript interview Gary Holland, Asst Dir Div of Elections

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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Following the receipt of forensics data obtained from the analysis of a thumb drive seized during the execution of a search warrant, OEI Inspector Phil Lindley undertook efforts to identify the author of the document containing the minutes of the Flagler County Canvassing Board, dated August 25, 2014. See related item (INV-12). Meta data included in the document indicated the author of the document was "Linda" and the document was later modified by Weeks.

On February 18, 2015, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Ms. Kaiti Lenhart, the new Supervisor of Elections, for Flagler County, FL and Deputy Supervisor of Elections, Linda Constantine.

The following is a synopsis of the interview of Lenhart and Constantine and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-75).

Lenhart stated that there is only one employee named "Linda" in the office and that is Linda Constantine. Constantine stated that in 2011, at Weeks' direction, she developed a template that was used for transcribing the canvassing board minutes. Constantine said she attempted to produce the minutes in 2011, but Weeks was not satisfied with Constantine's work. Weeks then undertook the task to transcribe the minutes by herself, and Weeks continued to produce the minutes without any known assistance ever since 2011. Constantine did not transcribe the minutes after 2011 and did not initiate the word document containing the August 25, 2014 board minutes. Lenhart corroborated Constantine's statement. Lenhart advised that Weeks retained the template developed by Constantine on Weeks' desk top in her office and said Weeks would work on the minutes while in the office and on electronic devices elsewhere.

Case Number: EI-26-0074	Serial #: 48
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 02/18/2015	Activity End Date:02/26/2015
Approved By: Ward, Richard Allan	

Description:Subsequent Interview SOE Lenhart and Dep SOE Constantine

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On December 31, 2014, OEI Inspector Phil Lindley, received from FDLE forensics, a report containing data copied from Week's cell phone. Lindley reviewed the data and on January 7, 2015, noted an extended recording of a telephone conversation between the Honorable Kenneth W. Detzner, Florida Secretary of State and Weeks. Electronic encoding indicated the conversation was recorded on Weeks' cellphone on April 3, 2014 (See INV-44). In that recording, Weeks asked Detzner for permission to record the telephone call. Detzner objected to Weeks recording the call and told Weeks she could not record the call. Lindley undertook investigative efforts to locate, fully identify, and interview an unknown female whose voice was heard on the recording.

On February 18, 2015, SAO Investigator Mike Taylor and Lindley conducted a sworn and recorded interview of Darlene Walker, retired Flagler SOE office employee. The following is a synopsis of the interview of Walker and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-76).

Walker listened to the recording of the telephone call (INV-44). Walker independently recalled that she was present when Weeks called Detzner and that Detzner delined his consent to be recorded. Weeks and Walker were on a speaker phone in the Flagler County SOE office and Weeks recorded the conversation using her cell phone. Walker positively identified her own voice which was included in the recorded phone conversation between Weeks and Detzner.

Case Number: EI-26-0074	Serial #: 49
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:02/26/2015
Approved By: Ward, Richard Allan	

Description: Interview of Darlene Walker

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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The SAO requested the recorded sworn statements of the various witness interviews be transcribed. In response to the SAO request, FDLE obtained the following written transcripts which will be electronically attached to the case file as Related Items:

The transcript of the interview of Whitney Anderson, State of Florida, Office of the Attorney General conducted on February 6, 2015, was attached to the case file as INV-77.

The transcript of the interview of second interview of J. Andrew "Drew" Atkinson, General Counsel, Florida Secretary of State conducted on February 12, 2015, was attached to the case file as INV-78.

The transcript of the joint second interview of newly appointed SOE Kaiti Lenhart and Deputy Supervisor of Election Linda Constantine conducted on February 18, 2015, was attached to the case file as INV-79.

The transcript of the interview of former Deputy Supervisor of Elections Darlene Walker conducted on February 18, 2015, is was attached to the case file as a INV-80.

Case Number: EI-26-0074	Serial #: 50
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 03/11/2015	Activity End Date:03/11/2015
Approved By: Ward, Richard Allan	

Description:Transcripts of Recorded Interviews

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation was predicated upon information received from the Office of the State Attorney, Seventh Judicial Circuit (SAO), alleging that Flagler County Supervisor of Elections Kimberle B. Weeks illegally recorded confidential conversations and disseminated the recordings.

On Friday, October 3, 2014, sworn law enforcement members from the SAO and the Florida Department of Law Enforcement (FDLE) executed a court ordered search warrant at the Flagler County Supervisor of Elections Office (SOE) located at 1769 East Moody Boulevard, Building 2, Suite 101, Bunnell, Flagler County, Florida. Subsequent to executing the search warrant, FDLE Inspector Brett Lycett and FDLE Special Agent Supervisor (SAS) Richard Ward met with Weeks in her office at the SOE and provided her a copy of the signed search warrant. During this meeting, SAS Ward read the search warrant to Weeks who, at the conclusion of SAS Ward's reading, advised that she understood the particulars of the search warrant, the areas the search warrant permitted to be searched which included her vehicle parked in the parking lot of the SOE, and the items that the search warrant permitted law enforcement to seize.

For information of the file, a copy of the search warrant read to Weeks was placed in the case file as Related Item 6.

While meeting with Weeks in her office, Inspector Lycett and SAS Ward learned that Weeks had a blue steel, Smith and Wesson .380 Body Guard automatic firearm, serial number ECF3314 concealed in her purse which was sitting on the floor of her office. At this time, the firearm was taken into temporary custody by Inspector Lycett, and Weeks was advised that the firearm would be returned to her at the conclusion of the search.

Subsequent to seizing the firearm, Inspector Lycett and SAS Ward conducted a search of Weeks' vehicle a silver in color, 2003 Mercury 4-door, VIN# [redacted] Florida license tag [redacted] which was parked in the parking lot of the SOE. This search which was photographed by SAS Ward, revealed no items of evidence. At the conclusion of the search, the vehicle was locked and the keys were returned to Weeks.

During the course of the search, Inspector Lycett took photographs of the firearm and Inspector Lindley and SAS Ward took photographs and movies of the areas being search and the items being seized. The photographs and movies were transferred by SAS Ward from the camera to

Case Number: EI-26-0074	Serial #: 6
Author: Ward, Richard Allan	Office: Executive Investigations
Activity Start Date: 10/03/2014	Activity End Date:10/03/2014
Approved By: Ladner, Robert D.	

Description: Reading Search Warrant to Weeks and taking photographs during search of the Flagler Supervisor of Elections Office

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a CD which was placed in the case file as Related Item 5.

At approximately 1700 hours on October 3, 2014, Inspector Lycett turned custody of the firearm and its magazine over to SAS Ward. Approximately one hour later at 1800 hours and at the conclusion of the search, SAS Ward turned custody of the firearm and its magazine over to Weeks.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On September 23, 2014, the SAO forwarded OEI an email that they received from Reporter Julie Murphy, with the Daytona Beach News Journal containing questions concerning the recording. Subsequently, the SAO forwarded an additional email with a link to a September 24, 2014, Palm Coast Observer news article entitled, "Weeks taped officials without permission."

On September 27, 2014, OEI Inspectors Phil Lindley and Luis Negrete met with Weeks at the Flagler County SOE offices. Weeks agreed to be interviewed but insisted that she make her own recording of the FDLE interview. Weeks produced a cellphone which she placed upon the conference table and used it to record the interview.

During the interview, Weeks was asked by Inspector Lindley for copies of the official notice of the canvassing board meeting that appeared in the newspaper, the canvassing board minutes, the sign in sheet, a complete copy of the aforementioned audio recording, the excerpted copy she reportedly provided to the press, and a copy of the reported transcript.

Weeks declined to provide the items to Inspector Lindley acting in his capacity as an Inspector with FDLE. Inspector Lindley then repeated his request for a copy of all of the items as a Public Records Request under Chapter 119, F.S.. After initially refusing, Weeks provided Inspector Lindley with a copy of the newspaper notice, the minutes, and the sign in sheet. Weeks again refused to provide a copy of the entire audio recording, or the excerpted portions of the recorded conversation she forwarded to the media, or the transcript of the excerpted portions of the conversation. Weeks stated that she wished to consult with her attorney at which time the interview concluded.

Electronic scans of the SAO emails, the news article, as well as the public notice, minutes, and sign in sheet provided by Weeks are retained as Related Item INV-1. A recording of the audio

Case Number: EI-26-0074	Serial #: 1
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 09/30/2014	Activity End Date:09/30/2014
Approved By: Ward, Richard Allan	

Description:Case initiation - interview Flagler County, Florida Supervisor of Elections (Kimberle B. Weeks

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of Weeks' interview is attached as a Related Item INV-2.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On September 29, 2014, OEI Inspector Phil Lindley contacted Mr. Ron Charles News Director for the commercial broadcast station WNZF in Bunnell, Florida concerning their reported broadcast of the recorded conversation. Mr. Charles confirmed the station broadcast the recorded conversation. Inspector Lindley also interviewed WNZF Station Manager, David L. Ayres who also confirmed broadcast of the recorded conversation. Both Charles and Ayres stated they received a copy of the audio as an attachment to an email sent by Weeks. Both Charles and Ayres forwarded Inspector Lindley the emails with the recordings that Weeks sent to them. Some of the emails bore the official electronic signature block of Kimberle B. Weeks, Flagler County Supervisor of Elections. Additionally, within the email "string" was an email originating from e-mail address: Weeks2815@aol.com.

Copies of the emails WNZF forwarded to Inspector Lindley are electronically maintained as Related Item INV-3. The audio recordings are retained in Related Item INV-2.

Case Number: EI-26-0074	Serial #: 2
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 09/30/2014	Activity End Date:09/30/2014
Approved By: Ward, Richard Allan	

Description:Information provided by radio station WNZF, Bunnell, FL

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INVESTIGATIVE REPORT**

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On September 29, 2014, Inspector Lindley contacted reporter Julie Murphy of the Daytona News Journal. Murphy declined to provide FDLE with a copy of the recorded conversation of the August 25, 2014 Canvassing Board meeting that she referenced in a published news story. Murphy referred Lindley to her Editor, Pat Rice.

On September 29, 2014, Lindley contacted Rice who agreed to forward Lindley emails the Daytona News Journal received concerning Murphy's story. Rice also agreed to forward FDLE the attachments to the email which contained the recorded conversations. Rice forwarded Lindley three emails. One email, dated September 16, 2014 was sent to reporter Nick Klasne, by Dennis McDonald. The email contained a transcription, purportedly of the conversation Weeks recorded. A second email, dated September 16, 2014, also sent to Klasne by McDonald had a recording attached. The third email was sent to reporter Julie Murphy by Weeks. Weeks email to Murphy had a recording attached.

Copies of the emails forwarded by Rice are included as Related Item INV-4. The audio records are contained in Related Item, INV-2.

Case Number: EI-26-0074	Serial #: 3
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 09/29/2014	Activity End Date:09/30/2014
Approved By: Ward, Richard Allan	

Description:Information provided by Pat Rice, Editor Daytona News Journal

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On September 30, 2014, OEI Inspector Phil Lindley conducted a telephonic, recorded interview of Mr. Albert J. Hadeed, the Flagler County Attorney. The following is a synopsis of the interview of Hadeed and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-2).

Hadeed stated he was one of the persons named by media outlets as having his conversation recorded and disseminated by Weeks. Hadeed stated that on occasions prior to the Canvassing Board meeting on August 25, 2014, he was told by Weeks that the Canvassing Board meetings would not be recorded. Hadeed said he never consented to being recorded and he was not on notice that his remarks were being recorded. Hadeed related that on the day in question, the Canvassing Board met in the Canvassing Board room and conducted Board business. Hadeed identified those present as the members of the Board, the alternate member of the Board, and Hadeed who was the Board's legal advisor. Hadeed said the Board's business ended in the room and then the Board moved to an adjacent room to continue the Board's business of counting absentee ballots. Hadeed stated he remained in the room as he was not authorized to count ballots. Hadeed said he was joined in that room by Commissioner Charles Ericksen, who as an alternate Board member, also was not authorized to count ballots. Hadeed said that he and Ericksen had a conversation. Hadeed related, as the Board was conducting business in the next room, he and Ericksen were not part of the business, and he expected his conversation was private. Hadeed stated he was giving legal advice to Ericksen as a Flagler County Commissioner and as one of his clients, and that their conversation was in the nature of an attorney-client, and it was private. Hadeed stated he had an expectation of privacy because he was in a different room than the one in which the Board was conducting business, he was not part of the ballot counting, he was not on notice that recording was taking place, he was providing legal advice, and he did not consent for it to be recorded. Hadeed related that there were no lights or other warnings displayed within the room he occupied, warning that a recording was underway.

Case Number: EI-26-0074	Serial #: 4
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 09/30/2014	Activity End Date:09/30/2014
Approved By: Ward, Richard Allan	

Description: Interview of Flagler County Attorney Albert J. Hadeed

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When asked what was used to record his conversation with Ericksen, Hadeed related that he later learned through media reports, that Weeks reportedly used an iPhone to record the private conversation between himself and Ericksen.

A copy of the Hadeed interview is retained in Related Item INV-2.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On Friday, October 3, 2014, sworn law enforcement members from the SAO and FDLE executed a court ordered search warrant at the Flagler County SOE Office located at 1769 East Moody Boulevard, Building 2, Suite 101, Bunnell, Flagler County, Florida.

The SOE computer server and Weeks' government cellphone were "imaged" and the data was retained as evidence. The cellphone was also retained for future evaluation as evidence. Weeks' desktop computer, Weeks' laptop computer, a small analog recorder, and Weeks' thumb drive were all also seized. Weeks was subsequently provided with a receipt (Related Item INV-7) for the items seized. The evidence was secured for submission to FDLE Forensic Services.

While the search was underway, signs posted on the outside of the doors to the SOE office, noting that the area was under audio and visual surveillance, were photographed (See IR #6). The office area was also photographed. Weeks provided Lindley with a listing of user IDs and passwords associated with the SOE office electronic data system, data detailing the SOE account with Google for internet and email services, and her user name and password for her cellphone. (Related Item INV-8). Weeks stated the signs had been posted by the security firm ADT and she provided a copy of the contract between the SOE and ADT, dated October 8, 2011. Weeks also gave Lindley copies of SOE billing records associated with the accounts SOE maintained with Google and ADT (Related Item INV- 11).

Additionally, Weeks provided Inspector Lindley with copies of a letter she authored, dated October 2, 2014, with attachments. Weeks stated on October 2, 2014, she attempted to email the letter to Lindley, but the server rejected the file because it was too big. According to Weeks, the email she attempted, had the following attachments: An expanded list of names of persons who attended the Canvassing Board meeting, detailed Canvassing Board minutes, copies of minutes from December 7, 1998, concerning a disputed invoice involving the County

Case Number: EI-26-0074	Serial #: 5
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 09/30/2014	Activity End Date:10/06/2014
Approved By: Ward, Richard Allan	

Description:Search Warrant

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Attorney, the Public Notice of the meeting from the Newspaper dated July 5, 2014, and an audio copy of the entire audio of the Canvassing Board meeting.

During the execution of the search warrant, Weeks called her husband and asked him to bring her personal cellphone and computer tablets to the SOE office. Weeks opened the devices and FDLE forensics personnel compared the data contained on the devices with that found by FDLE on the SOE server. The information in Weeks' personal phone and laptop appeared identical to the data imaged by FDLE. FDLE did not take possession of her personal cell phone and computer tablets.

On October 3, 2014 upon completion of the search, Lindley returned to Tallahassee with the items seized and secured the items in temporary evidence storage. On October 6, 2014 the items were receipted for by Sandy Phelps, Evidence Custodian of the Tallahassee Regional Operations Center (Related Item INV-10) .

The affidavit supporting the search warrant, the search warrant, and the order sealing the Court's records were attached as Related Item INV-9.

Scanned copies of the correspondence dated October, 2, 2014 with attachments that Weeks provided are attached as Related Item INV-12. The CD containing copies of items, as well as the oversized newspaper notice of the meeting, is retained as Related Item INV-13.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On October 6, 2014, FDLE Forensic Services began "imaging" the Dell computer tower and HP laptop seized on October 3, 2014, from the SOE during execution of a search warrant. On October 7, 2014, the imaging was completed and Assistant State Attorney Jason Lewis, SAO, in an email to OEI Inspector Lindley, authorized the return of both computers, to the SOE. During this same period, Inspector Lindley examined all electronic media presented to FDLE by SOE Weeks. Inspector Lindley determined that despite Weeks' representations, Weeks had not provided FDLE with either the full audio recording of the August 25, 2014, Canvassing Board meeting, or a copy of the excerpted portion of that audio which Weeks distributed to media outlets and to Dennis McDonald.

On October 8, 2014, Inspector Lindley obtained the Dell computer tower and the HP laptop from the FDLE Evidence Room for return to the SOE, following FDLE Forensic Services imaging and preservation of all data on both of the SOE's computers. Inspector Lindley then requested assistance from FDLE Computer Systems Specialist Britney R. Gibbs who accessed the Dell computer tower's hard drive. Gibbs located eight audio files on the hard drive with titles indicating they were recordings of Canvassing Board meetings, including one labeled August 25, 2014. Gibbs copied and downloaded the audio file onto a CD and turned custody of the CD over to Inspector Lindley who placed it in a Related Item (INV-16). Gibbs also downloaded recordings for Board meetings dated August 20th (Part 1 and Part 2), August 26th, August 28th, September 2nd, and September 12 (Part 1 and Part 2), 2014, which were copied onto CDs and were retained as a Related Item (INV-14).

On October 8, 2014, Inspector Lindley prepared a search warrant inventory and receipt which he presented to the Honorable J. Michael Traynor, Circuit Judge, Seventh Judicial Circuit. Traynor accepted the return and directed Lindley to file the paperwork, under seal, with the Flagler County Clerk of Courts. Lindley filed the return with the Clerk of Courts.

Case Number: EI-26-0074	Serial #: 7
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/06/2014	Activity End Date:10/10/2014
Approved By: Ward, Richard Allan	

Description:Return and receipt of two computers seized from Flagler County Supervisor of Elections

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On October 8, 2014 Inspector Lindley met with SOE Weeks and returned to her custody the Dell computer tower and HP laptop. Weeks placed the Dell tower into service. Weeks signed a FDLE receipt form for the computers. SAO Investigator Gina Baker witnessed the return of the computers and the signing of the receipt.

While meeting with Weeks, and subsequent to return of the computers, Weeks then presented Lindley with a CD upon which she placed a copy of the August 25, 2014 Canvassing Board audio (INV-18). Weeks also gave Lindley a single page document highlighted with yellow markings. Weeks stated the document is her best transcription of the conversation she disseminated to the media.

Scanned copies of the SAO email authorizing return of the computers, the search warrant return, including inventory and receipt, the one page transcript provided by Weeks, the receipt returning the computers to the SOE, and a four page email Weeks sent to Lindley are attached as Related Item INV-15.

The CD Weeks provided of the August 25, 2014, Canvassing Board meeting and the excerpt of the audio of that meeting Weeks emailed to Lindley on October 2014, are retained as Related Item INV-18.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On October 8, 2014, OEI Inspector Phil Lindley listened to the audio recording of the entire Flagler County Canvassing Board meeting of August 25, 2014, which was downloaded and copied from SOE Weeks' computer earlier that day (Related Item INV-14). The recording was of about 2 hours and 27 minutes duration. Inspector Lindley also compared the CD of the meeting provided by Weeks (Related Item INV-16) which was also about 2 hours and 27 minutes in duration with the copy downloaded from Weeks' computer.

NOTE: Both recordings (INV-14 and INV-16) started with a stated time of 3:00 o'clock and included final Board results reported at 6:55 o'clock. The Board meeting lasted nearly four (4) hours in duration. No explanation was provided accounting for the approximately 1 hour and 28 minute difference between the CD recordings and the documented meeting times. Each recording contained the following:

Following Board formalities and business concerning parking and incorrect ballots, from approximately 42 to 46 minutes elapsed time, 824 absentee ballots were accepted to be counted. The Canvassing Board discussed several names and at about 58 minutes elapsed time, the Board agreed to "run" these (ballots). The Board member's voices then fade. At about the 58 minute, 30 second (58:30) elapsed time, a whispered conversation was captured. The whispered conversation ends shortly before 1 hour of elapsed time and the Board member's voices again became louder. What followed was a general discussion of coffee and doughnuts that were to be purchased for the following Board meeting.

From about 1 hour, 19 minutes elapsed time, the recording was of numbers being counted. At about the 1 hour and 44 minute elapsed time point, there was discussion of a "zero report" and discussion that the report had to be signed. At about the 2 hour, 13 minute point, there was discussion of a final count followed by statements the time was "6:55" and the report signed. The audio included captured conversation where Canvassing Board member

Case Number: EI-26-0074	Serial #: 8
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/08/2014	Activity End Date: 10/13/2014
Approved By: Ward, Richard Allan	

Description: Review of recording of the August 25, 2014 Canvassing Board meeting

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Commissioner George Hanns left (Note: The sign-in sheet indicated Hanns signed out at "6:57 p.m." (Related Item INV-12). Following Hanns' departure, the audio continued to recorded a conversation between a male voice and female voice which lasted several minutes. The audio captured the discussion, what sounded like the gathering of effects, a conversation that appeared to be recorded while walking, and what sounded like keys unlocking a door. The audio then went silent and ended at about the 2 hour and 27 minutes point on the counter.

The above were noted portions and the entire recording should be reviewed for content and context.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
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On October 9, 2014, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor, conducted a sworn and recorded interview of D. Melissa Moore Stens, County Judge, Flagler County, Florida. During the course of her interview, Judge Moore Stens listened to portions of the audio recording of the August 25, 2014 Canvassing Board meeting. Judge Moore Stens identified her own voice on that recording and was able to identify the voices of others in attendance. Judge Moore Stens also reviewed published minutes of the Canvassing Board meeting and she referred to those minutes when giving her statement.

The following is a synopsis of the interview of Judge Moore Stens and should not be considered a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-17).

Judge Moore Stens stated she was aware through media reports, of the conversation between County Attorney Hadeed and alternate Canvassing Board member Ericksen. Judge Moore Stens stated the recorded conversation the media reported, was not part of the Canvassing Board's public meeting. Judge Moore Stens stated that she, and Canvassing Board members SOE Weeks, and Commissioner Hanns had left the Canvassing Board meeting room and gone to the tabulation area in the next room to count ballots when that conversation was recorded. Neither County Attorney Hadeed, or Commissioner Ericksen were part of the Board's business when that conversation recorded. Judge Moore Stens also stated that there was no advanced notice that the Board's meetings were being recorded.

The audio recording of Judge Moore Stens statement was included in Related Item (INV-17).

Case Number: EI-26-0074	Serial #: 9
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/09/2014	Activity End Date:10/13/2014
Approved By: Ward, Richard Allan	

Description: Interview Judge Melissa Moore Stens

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On October 9, 2014, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Charles Ericksen, Jr., County Commissioner and an Alternate Canvassing Board member, Flagler County, Florida. During the course of his interview, Ericksen listened to portions of the audio recording of the August 25, 2014, Canvassing Board meeting including a conversation between himself and County Attorney Al Hadeed. Ericksen identified his own voice on that recording and was able to identify the voices of others in attendance.

The following is a synopsis of the interview of Ericksen and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-17).

Ericksen stated that prior to August 25, 2014, Weeks stated to the Board, that Board meetings would not be recorded and that she would take minutes of the meetings by hand. Ericksen said he and the Board only learned the Board was being recorded, after several meetings had passed. It was at a later Board meeting (The September 2, 2014, Canvassing Board meeting) that Weeks presented detailed minutes of several past meetings to the members of the Board for their review. When Ericksen received the lengthy minutes, he commented to Weeks that the minutes contained a lot of detailed notes. It was after Ericksen's comment, Weeks told the Board that she had been recording Board meetings.

Ericksen stated that he was not aware when he talked with Hadeed on August 25, 2014, that he was being recorded by Weeks. Ericksen stated that the Canvassing Board was next door in the tabulation area and he was not allowed to act on Board business because he was an alternate. Ericksen said he believed the conversation was private and their conversation was not part of the Canvassing Board public meeting.

Case Number: EI-26-0074	Serial #: 10
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/09/2014	Activity End Date:10/14/2014
Approved By: Ward, Richard Allan	

Description: Interview of Commissioner Charles Ericksen, Jr.

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Ericksen said he talked with Hadeed privately in the Canvassing Board meeting room. Ericksen stated he did not remember the conversation as confidential, but that he whispered so as not to disturb those who were tabulating ballots in the next room. During the course of the conversation, Erickson said he and Hadeed were later joined by Commissioner George Hanns. Ericksen identified Hanns' voice on the recorded conversation saying, "She's not taping it, anyway."

The audio recording of Ericksen's statement was included in Related Item (INV-17).

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
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On October 9, 2014, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Dennis McDonald at the SAO in Bunnell, Flagler County, Florida. The following is a synopsis of the interview of McDonald and should not be considered a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-17).

McDonald stated that he was present at the Canvassing Board meeting on August 25, 2014, from the meeting's start at 3:00 p.m. through the end of the meeting at 6:55 p.m. and he remained afterwards. (Note: The copy of the visitor sign-in sheet, provided by the SOE (INV-12) indicates McDonald signed in at 2:58 p.m. and signed out at 4:33 p.m. on August 25, 2014). McDonald recalled that prior to the start of the Canvassing Board meeting, SOE Weeks asked all in attendance if they objected to Weeks recording the session, and that Weeks had her phone on the table which was the recording device. McDonald stated no one objected to recording.

McDonald confirmed that he forwarded radio station WNZF, via email, the recording of Attorney Hadeed and Commissioner Ericksen's conversation. McDonald related that he had requested Weeks provide him a copy of the conversation recorded between Attorney Hadeed and Commissioner Ericksen, and that Weeks emailed McDonald the recording. McDonald stated that he recalled observing Hadeed and Ericksen in conversation, but McDonald said he had no idea what the two were talking about.

McDonald advised that he still had the email Weeks forwarded him with the recorded conversation attached. McDonald agreed to forward Weeks' email to Lindley.

The audio recording of McDonald's was included in Related Item (INV-17).

Case Number: EI-26-0074	Serial #: 11
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/09/2014	Activity End Date:10/14/2014
Approved By: Ward, Richard Allan	

Description: Interview of Dennis McDonald

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On October 9, 2014, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor, conducted a sworn and recorded interview of Albert J. Hadeed, County Attorney and Attorney for the Canvassing Board, Flagler County, Florida. During the course of his interview, Hadeed listened to portions of the audio recording of the August 25, 2014 Canvassing Board meeting. Hadeed identified his own voice on that recording and was able to identify the voices of others in attendance. The following is a synopsis of the interview of Hadeed and should not be considered a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-17).

Hadeed was previously interviewed telephonically by Inspector Lindley on September 30, 2014 (INV-2). Hadeed adopted his previous statement as true and expanded upon the details he previously provided. Hadeed stated on August 25, 2014, the Canvassing Board moved its business into the adjacent tabulating room and Hadeed remained alone in the Canvassing Board conference room working on other matters. Hadeed said that Commissioner Charles Ericksen entered the conference room and they had the conversation that was recorded and played by the media. Hadeed stated that he whispered to Ericksen in order to keep the conversation private. Hadeed stated that he did not know he was being recorded, there was no notice that recording was underway, and he had not consented to be recorded. Hadeed stated that he and Ericksen were joined by Commissioner George Hanns and it was Hanns who stated words in the recorded conversation, that she (Weeks) wasn't taping, anyway.

Hadeed stated that in five or six prior election cycles, Weeks had brought a micro cassette recorder into the Board meetings and Weeks would announce she was recording. Hadeed stated that Weeks turned on and off the recorder as the Board went on and off the record. Hadeed said that at the beginning of the current election cycle, Weeks announced that she would no longer record meetings and the Board agreed. Hadeed stated that the Board did not

Case Number: EI-26-0074	Serial #: 12
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/09/2014	Activity End Date:10/14/2014
Approved By: Ward, Richard Allan	

Description:Second interview of County Attorney Hadeed

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learn that Weeks was again recording, until September 2, 2014, when Weeks provided the Board with detailed minutes of several of the past meetings. Hadeed listened to the final several minutes of the recording of August 25, 2014, and identified the point at 6:55 when the Board concluded public business and Commissioner Hanns departed, and the meeting adjourned. Hadeed noted that the further recorded conversation, between Hadeed and Weeks, was not a part of the public meeting. Hadeed stated he was unaware that his remarks were recorded and he did not consent to his remarks after the meeting being recorded. Hadeed noted that portion of the recording capturing his conversation after the meeting, was off his private conversation with Weeks up to the point Weeks walked Hadeed to and opened the office door. The recording ended after Hadeed left the building.

The audio recording of Hadeed's statement was included in Related Item (INV-17).

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
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On October 9, 2014, OEI Inspector Phil Lindley and SAO Investigator Mike Taylor conducted a sworn and recorded interview of Ms. Julie Murphy. Murphy is a reporter with the Palm Coast Observer and the Daytona Beach News Journal papers.

The following is a synopsis of the interview of Murphy and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-17).

Murphy stated that she was asked by Weeks to come to Week's office, to discuss a newspaper article concerning whether County Attorney Al Hadeed should be reaffirmed as the Canvassing Board Attorney. Murphy stated that during the conversation with Weeks, Weeks asked if Murphy had a copy of the recorded conversation between Hadeed and Ericksen that was the subject of various media reports. Murphy said she told Weeks that she did not have a copy and that Weeks offered Murphy a copy of the recording. Murphy stated that she received an email from SOE Weeks dated September 17, 2014, and that the email included an attachment with an audio recording of the August 25, 2014, conversation between Attorney Al Hadeed and Commissioner Charles Ericksen. Murphy printed and provided Lindley with a copy of the email Weeks sent to Murphy disseminating the recording to Murphy. A copy of the email Murphy provided was attached as Related Item (INV-19).

The audio recording of Murphy's statement was included in Related Item (INV-17).

Case Number: EI-26-0074	Serial #: 13
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/09/2014	Activity End Date:10/14/2014
Approved By: Ward, Richard Allan	

Description:Julie Murphy interview

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On Friday, October 3, 2014, sworn law enforcement members from the SAO and FDLE executed a court ordered search warrant at the Flagler County SOE Office located at 1769 East Moody Boulevard, Building 2, Suite 101, Bunnell, Flagler County, Florida.

The purpose of this IR is to document the forensic imaging of the server on-site.

On October 3, 2014, System Programming Consultant (SPC) Tim Langdon entered the main server area of the office. SPC Langdon located a Dell Poweredge R710 Server with a Serial number 5WYD5L1. The server was powered on and the operating system was Windows Server 2008. SPC Langdon allowed the server administrator to shut down the database functions of this server while SPC Langdon observed. After the database functions were shut down, SPC Langdon shut down the server using the normal shutdown procedure in Windows.

SPC Langdon removed 8 drives from the server and these drives were forensically imaged using a Talon Forensic Imager, a Tableau TD2 Forensic Imager and FTK 3.1 Imager. SA Keesha Nauss assisted SPC Langdon in imaging these drives. The serial numbers and descriptions of the drives in the server and the drives that were used for the imaging are as follows.

- Drive 0-Toshiba 250GB SATA HD Serial K85ET9A25U58 imaged to Western Digital WD7500AZEX 750GB HD Serial WCC1S6494519
- Drive 1-Toshiba 250GB SATA HD Serial K85ET9A25U74 imaged to Western Digital WD7500AZEX 750GB HD Serial WMC1S3139391
- Drive 2-Toshiba 250GB SATA HD Serial K85ET9A25U60 imaged to Western Digital WD External 1TB HD Serial WXS1CB152552-FTK 3.1
- Drive 3-Toshiba 250GB SATA HD Serial K85ET9A25U75 imaged to Western Digital WD10EADS 1TB HD Serial WCAV57997878

Case Number: EI-26-0074	Serial #: 14
Author: Langdon, Timothy Brian	Office: Office of Field Services
Activity Start Date: 10/03/2014	Activity End Date:10/03/2014
Approved By: Duffey, Michael Christopher	

Description:On Scene Forensic Imaging

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- Drive 4-Toshiba 250GB SATA HD Serial K85ET9A25U62 imaged to Western Digital WD10EFRX 1TB HD Serial WCC1U1075580
- Drive 5-Toshiba 250GB SATA HD Serial K85ET9A25U72 imaged to Western Digital WD7500AZEX 750GB HD Serial WCC1S6268656
- Drive 6-Toshiba 250GB SATA HD Serial K85ET9A25U71 imaged to Western Digital WD7500AZEX 750GB HD Serial WMC1S3139257
- Drive 7-Toshiba 250GB SATA HD Serial K85ET9A25UH6 imaged to Western Digital WD1002FAEX 1TB HD Serial WCATRC078447

After the imaging of all drives was completed, the drives were reinserted into the server. The server was powered on and the server administrator tested the functionality of the server and found it was working properly.

All of the drives containing the forensic images were bagged and given to SA Phil Lindley. No further action was required of SPC Langdon.

A Digital Evidence Triage Form was filled out for this item and will be added to the related items for this case.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On October 15, 2014, OEI Inspector Phil Lindley and SAO Investigator Gina Baker conducted a sworn and recorded interview of David L. Ayres, Vice President and General Manager of radio station WNZF in Bunnell, Florida. The interview was in follow-up to Ayres September 29, 2014 interview (IR-2). The following is a synopsis of the interview of Ayres and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-22).

Ayres related that on September 15, 2014, he received an unsolicited email from SOE Weeks (INV-3). Weeks' email was from her official SOE email account and contained an attached audio file (INV-2) of a recorded conversation between Commissioner Ericksen and County Attorney Hadeed that Weeks recorded during a August 25, 2014, Canvassing Board meeting.

Case Number: EI-26-0074	Serial #: 15
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/15/2014	Activity End Date:10/21/2014
Approved By: Ward, Richard Allan	

Description: Interview of David Ayres, General Manager WNZF radio

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On October 15, 2014, OEI Inspector Phil Lindley and SAO Investigator Gina Baker conducted a sworn and recorded interview of Ron Charles, News Director of radio station WNZF in Bunnell, Florida. The interview was in follow-up to Charles September 29, 2014, interview (IR-2). The following is a synopsis of the interview of Charles and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-23).

Charles stated that on September 19, 2014 he received an email from SOE Weeks (INV-3). Weeks email was from her official email account and contained an attached audio file (INV-2) of a recorded conversation between Commissioner Ericksen and County Attorney Hadeed that Weeks recorded during an August 25, 2014, Canvassing Board meeting. Charles related that he did not ask Weeks for the recording.

Case Number: EI-26-0074	Serial #: 16
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/15/2014	Activity End Date:10/21/2014
Approved By: Ward, Richard Allan	

Description: Interview of Ron Charles, News Director WNZF radio

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On October 15, 2014, OEI Inspector Phil Lindley and SAO Investigator Gina Baker conducted a sworn and recorded interview of Flagler County Commissioner, George Hanns. Hanns is a member of the Flagler County Canvassing Board. The following is a synopsis of the interview of Hanns and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-24).

Hanns stated that he was present on August 25, 2014, when the Canvassing Board was called to order at 3:00 p.m. Hanns said that Weeks gave no notice that the meeting was being recorded. Hanns related that in fact, on August 8, 2014, in response to a question by Hanns, Weeks told the Canvassing Board that she would not be recording the Board's meetings leading up to the election. Hanns stated the Board was in session until he signed the election results at 6:55 p.m., and if the meeting was recorded, any recording made should have been nearly four (4) hours in duration. (Note: The recording of the meeting provided to Inspector Lindley by Weeks (INV-16) and the recording FDLE downloaded from Weeks' computer (INV-14) were reviewed (IR-8) and both were of about 2 hours and 27 minutes duration.)

Hanns listened to portions of the recording of the August 25, 2014, Canvassing Board meeting (INV-16). Hanns was able to identify the voices of those who Weeks recorded including the voices of Attorney Al Hadeed and Commissioner Charles Ericksen, and his own voice. Hanns stated Hadeed and Ericksen were recorded while they were in the Canvassing Board conference room. Hanns stated, at that time, the Canvassing Board was conducting its business next door, in the tabulation area. Hanns said Hadeed and Ericksen's conversation was not part of the Board's business and it was private. Hanns stated he entered the conference room and he joined Hadeed and Ericksen during their conversation. Hanns identified that it was his voice saying on the recording, "She's not taping, anyway." Hanns said it was a "total shock" when he later learned that the private conversation was recorded.

Case Number: EI-26-0074	Serial #: 17
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/15/2014	Activity End Date: 10/22/2014
Approved By: Ward, Richard Allan	

Description: Interview of Commissioner George Hanns

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IR Number	17

Hanns said that he was not present at the September 2, 2014, Canvassing Board meeting when Weeks informed the Board that she had been recording their meetings. Hanns related that Ericksen told him of the recording. Hanns said, prior to Ericksen telling him sometime after September 2, 2014, he had no idea that Weeks had been recording their conversations.

Hanns provided Lindley with a "screen shot" from his computer showing an email Hanns received from a constituent dated 9/19/2014, that contained a transcript of Hadeed and Ericksen's conversation, along with the comment that Hanns entered the conversation and that Hanns made the comment that she is not taping it, anyway. The email Hanns provided was retained in the Related Items (INV-25).

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On October 16, 2014, OEI Inspector Phil Lindley conducted a sworn and recorded interview of Palm Coast, FL City Clerk, Virginia Smith. The following is a synopsis of the interview of Smith and should not be considered as a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-26).

Smith stated that she was present on August 25, 2014, when the Canvassing Board was called to order at 3:00 p.m. Smith said that she arrived at the meeting before Weeks arrived and that when Weeks entered the meeting, Weeks did not inform anyone that the meeting would be recorded. Smith stated that she did not observe a recording device in the Canvassing Board room and there were no visual signs the meeting was being recorded. Smith said she only learned the meeting was recorded after the September 12, 2014, Board meeting. Smith related that she attended the first part of the Board meeting for an hour, to an hour and a half, while the Board addressed business involving the City of Palm Coast's upcoming election. Smith stated that after the Board finished issues with Palm Coast she departed, but she had to go back to sign out of the meeting. Smith said that when she returned to sign out, she observed Weeks speaking with a local reporter named Pierre Tristam, who had a camera in the tabulation area. (Note: Inspector Lindley reviewed (IR-8) the recorded meeting (INV-14) and Week's conversation with Tristam was not included on the recording.)

Case Number: EI-26-0074	Serial #: 18
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/15/2014	Activity End Date:10/24/2014
Approved By: Ward, Richard Allan	

Description: Interview Virginia Smith, Palm Coast FL City Clerk

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On October 27, 2014, OEI Inspector Phil Lindley listened to the audio recordings of the Flagler County Canvassing Board meeting of August 20, 2014, which were downloaded and copied from SOE Weeks' computer (Related Item INV-14). The audio files were labeled "Canvassing Board Aug 20, 2014 Part 1 and Part 2". Part 1 was of about 2 hours and 52 minutes in duration, and Part 2 was of about 3 minutes and 30 seconds in duration.

Part 1 of the recording concerned issues the Canvassing Board discussed regarding the use of City of Palm Coast facilities, during elections. Inspector Lindley noted a comment at about the 30 minute and 30 second time point on the Part 1 recording, where a female voice stated she "taped that conversation". Lindley also noted that at about the 37 minute and 15 second time point of the Part 1 recording, there was a faint male voice, and a female voice twice being heard saying, "Can you come closer?" The male voice then gets louder and more understandable.

Inspector Lindley noted that at about the 1 hour, 44 minute portion of Part 1, a voice indicted the Board recessed until 4 o'clock and then there was continued discussion. There was no apparent break to the recording and at about the 1 hour and 55 minute portion of the recording, there was a comment that the Board had recessed at about 11 a.m. and it was now 4:00 p.m., and the meeting was called to order. Near the 2 hour and 52 minute point on the recording, there was a comment that the next meeting would be August 25, 2014, and the statement that the time of adjournment was 4:56 p.m.

Part 2 of the recording included a comment that it was 8:05 a.m., when the meeting was called to order. After opening formalities, there was discussion of 848 absentee ballots to process.

The above were noted portions and the entire recordings should be reviewed for content and context.

Case Number: EI-26-0074	Serial #: 19
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/27/2014	Activity End Date: 10/27/2014
Approved By: Ward, Richard Allan	

Description: Review of recordings, Flagler Canvassing Board meeting August 20

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On October 28, 2014, OEI Inspector Phil Lindley listened to the audio recording of the Flagler County Canvassing Board meeting of August 26, 2014, which was downloaded and copied from SOE Weeks' computer (Related Item INV-14). The audio file was of about 3 hours and 23 minutes duration and the recording was of the Canvassing Board tabulating election results. The recording included a statement that it was 6:05 p.m. when the meeting commenced, and a statement that it was 9:56 p.m. when the Board adjourned.

Inspector Lindley noted two comments on the recording that concerned the use of the restroom, one comment was at about the 16 minute point and the other was at about the 37 minute 30 second point. (NOTE: The issue of Weeks' monitoring the use of the restroom reportedly initiated on August 25, 2014, at the Canvassing Board meeting, when Weeks insisted Commissioner Charles Ericksen must be accompanied when he went to the restroom. Although witnesses confirmed that conversation between Ericksen and Weeks took place, the conversation was not included on the Canvassing Board recording recovered from Weeks' computer (INV-16) and the copy Weeks provided to Lindley (INV-18)). Lindley also noted a comment at about the 29 minute point on the recording, "Is anybody recording?"

The above were noted portions and the entire recording should be reviewed for content and context.

Case Number: EI-26-0074	Serial #: 20
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/28/2014	Activity End Date:10/28/2014
Approved By: Ward, Richard Allan	

Description: Review of recording, Canvassing Board meeting August 26, 2014

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On October 30, 2014, OEI Inspector Phil Lindley listened to an audio recording of the Flagler County Canvassing Board meeting that occurred on August 28, 2014, which was downloaded and copied from SOE Weeks' computer (Related Item INV-14). The audio file was about 1 hour and 19 minutes in duration and the recording was of the Canvassing Board considering provisional ballots. The recording included a statement that it was 5:02 p.m. when the Board commenced, and a statement that it was 6:21 p.m. when the Board adjourned.

Inspector Lindley noted discussion on the recording that concerned the provisions of Florida's Open Meeting law (Sunshine law) at about the 21 minute point of the recording. (NOTE: SOE Weeks previously stated she had authority to record conversations under the Sunshine law).

The above was noted and the entire recording should be reviewed for content and context.

Case Number: EI-26-0074	Serial #: 21
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/30/2014	Activity End Date:10/30/2014
Approved By: Ward, Richard Allan	

Description:Review of Flagler County Canvassing Board recording August 28, 2014

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On October 31, 2014, OEI Inspector Phil Lindley listened to the audio recording of the September 2, 2014, Flagler County Canvassing Board meeting that was downloaded and copied from SOE Weeks' computer (Related Item INV-14). The audio file was of about 1 hour and 18 minutes in duration. Initially, the Board noted that Commissioner George Hanns was absent and alternate member Commissioner Charles Ericksen acted in his place. The recording included a statement that it was 10:06 a.m., when the Board commenced, and a statement that it was 11:24 a.m., when the Board adjourned.

Inspector Lindley noted the following comments on the recording at the approximate times indicated on the elapsed time counter:

13:30 Weeks distributed amended minutes to the Board.

23:45 Male Voice: You must have taken copious notes.

23:50 Female Voice: I taped it.

58:15 Discussion of an incident at the August 25, 2014 Board meeting that involved media reporter Pierre Tristam (See IR # 18).

1:05:00 Extended discussion of:

- Tristam's confrontations at the August 25, 2014, Board meeting;
- Monitoring Ericksen when he went to the restroom (See IR # 20); and,
- An objection made by Weeks, that attorney Al Hadeed was not a Board member and therefore his comments were not part of the Board minutes.

Inspector Lindley also noted discussion at about the 1 hour and 2 minute point of the recording,

Case Number: EI-26-0074	Serial #: 22
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/31/2014	Activity End Date:10/31/2014
Approved By: Ward, Richard Allan	

Description:Review of audio recording, Flagler Canvassing Board meeting Sep 2, 2014

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IR Number	22

pertaining to the handicap ramp at the Supervisor of Elections office. (Note: Tristram reportedly obtained an audio of that discussion and posted the recording to his blog.)

The above were noted portions and the entire recording should be reviewed for content and context.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On November 3, 2014, OEI Inspector Phil Lindley listened to the audio recordings of the Flagler County Canvassing Board meeting of September 12, 2014, which were downloaded and copied from SOE Weeks' computer (Related Item INV-14). The audio files were labeled "Canvassing Board Sept 12, 2014, Part 1 and Part 2". Part 1 was of about 12 minutes and 34 seconds in duration, and Part 2 was of about 2 hours and 17 minutes duration.

Part 1 of the recording began with a stated starting at 2:34 p.m., and addressed draft Board minutes of 20, 25, and 28 August 2014. The Board engaged in a discussion that regarded recording Board meetings and addressed the issue of dissemination of meeting minutes. A female voice indicated she started recording the Board meetings on August 20, 2014, because of issues that involved the City of Palm Coast. The female voice expressed concern over security in the building because a reporter named Pierre Tristam, obtained a recording of comments she made at a Board meeting on September 2, 2014. The female questioned who recorded the Canvassing Board meeting. The female pressed for answers of who provided a copy of the recording to Tristam. One female voice and one male voice indicated they recorded the September 2, 2014, Board meeting. The female voice said she had an issue to address and she stated she was pausing the recording.

Part 2 of the recording commenced with a lengthy discussion of the audio recording of the August 25, 2014, conversation between Attorney Al Hadeed and alternate Board member, Charles Ericksen. Voices on the Part 2 recording included the names of each speaker. Weeks stated that the Board was outside of the room when the conversation between Hadeed and Ericksen was recorded. Weeks, Hadeed, Ericksen, Judge Moore Stens, and Commissioner George Hanns all commented. Weeks returned the discussion to the audio Tristam obtained of the September 2, 2014, Board meeting and Weeks' again expressed her concern over the issue of building security. Weeks queried Tristam regarding their recorded conversation. Tristam declined to name the source who provided him the recording of Weeks' remarks.

Case Number: EI-26-0074	Serial #: 23
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 11/03/2014	Activity End Date:11/04/2014
Approved By: Ward, Richard Allan	

Description:Review Flagler Canvassing Board recording Sept 12, 2014 Part 1 and Part 2

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(Note: Recording Part 2 conversations were confrontational in tone).

At about 15 minute 30 second point of the recording, the Board discussed matters associated with the City of Palm Coast and continued that discussion until about the 1 hour and 47 minute point. The Board then discussed the provisions of Florida's Open Meeting law and emails between Board members. At about 1 hour and 45 minutes, the Board discussed provisional ballots which was followed by a discussion of parking for the disabled. At about the 2 hour point, the Board opened the meeting for public comment and a heated discussion ensued. The Board meeting ended at a stated time of 5:07 p.m.

**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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In response to a subpoena duces tecum, issued by the SAO, GoDaddy.com responded with a disc that contained the subscriber account information for the Flagler County SOE Office. GoDaddy also provided A Certificate of Authenticity for the records provided.

The CD containing the subscriber information was attached to the case file as INV-27.

The GoDaddy.com transmittal letter, the Certificate of Authenticity, a copy of the SAO subpoena duces tecum, and a printout of the CD contents was attached to the case file as INV-28.

Case Number: EI-26-0074	Serial #: 24
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 11/07/2014	Activity End Date:11/20/2014
Approved By: Ward, Richard Allan	

Description:GoDaddy response to subpoena for subscriber account data

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
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The SAO requested the recorded sworn statements of the various witness interviews be transcribed. In response to the SAO request, FDLE obtained the following written transcripts which will be electronically attached to the case file as Related Items 29 through 41:

- The transcript of the interview of SOE Weeks, conducted on September 27, 2014, is attached to the case file as INV-29.
- The transcript of the telephonic interview of Flagler County Attorney Al Hadeed, conducted on September 30, 2014, is attached to the case file as INV-30.
- The transcript of the interview of County Judge Melissa Moore Stens, conducted on October 9, 2014, is attached to the case file as INV-31.
- The transcript of the interview of County Commissioner Charles Ericksen, conducted on October 9, 2014, is attached to the case file as INV-32.
- The transcript of the interview of Dennis McDonald, conducted on October 9, 2014, is attached to the case file as INV-33.
- The transcript of the second interview of Hadeed, conducted on October 9, 2014, is attached to the case file as INV-35.
- The transcript of the interview of Reporter Julie Murphy, conducted on October 9, 2014, is attached to the case file as INV-36.
- The transcript of the interview of Dave Ayres, WNZF radio, conducted on October 15, 2014, is attached to the case file as INV-37.
- The transcript of the interview of Ron Charles, WNZF radio, conducted on October 15, 2014, is attached to the case file as INV-38.
- The transcript of the interview of Commissioner George Hanns, conducted on October 15, 2014, is attached to the case file as INV-39.
- The transcript of the added information provided by Ericksen on October 15, 2014, is attached to the case file as INV-40.
- The transcript of the interview with City of Palm Coast Clerk Virginia Smith on October 16, 2014, is attached to the case file as INV-41.

Case Number: EI-26-0074	Serial #: 25
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 11/20/2014	Activity End Date:11/20/2014
Approved By: Ward, Richard Allan	

Description: Transcripts of recorded interviews

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
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On October 14, 2014, OEI Inspector Phil Lindley returned a telephone call to Michael H. Lambert, the attorney representing SOE Weeks. During that telephone call, Lindley stated to Lambert that the recording Weeks provided to FDLE of the August 25, 2014, Flagler County Canvassing Board meeting, was only about 2 hours and 25 minutes in duration. The stated times the meeting opened and closed were nearly 4 hours in duration and that it appeared that about an hour and a half of recording was missing. Lindley asked Lambert to obtain from Weeks the entire four hour recording and provide it to FDLE.

On November 20, 2014, Lindley received a letter from Lambert with an affidavit, dated October 14, 2014, attached. Weeks signed the affidavit. In the affidavit Weeks stated that she used her phone to record the August 25, 2014 Board meeting and that she had turned the phone recorder on and off during the meeting.

A scanned copy of the affidavit, the letter, and the envelop was retained as a Related Item, INV-42.

Case Number: EI-26-0074	Serial #: 26
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 10/14/2014	Activity End Date:11/21/2014
Approved By: Ward, Richard Allan	

Description:Affidavit provided by Weeks' attorney

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On December 31, 2014, OEI Inspector Phil Lindley, received from FDLE forensics, a report containing data copied from Week's cell phone. Lindley reviewed the data and noted an extended recording of the Flagler County Canvassing Board meeting recorded on August 20, 2014. The extended recording included a conversation between Judge D. Melissa Moore-Stens and another person. The captured recording of Judge Stens' conversation occurred after the Canvassing Board announced adjournment at 4:56 p.m., and was not included in the public records version of the Canvassing Board meeting.

A copy of the recording is retained in the case file as a Related Item (INV-43).

Case Number: EI-26-0074	Serial #: 27
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/12/2015
Approved By: Ward, Richard Allan	

Description:Preliminay forensic data - Weeks' cell phone. Recording Judge Moore-Stens

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**FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT**

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On December 31, 2014, OEI Inspector Phil Lindley, received from FDLE forensics, a report containing data copied from Week's cell phone. Lindley reviewed the data and on January 7, 2015, noted an extended recording of a telephone conversation between the Honorable Kenneth W. Detzner, Florida Secretary of State and Weeks. Electronic encoding indicated the conversation was recorded on Weeks' cellphone on April 3, 2014. In that recording, Weeks asked Detzner for permission to record the telephone call. Detzner objected to Weeks recording the call and told Weeks she could not record the call. Also identified on the recording were attorneys John A. "Drew" Atkinson, Gary J. Holland, and Ronald A. Labasky.

On January 7, 2015, Lindley noted an extended recording, encoded data indicated the recording was made on April 4, 2014, and the contents of the recording indicated Weeks disseminated the recording of the April 3, 2014 telephone call with Detzner. Weeks voice was recorded saying she did not know if making the recording was legal.

A copy of both recordings is retained in the case file as a Related Item (INV-44).

Case Number: EI-26-0074	Serial #: 28
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 12/31/2014	Activity End Date:01/12/2015
Approved By: Ward, Richard Allan	

Description:Preliminary forensic data - Week's cell phone - Recording Ken Detzner, Fla Sec State

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On January 8, 2015, OEI Inspectors Brett Lycett and Phil Lindley conducted a sworn and recorded interview of J. Andrew Atkinson, General Counsel to the Florida Secretary of State. Atkinson listened to the recording of the April 3, 2014 telephone call between Florida Secretary of State Ken Detzner and Weeks.

The following is a synopsis of the interview of Atkinson and should not be considered a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-45).

Atkinson had independent recollection of the telephone call and used his personal calendar to confirm the conversation happened on April 3, 2014. Detzner and the attorneys who were parties to the call, were in Tallahassee, FL. Atkinson said Weeks, to the best of his knowledge, called from Flagler County, FL. Atkinson identified the voices on the recording, including Weeks', Detzner's, Assistant Director, Florida Division of Elections, Gary Holland, and Ron Labasky, General Counsel, to the Florida Association of Supervisors of Elections. Atkinson related that the recording was made without consent. Atkinson stated the phone call was not subject to Florida "sunshine law" and was not an open meeting for purposes of making the recording.

Case Number: EI-26-0074	Serial #: 29
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 01/08/2015	Activity End Date:01/12/2015
Approved By: Ward, Richard Allan	

Description: Interview of J. Andrew (Drew) Atkinson, General Counsel, Fla SecState

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
INVESTIGATIVE REPORT

This investigation is predicated upon information from the Office of the State Attorney (SAO), Seventh Judicial Circuit, forwarded on September 23, 2014, to the Florida Department of Law Enforcement (FDLE), Office of Executive Investigations (OEI), for review. The information included allegations that confidential conversations were illegally recorded by Flagler County Supervisor of Elections (SOE), Kimberle B. Weeks in conjunction with a Canvassing Board meeting that occurred on August 25, 2014. Weeks also reportedly disseminated the recording to media outlets.

On January 12, 2015, OEI Inspectors Brett Lycett and Phil Lindley conducted a sworn and recorded interview of Gary J. Holland, Assistant Director, Florida Division of Elections. Holland listened to the recording of the April 3, 2014 telephone call between Florida Secretary of State Ken Detzner and Weeks. Holland was identified as one of the persons who participated in that call.

The following is a synopsis of the interview of Holland and should not be considered a verbatim transcription. For exact details, refer to the recorded statement that was placed into the Related Items section of this case file (INV-46).

Holland had independent recollection of the telephone call. Holland stated he did not give his consent to be recorded. Holland stated he knew of no provision in Florida Law that would allow Weeks to record his conversation without consent.

Case Number: EI-26-0074	Serial #: 30
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 01/12/2015	Activity End Date:01/12/2015
Approved By: Ward, Richard Allan	

Description: Interview of Gary J. Holland, Assistant Director, Florida Div of Elections

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The SAO requested the recorded sworn statements of the various witness interviews be transcribed. In response to the SAO request, FDLE obtained the written transcript of the interview of Florida Department of State General Counsel, Drew Atkinson, which will be electronically attached to the case file as Related Item (INV-47).

Case Number: EI-26-0074	Serial #: 31
Author: Lindley, Philip William	Office: Executive Investigations
Activity Start Date: 01/16/2015	Activity End Date:01/16/2015
Approved By: Ward, Richard Allan	

Description:Transcript of Interview with Dept of State General Counsel Drew Atkinson

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