



## THE FLORIDA BAR

651 EAST JEFFERSON STREET  
TALLAHASSEE, FL 32399-2300

JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

850/561-5600  
WWW.FLORIDABAR.ORG

December 24, 2014

Mr. Albert J Hadeed  
1769 E Moody Blvd Bldg 2  
Bunnell, FL 32110-5991

Re: Complaint by Kimberle B. Weeks against Albert J Hadeed  
The Florida Bar File No. 2015-30,587 (7B)

Dear Mr. Hadeed:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **January 8, 2015**. Responses should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material. **You are further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Please note that pursuant to Rule 3-7.1(b), Rules of Discipline, any reports, correspondence, papers, recordings and/or transcripts of hearings received from either you or the complainant(s) shall become a part of the public record in this matter and thus accessible to the public upon a disposition of this file. It should be noted that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain. Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form. Further, please notify this office, in writing, of any pending civil, criminal, or administrative litigation which pertains to this grievance. Please note that this is a continuing obligation should new litigation develop during the pendency of this matter.

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DEC 29 2014

COUNTY ATTORNEY  
FLAGLER COUNTY, FLORIDA

Mr. Albert J Hadeed  
December 24, 2014  
Page Two

Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

A handwritten signature in black ink, appearing to read 'Annemarie Craft', with a stylized flourish at the end.

Annemarie Craft, Bar Counsel  
Attorney Consumer Assistance Program  
ACAP Hotline 866-352-0707

Enclosures (Certificate of Disclosure, Notice of Grievance Procedures, Copy of Complaint,  
Notice - Mailing Instructions)

cc: Ms. Kimberle B. Weeks

Pursuant to Rule 3-7.1(f), Rules of Discipline, you must execute the appropriate disclosure paragraph below and return the form to this office by **January 8, 2015**. The rule provides that the nature of the charges be stated in the notice to your firm; however, we suggest that you attach a copy of the complaint.

### CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, a true copy of the foregoing disclosure was furnished to \_\_\_\_\_, a member of my present law firm of \_\_\_\_\_, and, if different, to \_\_\_\_\_, a member of the law firm of \_\_\_\_\_, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2015-30,587 (7B).

\_\_\_\_\_  
Albert J Hadeed

### CERTIFICATE OF DISCLOSURE (Corporate/Government Employment)

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, a true copy of the foregoing disclosure was furnished to \_\_\_\_\_, my supervisor at \_\_\_\_\_ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2015-30,587 (7B).

\_\_\_\_\_  
Albert J Hadeed

### CERTIFICATE OF NON-LAW FIRM AFFILIATION (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2015-30,587 (7B).

\_\_\_\_\_  
Albert J Hadeed

## **NOTICE OF GRIEVANCE PROCEDURES**

1. The enclosed letter is an informal inquiry. Your response is required under the provisions of The Rules Regulating The Florida Bar 4-8.4(g), Rules of Professional Conduct. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3 of the Rules of Discipline.
2. Many complaints considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. "Pursuant to Rule 3-7.1(a), Rules of Discipline, any response by you in these proceedings shall become part of the public record of this matter and thereby become accessible to the public upon the closure of the case by Bar counsel or upon a finding of no probable cause, probable cause, minor misconduct, or recommendation of diversion. Disclosure during the pendency of an investigation may be made only as to status if a specific inquiry concerning this case is made and if this matter is generally known to be in the public domain."
4. The grievance committee is the Bar's "grand jury." Its function and procedure are set forth in Rule 3-7.4. Proceedings before the grievance committee, for the most part, are non-adversarial in nature. However, you should carefully review Chapter 3 of the Rules Regulating The Florida Bar.
5. If the grievance committee finds probable cause, formal adversarial proceedings, which ordinarily lead to disposition by the Supreme Court of Florida, will be commenced under 3-7.6, unless a plea is submitted under Rule 3-7.9.



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JOHN F. HARKNESS, JR.  
EXECUTIVE DIRECTOR

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December 24, 2014

Ms. Kimberle B. Weeks  
P.O. Box 901  
Bunnell, FL 32110

Re: Albert J Hadeed; The Florida Bar File No. 2015-30,587 (7B)

Dear Ms. Weeks:

Enclosed is a copy of our letter to Mr. Hadeed which requires a response to your complaint.

Once you receive Mr. Hadeed's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Hadeed.** Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me. Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter. Further, please notify this office, in writing, of any pending civil, criminal, or administrative litigation which pertains to this grievance. Please note that this is a continuing obligation should new litigation develop during the pendency of this matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

Annemarie Craft, Bar Counsel  
Attorney Consumer Assistance Program  
ACAP Hotline 866-352-0707

Enclosures (Notice of Grievance Procedures, Copy of Letter to Mr. Hadeed; Notice - Mailing Instructions)

cc: Mr. Albert J Hadeed

**NOTICE**  
**Mailing Instructions**

The Florida Bar converts its disciplinary files to electronic media. All submissions are being scanned into an electronic record and hard copies are discarded. To help ensure the timely processing of your inquiry/complaint, please review the following guidelines prior to submitting it to our office.

1. **Please limit your submission to no more than 25 pages including exhibits.** If you have additional documents available, please make reference to them in your written submission as available upon request. Should Bar counsel need to obtain copies of any such documents, a subsequent request will be sent to you.
2. **Please do not bind, or index your documents.** You may underline but do not highlight documents under any circumstances. We scan documents for use in our disciplinary files and when scanned, your document highlighting will either not be picked up or may obscure any underlying text.
3. **Please refrain from attaching media such as audio tapes or CDs, oversized documents, or photographs.** We cannot process any media that cannot be scanned into the electronic record.
4. **Please do not submit your original documents.** All documents will be discarded after scanning and we will not be able to return any originals submitted to our office. The only original document that should be provided to our office is the inquiry/complaint form.
5. **Please do not submit confidential or privileged information.** Documents submitted to our office become public record. Confidential/privileged information should be redacted. Such information includes, but is not limited to, bank account numbers, social security numbers, credit card account numbers, medical records, dependency matters, termination of parental rights, guardian ad litem records, child abuse records, adoption records, documents containing names of minor children, original birth and death certificates, Baker Act records, grand jury records, and juvenile delinquency records. If information of this nature is important to your submission, please describe the nature of the information and indicate that it is available upon request. Bar counsel will contact you to make appropriate arrangements for the protection of any such information that is required as part of the investigation of the complaint.

**Please be aware that materials received that do not meet these guidelines may be returned.** Thank you for your consideration in this respect.

The Florida Bar  
Inquiry/Complaint Form

RECEIVED  
DEC 19 2014

The Florida Bar - ACAP  
Tallahassee, Florida

**PART ONE (See Page 1, PART ONE – Complainant Information.):**

Your Name: Kimberle B. Weeks-Flagler County Supervisor of Elections

Organization: Local Government

Address: PO Box 901

City, State, Zip Code: Bunnell, Florida 32110

Telephone: 386-313-4170

E-mail: Kweeks@FlaglerElections.com

ACAP Reference No.: \_\_\_\_\_

Have you ever filed a complaint against a member of The Florida Bar: Yes  No

If yes, how many complaints have you filed? 0

Does this complaint pertain to a matter currently in litigation? Yes  No

**PART TWO (See Page 1, PART TWO – Attorney Information.):**

Attorney's Name: Albertv J. Hadeed

Address: 4 Ocean Vista Lane

City, State, Zip Code: Palm Coast, Florida 32137

Telephone: 386-445-0382 or 386-313-4005

**PART THREE (See Page 1, PART THREE – Facts/Allegations.):** The specific thing or things I am complaining about are: (attach additional sheets as necessary)

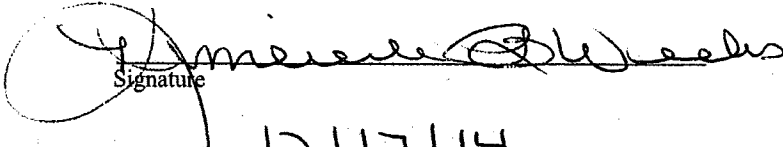
(Note that this field maxes out at 1800 characters - attach additional sheets as necessary)

Please see the attached 25 pages.

**PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: [see attached sheet].**

**PART FIVE (See Page 1, PART FIVE – Signature.): Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.**

Kimberle B. Weeks  
Print Name

  
Signature

12/17/14  
Date



On August 25, 2014, County Commissioner/Alternate Canvassing Board Member Charles Ericksen Jr. attended a scheduled, advertised canvassing board meeting along with his employee, attorney Hadeed. During the scheduled meeting attorney Hadeed whispered in a 2-3 minute conversation to commissioner Ericksen about an event he witnessed involving an alleged former canvassing board member/county commissioner. Attorney Hadeed identified the incident he explained as "like a third degree felony". Attorney Hadeed stated he had to council the unnamed county commissioner after he witnessed what the unnamed commissioner had done. The unnamed county commissioner was said by attorney Hadeed to have studied absentee ballots to do a sampling, and then use his/her cell phone to make a phone call(s) to report his study. Attorney Hadeed identified what he witnessed as "like a third degree felony". The act was not reported to canvassing board members at the time the act occurred. The act was also NOT reported by either attorney Hadeed or commissioner/alternate canvassing board member Charles Ericksen Jr after attorney Hadeed whispered the event to commissioner Ericksen which makes it appear again as though there is collusion between attorney Hadeed and his employers (county commissioners). Commissioner Ericksen commented "WOW" after attorney Hadeed whispered to him what he had witnessed; which confirms what commissioner Ericksen heard, was shocking. In fact, Commissioner Ericksen made a comment to the effect "she would have called security" which too confirms what he had heard was believed to not be proper and acceptable. The whispering conversation took place while the scheduled canvassing board meeting was in progress. The canvassing board members were fulfilling their responsibilities. They did not personally hear the whispering event when it transpired. They later heard the audio recording at the September 12, 2014 special canvassing board meeting. Per Florida Statute 104.23 Any election official or person assisting any elector who willfully discloses how any elector voted, except upon trial in court, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.History.—s. 8, ch. 26870, 1951; s. 12, ch. 65-379; s. 43, ch. 71-136; s. 35, ch. 77-175.

The whispering conversation that lasted 2-3 minutes and is believed to be a felony crime, just as it was identified by attorney Hadeed in the recorded audio. The event was hidden when it occurred and went unreported. When the event was later shared (whispered) by the person who witnessed the alleged crime (Attorney Hadeed-employee of the unnamed county commissioner) it again went unreported and remained hidden. It is believed attorney Hadeed knew what transpired was inappropriate and illegal and he intended to keep it hushed to protect his employer (the unnamed county commissioner). It is also believed that the incident occurred under my administration. Attorney Hadeed began his conversation with Commissioner Charles Ericksen Jr with "I shouldn't tell you this" which indicates what he observed and counseled the unnamed commissioner on was not appropriate and thought to be illegal. Attorney Hadeed himself identified the activity he witnessed as like a third-degree felony. He also stated he had to council the commissioner and that the commissioner didn't do it again. This confirms what transpired should not have occurred and was hidden. At no time did attorney Hadeed state he counseled the commission and the commissioner didn't do what he thought he had. The commissioner was said to not have done it again for good reason. The canvassing board attorney should not be speaking outside the Sunshine by whispering or counseling any one individual privately; as county attorney did with the unnamed county commissioner; all communications should have been in the Sunshine for all to hear. It is believed attorney Hadeed violated the Sunshine when the incident initially occurred when he counseled the unnamed county commissioner, and again when he whispered the conversation to the canvassing board alternate/county commissioner Charles Ericksen Jr. The alleged crime, regardless of when it took place, should have been reported and should have been addressed publically at the time it occurred, however, it was not. It is believed attorney Hadeed tried to protect this unnamed commissioner (his employer) and aided and abetted the commissioner to help hide and cover-up what transpired to keep him from being punished. It is believed this is why attorney Hadeed counseled the commissioner privately, and failed to report the incident. In doing so, this makes attorney Hadeed just as guilty as the unnamed commissioner who committed the act. The event was discovered when the audio from the publically noticed canvassing board meeting was reviewed to prepare the meeting minutes. If it had not been made public when it was learned, it would appear as though the alleged crime was again being hidden to protect those involved. This would then make those who now know about it just as guilty as the person who committed the crime. Again, attorney Hadeed failed to properly represent both the board of county commissioner and the canvassing boards and this demonstrates the conflict of interest that exists.

Because Charles Ericksen Jr too failed to report what he had been told by the county attorney in the 2-3 minute whispering conversation that took place, it is believed Charles Ericksen Jr may have violated Florida Statute 104.091 and 104.051 as well. In fact, Charles Ericksen Jr made a comment to the effect, "she will tell you that is like a third degree felony" which is on the captured audio, and confirms he himself knew what he had heard was not legal and proper. Therefore it is believed Charles Ericksen Jr aided and abetted attorney Hadeed to conceal the alleged crime. Commissioner Charles Ericksen also gave an interview on the local radio station regarding the incident after it was exposed, and he denied at that time to ever having a conversation about another commissioner/canvassing board member (audio enclosed on CD confirms this claim). Commissioner Ericksen was not being truthful to make this statement. This audio is believed to confirm Charles Ericksen denied the conversation about the unnamed commissioner/canvassing board member in an attempt to conceal and cover up the alleged crime to protect a county commissioner and perhaps attorney Hadeed, and he did so knowingly and willingly and again gives the appearance of collusion and perhaps outright conspiracy by these two men.

Before the whispering conversation took place, attorney Hadeed was talking in a normal tone of voice. He then began to whisper when telling Charles Ericksen of the unnamed commissioner who committed the alleged crime, and then immediately following the 2-3 minute or so whispering conversation, attorney Hadeed again began to speak in a normal tone of voice.

There are signs on all the entrance doors to the supervisor of elections office which warns those who enter the premises that they are subject to being audio and video recorded at all times, and the incident occurred during a public advertised meeting (no adjournment or recess was taken).

At a scheduled canvassing board meeting in October 2014, Judge Melissa Moore Stens, Chair of the County Canvassing Board provided an envelope which contained a 12 page document that was addressed to her titled "County commissioners and county Attorney attempt cover up of their Felonies AT THE FLAGLER COUNTY CANVASSING BOARD at S.O.E.'s Weeks' Political Expense".

The whispering incident was reported to the Division of Elections after it was discovered to have taken place.

The actions and behaviors of some county commissioners and their staff demonstrate some may have used their position for their personal gain and for the personal gain of their co-commissioners and employers. Such activities as described herein could allow voters to also believe some persons who are privy to information, change the outcome of elections when information is prematurely revealed, and that attorney Hadeed is the canvassing board attorney because he allows the laws to be bent or broken. As Supervisor of Elections I oppose and have objected to the county attorney being the canvassing board attorney. The public should be able to trust those who are responsible for canvassing our elections and at no time should how a voter voted be released, and never should election results be release prior to 7 p.m. election night. Because attorney Hadeed and county commissioners remained hushed on behavior that has been identified, it is unknown what else may have transpired that has been kept hushed, and if such occurrences will happen again knowing they will be kept hidden and unaddressed. It is also unknown how many other people attorney Hadeed and county commissioners have told about such incidents which may give the public opinion that the Supervisor of Elections condones this type of activity, and that such activity is common. It is believed candidates may receive voter's support if it is expected that when they serve on the canvassing board they will continue such practices to allow elections to be manipulated and give some candidates an advantage.

On October 17<sup>th</sup>, 2014, I requested that alternate canvassing board member Charles Ericksen Jr step down as an alternate canvassing board member because it became known he contributed \$50 to the re-election campaign of county commissioner Frank Meeker. Ericksen refused to do so at that time, but did resign on October 20<sup>th</sup>, 2014 at a Board of County Commission meeting. It was at that time alternate canvassing board member Barbara Revels was chosen to replace Ericksen. Though commissioner Revels has been under an ethics investigation for the past several months, it did not make her ineligible to serve as an alternate canvassing board member.

Attorney Hadeed was responsible for representing the canvassing board and the board of county commission and failed to provide advice indicating what should be done to prevent the appearance of impropriety when serving as a canvassing board member, and what would disqualify one from being eligible to serve on the canvassing board. He therefore knowingly and willingly allowed Ericksen to

remain as an alternate canvassing board member without providing any guidance to prevent the appearance of impropriety or possible violation of Florida election code.

County attorney Al Hadeed attended several State Canvassing Board Workshops, and was provided training materials. County attorney, Al Hadeed is said to have been the canvassing board attorney for 20-25 years by County Commissioner George Hanns, a commissioner who has held public office for 20+ years.

As county attorney and the canvassing board attorney, Hadeed is obligated to advise and guide these boards that he represents. He failed to advise the county commissioners when they selected canvassing board members for the 2014 elections that involving themselves in a candidate's campaign could disqualify them from being eligible to serve as a canvassing board member. Such advice could have spared canvassing board members from being asked to step down from serving on the canvassing board at a later date. Attorney Hadeed also failed to guide commissioner Ericksen and encourage him to step down from the canvassing board on October 17, 2014 due to his involvement in fellow Commissioner Frank Meeker's re-election campaign. Attorney Hadeed also failed to seek and disclose to the canvassing board the degree of commissioner Ericksen's involvement in fellow commissioner/candidate Frank Meeker's campaign before or after the issues was raised before the board. Attorney Hadeed had a responsibility to ethically and legally guide the canvassing board and county commissioners to prevent one from violating the Florida election code. Attorney Hadeed did nothing to prevent or stop commissioner Ericksen's involvement on the canvassing board after it was learned of his involvement in candidate Meeker's campaign. Therefore he failed those he was representing, and did not protect the integrity of the electoral process.

The board of county commissioners is the employer of county attorney Hadeed. It is believed to be a conflict of interest for attorney Hadeed to represent both the board of county commissioner and the canvassing board. By representing both of these boards, attorney Hadeed may provide advice and guidance to his employers who are responsible for canvassing elections, and additional employers are on the ballot. The composition of the canvassing board/alternate normally consists of at least two of the county attorney's employers (county commissioners). It may have been in attorney Hadeed's best interest for commissioner Ericksen to remain as a canvassing board alternate when it was believed he was ineligible, and may explain why attorney Hadeed failed to report a crime that took place at another time that he whispered to commissioner/alternate canvassing board member Charles Ericksen Jr. The person Attorney Hadeed whispered about too was one of his employers, a county commissioner/canvassing board member. Attorney Hadeed needs these employers who support him to maintain his employment. Florida Bar Rule 4-1.7 provides information on Florida Bar Rules concerning conflicts of interest which may confirm Attorney Hadeed should not be representing the board of county commissioners and the canvassing board.

County commissioner/canvassing board member George Hanns was also asked to step down from the canvassing board on November 3, 2014 because he too was involved in a fellow commissioner Frank Meeker's re-election campaign and he too refused. Attorney Hadeed did nothing again to protect the integrity of the electoral process and ensure election code was not violated. He was made aware, if he didn't already know, that an advertisement was released by fellow county commissioner Frank Meeker stating he was endorsed by county commissioner/canvassing board member George Hanns. George Hanns stated it was not an endorsement because he didn't put it in writing. Attorney Hadeed again failed to encourage commissioner Hanns to voluntarily step down from his position on the canvassing board after the endorsement was exposed and made public on November 3, 2014. Again, attorney Hadeed failed to properly represent the canvassing board.

On November 4, 2014 Commissioner George Hanns was again asked to stop down from the canvassing board for the same reason, and he again refused. Attorney Hadeed still did not encourage the commissioner to voluntarily step down, and he did not provide any thing on the matter to support why he should not be required to step down. Attorney Roberta Walton produced an opinion on the matter to support why he should step down. It was at that time when attorney Hadeed attempted to discredit attorney Walton's findings, but again produced nothing to prove otherwise. The county judge (canvassing board chair) reviewed the opinion attorney Walton provided and it was then when she supported the motion made by the supervisor of elections to remove commissioner George Hanns from the county canvassing board. Again, attorney Hadeed made no attempt to uphold the law, and again failed to properly represent the canvassing board and county commissioners as he failed to provide

proper guidance. Guidance that would have spared tension on the canvassing board, prevented embarrassment to a county commissioner and preserved the integrity of the electoral process.

Per Florida Statute 102.141(6) the resignation of canvassing board member Charles Ericksen Jr was reflected in the Conduct of Election Report that is filed with the Florida Division of Elections following the certification of the election, as was the removal of the Chairman of the Board of County Commissioners, George Hanns. Commissioner/alternate canvassing board member Barbara Revels (Charles Ericksen's replacement) refused to sign the required Conduct of Election Report because it reflected the fact that 1 county commissioner was removed from the Canvassing Board. In fact, commissioner Revels wrote on the report "Refused to sign: Barbara Revels". Commissioner Revels stated she did not feel it was necessary that such information be reflected on the report; Supervisor Weeks disagreed as she found the matter to be material to the conduct of election. Two of the three canvassing board members (the Supervisor of Elections and County Judge) signed the report willingly. County/canvassing board attorney Hadeed failed to advise canvassing board member/county commissioner Barbara Revels on completing the required report by placing her signature in the required area. Attorney Hadeed also failed to say whether the report would be considered incomplete due to the absence of a canvassing board members signature, and if the report lacking a signature would put the canvassing board at risk of being in violation of Florida election code. Because attorney Hadeed failed to properly guide the canvassing board members with prior issues, as well as with the issues of commissioner Revels resistance, it appeared he and county commissioners are in collusion. He never seems to address or provide guidance in areas as have been referenced, but quite often weighs in on influencing canvassing board members decisions and inserts his comments and opinions. Again, attorney Hadeed did not properly represent the canvassing board. Attorney Hadeed should have ensured and encouraged that the requirements of the canvassing board were being met. However, he spoke up on another matter regarding a voter's registration complaint and weighed in on that matter being noted on the conduct of election report. Perhaps attorney Hadeed spoke up at this time because Dennis and Janet McDonald whom the complaint was filed on are quite vocal and critical of attorney Hadeed, and his job performance.

It was then that the board of county commissioners instructed the county administrator Craig Coffey to issue a correspondence to the Florida Department of State/Secretary of State- Ken Detzner on October 21, 2014, making the claim that the Board voted unanimously on October 20<sup>th</sup>, 2014 for the state assist under Florida Statue 101.58 "Supervising and observing registration and election processes" because they were concerned that the community may have reached a new low in their confidence of our location election process. The request required State Officials to make multiple visits to Flagler County to observe the 2014 General Election and requires that a report be filed with the Department of State of their findings, and a copy be filed with the Clerk of Circuit Court of said county.

It is believe that the board of county commissioners who served as canvassing board members/alternates and attorney Hadeed may have caused the voter's confidence to be shaken due to the poor judgment being demonstrated and lack of ethical guidance by attorney Hadeed.

The actions of the county commissioners and their staff have created a hostile work environment making meetings difficult to manage when issues of canvassing board members required addressing because canvassing board members have received poor or no guidance by attorney Hadeed and were resistant to complying with requests made to voluntarily step down from the canvassing board even after issues were identified and brought forward. Their actions and behaviors may have allowed voters to believe elections are not fair and that how a voter votes can be released and go unreported and be acceptable.

It is being requested that all exhibits be considered and that all matters raised in this complaint be fully investigated and that appropriate action be taken. Please take note that attorney Hadeed is specific as to what he observed and witnessed by the unnamed commissioner which he revealed in detail to commissioner/alternate canvassing board member Charles Ericksen Jr as to what had transpired. He was so specific and certain as to what occurred that it required attorney Hadeed to council the unnamed commissioner/canvassing board member, and the unnamed commissioner/canvassing board member did not demonstrate the same behaviors again. However, after attorney Hadeed learned what he had whispered was captured on audio and was now exposed, he wasn't as specific anymore and "didn't know" some important details that he already confessed to and he then stumbled around with his response looking for words to dilute the seriousness of the event.

During the radio interview Commissioner Charles Ericksen Jr too denies having had a conversation about a commissioner. Attorney Hadeed whispered over 2 minutes of conversation to him about "a former commissioner". The word "commissioner" was used multiple times in the first 45 seconds of the recorded audio.

It is believed that because attorney Hadeed is an officer of the court, he had an obligation and responsibility to report what he had witnessed that was not proper and illegal, rather than secretly tell commissioner/alternate canvassing board member Charles Ericksen. Attorney Hadeed should have advised the entire canvassing board openly in the Sunshine. I believe Attorney Hadeed failed to be transparent and improperly represented the canvassing board on several occasions. This may have promoted the public perception to be that these boards are represented by one who lacks integrity, and as a result may fear that elections are corrupt and unfair.

Attorney Hadeed demonstrated the same poor judgment in 2010 when he violated the Sunshine Law by being a conduit between some canvassing board members. He was successful in creating the same type of hostile environment at that time as he did in 2014 when he made great efforts to change meeting minutes from the August 6, 2010 canvassing board meeting by verbally communicating with canvassing board members, and then distributed e-mails to carry out his plan. Those meeting minutes reflected when he incorrectly advised the canvassing board as to whom the chair of the canvassing board shall by Florida Statue be when an alternate for the canvassing board chair is required to serve. Attorney Hadeed wanted the language that existed in the first paragraph of the meeting minutes to be replaced with new language; which would then remove language that reflected the incorrect advice he gave the board.

As has been identified, the individuals who took part in the activities outlined in this complaint have done so willingly and knowingly. They (board of county commissioners and their staff) have repeatedly denied their actions and have made attempts to keep identified incidents hidden; and this was done with the assistance of attorney Hadeed. The public confidence of the integrity of the board of county commissioners/canvassing board members may have reached a low due to the representation of attorney Hadeed, and with good reason. For the first time ever a court reporter has been hired to manage the record of canvassing board meetings due to the actions and behaviors and unprofessionalism demonstrated by attorney Hadeed and some county commissioners. Attorney Hadeed quite often has inserted his opinion and influence as though he was the 4<sup>th</sup> canvassing board member when it didn't relate to a legal matter. Meetings have also been moved to another location within the office preventing attorney Hadeed from being seated next to an alternate or canvassing board member in hopes that occurrences that have been experienced will not reoccur. Private council was hired for the 2014 General Election and as a result her findings resulted in Commissioner Ericksen who served as an alternate canvassing board member being asked to step down from the board. The Next step is going to be video recording meetings.

Mr. Hadeed is handsomely paid with tax payers monies (nearly \$200,000 annually) and has an obligation to properly, honestly and ethically carry out his responsibilities.

Exhibits that are believed to relate are attached to support the claims herein and aid you on investigating violations. If additional information is needed, please contact me.

4

Kimberle Weeks

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From: amy@tuckfarrington.com  
Sent: Friday, October 15, 2010 3:15 PM  
To: kweeks@flaglerelections.com  
Subject: CCB

I can't imagine the frustration. I've really never had to deal with something like this before. Some errant members once in awhile or staying on task, but not this. With the minutes, they don't have to be lengthy and actually if they decided to tape, then they can be quite brief. And at no point are you required to transcribe the tape - you just have to provide a copy if asked. But, once the minutes go out, be careful with discussing any of it prior to the meeting. None of the CCB members should be talking CCB business outside of the noticed meetings. Even for something that might seem minor, it's not. So, I'm glad you raised the issue - sometimes people think they can discuss things with a go-between (e.g. the county attorney) and that takes it outside of the Sunshine. Nice thought, but it's certainly not the law.

You really are doing all that you can. I know it's frustrating. But, if they want to run the meeting standing on their heads, I guess they can do that. However, if any of their decisions cross over into the integrity of your election administration, that's a different story.

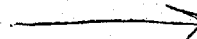
There's never a lack of drama in elections. Even when there really shouldn't be.

Amy Tuck Farrington  
Tuck Farrington, P.A. ←  
[www.tuckfarrington.com](http://www.tuckfarrington.com)

7

**Kimberle Weeks**

---

From:  Albert J. Hadeed [ahadeed@flaglercounty.org]  
Sent: Tuesday, August 24, 2010 2:03 PM  
To: 'Hammond, Judge Kim C.'  
Cc: Judge Sharon B. Afack (satack@circuit7.org); George Hanns; Kimberle B. Weeks (Kweeks@flaglerelections.com)  
Subject: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting

Your Honor – this is to confirm my understanding of the changes requested to the minutes of the August 6, 2010 Canvassing Board meeting.

Replace first paragraph with the following:

“Meeting called to order at 12:00 p.m. The Canvassing Board acknowledged the order of the Chief Judge of the Circuit Court appointing the Honorable Kim Hammond, Circuit Judge, as a temporary substitute for County Judge Atack. The Canvassing Board also acknowledged the formal action of the County Commission appointing Commissioner Alan Peterson as a temporary substitute for Chairman George Hanns. As the first order of business, the Supervisor explained the purpose of the Logic and Accuracy Testing of the voting equipment.”

Additionally, you wish the minutes to reflect the time of your departure from the testing of the equipment.

If my understanding is correct please affirm and reply to all. Thank you.

Al Hadeed  
Flagler County Attorney  
769 East Moody Blvd., Suite 303  
Jennell, FL 32110  
PH: 386-313-4005  
FAX: 386-313-4105



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PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Flagler County Board of County Commissioners and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

8

Kimberle Weeks

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From: Allen, Joy [jallen@circuit7.org] on behalf of Hammond, Judge Kim C. [khammond@circuit7.org]  
Sent: Wednesday, August 25, 2010 11:54 AM  
To: Albert J. Hadeed; Hammond, Judge Kim C.  
Cc: Atack, Judge Sharon B.; George Hanns; Kweeks@flaglerelections.com  
Subject: RE: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting

Please be advised these are the changes I request.

---

From: Albert J. Hadeed [mailto:ahadeed@flaglercounty.org]  
Sent: Tuesday, August 24, 2010 2:03 PM  
To: Hammond, Judge Kim C.  
Cc: Atack, Judge Sharon B.; George Hanns; Kimberle B. Weeks (Kweeks@flaglerelections.com)  
Subject: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting

Your Honor – this is to confirm my understanding of the changes requested to the minutes of the August 6, 2010 Canvassing Board meeting.

Replace first paragraph with the following:

“Meeting called to order at 12:00 p.m. The Canvassing Board acknowledged the order of the Chief Judge of the Circuit Court appointing the Honorable Kim Hammond, Circuit Judge, as a temporary substitute for County Judge Atack. The Canvassing Board also acknowledged the formal action of the County Commission appointing Commissioner Alan Peterson as a temporary substitute for Chairman George Hanns. As the first order of business, the Supervisor explained the purpose of the Logic and Accuracy Testing of the voting equipment.”

Additionally, you wish the minutes to reflect the time of your departure from the testing of the equipment.

If my understanding is correct please affirm and reply to all. Thank you.

Al Hadeed  
Flagler County Attorney  
1769 East Moody Blvd., Suite 303  
Bunnell, FL 32110  
PH: 386-313-4005  
FAX: 386-313-4105

---

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9

**Kimberle Weeks**

---

**From:** Albert J. Hadeed [ahadeed@flaglercounty.org]  
**Sent:** Friday, August 27, 2010 1:54 PM  
**To:** Judge Sharon B. Atack (satack@circuit7.org); George Hanns; Kimberle B. Weeks (Kweeks@flaglerelections.com)  
**Cc:** 'Hammond, Judge Kim C.'  
**Subject:** FW: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting

FYI

Al Hadeed  
Flagler County Attorney  
1769 East Moody Blvd., Suite 303  
Bunnell, FL 32110  
PH: 386-313-4005  
FAX: 386-313-4105

---

**From:** Alan Peterson  
**Sent:** Friday, August 27, 2010 1:37 PM  
**To:** Albert J. Hadeed  
**Subject:** RE: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting

Al,  
Sorry that I didn't get back to you before the meeting, but I agree with the proposed changes requested by Judge Hammond.

Alan

---

→ **From:** Albert J. Hadeed  
→ **Sent:** Thursday, August 26, 2010 10:35 AM  
**To:** Alan Peterson  
**Subject:** FW: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting

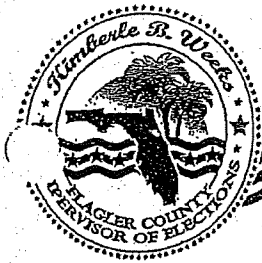
Commissioner Peterson – I am providing you what Judge Hammond requested below as changes to the minutes for the meeting you and he attended. I also am attaching the PDF of the draft minutes. Please review and advise if you are in accord with the changes requested by Judge Hammond and if you want any other changes considered. The Canvassing Board meets Friday at noon. Thank you and let me know if you have any questions.

Al Hadeed  
Flagler County Attorney  
1769 East Moody Blvd., Suite 303  
Bunnell, FL 32110  
PH: 386-313-4005  
FAX: 386-313-4105

---

**From:** Allen, Joy [mailto:jallen@circuit7.org] **On Behalf Of** Hammond, Judge Kim C.  
**Sent:** Wednesday, August 25, 2010 11:54 AM  
**To:** Albert J. Hadeed; Hammond, Judge Kim C.  
**Cc:** Atack, Judge Sharon B.; George Hanns; Kweeks@flaglerelections.com  
**Subject:** RE: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting

ease be advised these are the changes I request.



10

**Kimberle B. Weeks**  
**Flagler County Supervisor of Elections**

1769 E. Moody Blvd., Bldg. 2, Suite 101 \* PO Box 901 \* Bunnell, Florida 32110-0901  
Phone (386) 313-4170 \* Fax (386) 313-4171 \* www.flaglerelections.com

**"AMENDED"**

**(Amendments are reflected in Blue *italic*)**

**Canvassing Board Meeting Minutes**

**Flagler County Supervisor of Elections**

**(Board Meeting Minutes: August 6, 2010)**

**(9:00 a.m.; SOE Office, Election Canvassing Board Room)**

**Present**

1. Judge Kim C. Hammond, Chairman of the Canvassing Board (temporary substitute for Judge Atack)
2. Alan C. Peterson, County Commissioner (temporary substitute for Chairman Hanns)
3. Kimberle B. Weeks, Supervisor of Elections
4. Kaiti Lenhart, Deputy Supervisor of Elections
5. Marie Gaeta, Candidate
6. Connie Parham, Secretary, Flagler County Democratic Executive Committee
7. Linda Hastings-Ard, Division of Elections
8. David Drury, Division of Elections, Bureau of Voting Systems Certification
9. Al Hadeed, County Attorney

**Proceedings**

*Judge Kim C. Hammond*  
Per request the first paragraph of the meeting minutes read as the following (see attachments following meeting minutes):

*Please be advised these are the changes I request.*

~~From: Albert J. Hadeed [mailto:ahadeed@flaglercounty.org]~~

~~Sent: Tuesday, August 24, 2010, 2:03 PM.~~

~~To: Hammond, Judge Kim C.~~

~~Cc: Atack, Judge Sharon B.; George Hanns; Kimberle B. Weeks (Kweeks@flaglerelections.com)~~

~~Subject: Confirmation of Changes to Minutes for 8-06-10 Canvassing Board Meeting.~~

*Your Honor – this is to confirm my understanding of the changes requested to the minutes of the August 6, 2010 Canvassing Board meeting.*

Replace first paragraph with the following:

11

*"Meeting called to order at 12:00 p.m. The Canvassing Board acknowledged the order of the Chief Judge of the Circuit Court appointing the Honorable Kim Hammond, Circuit Judge, as a temporary substitute for County Judge Attack. The Canvassing Board also acknowledged the formal action of the County Commission appointing Commissioner Alan Peterson as a temporary substitute for Chairman George Hanns. As the first order of business, the Supervisor explained the purpose of the Logic and Accuracy Testing of the voting equipment."*

~~*Additionally, you wish the minutes to reflect the time of your departure from the testing of the equipment.*~~

~~*If my understanding is correct please affirm and reply to all. Thank you.*~~

~~*Al Hadeed  
Flagler County Attorney  
1769 East Moody Blvd., Suite 303  
Bunnell, FL 32110  
PH: 386-313-4005  
FAX: 386-313-4105*~~

~~*PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Flagler County Board of County Commissioners and employees regarding public business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.*~~

*Meeting called to order at 12:00 p.m. The Supervisor asked that the Board appoint a Chair as Judge Attack was not present. County Attorney, Al Hadeed stated he believed the Supervisor became the Chair. Judge Hammond stated that he would be the Chair. Everyone present signs in. Judge Hammond then turned the meeting over to the Supervisor. The Supervisor explained the process of the Logic and Accuracy Testing. Chairman Hammond states that he will leave during the testing and then return to certify the accuracy of the voting equipment. Judge Hammond signed a statement confirming he authorized the Supervisor and substitute member Commissioner Alan Peterson to act on behalf of the Canvassing Board for the Logic and Accuracy testing. The meeting is moved out of the Election Canvassing Board room to begin the Logic and Accuracy testing.*

*12:10 p.m.*

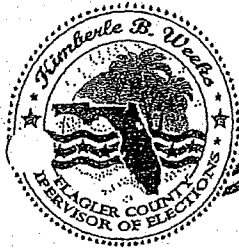
*The Canvassing Board verifies the seal number on the green bag containing the test ballots.*

*12:12 p.m.*

*The Canvassing Board verifies and signs the zero tapes for each AccuVote and Touch Screen machine.*

*12:20 p.m.*

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# Kimberle B. Weeks

## Flagler County Supervisor of Elections



1769 E. Moody Blvd., Bldg. 2, Suite 101 \* PO Box 901 \* Bunnell, Florida 32110-0901  
Phone (386) 313-4170 \* Fax (386) 313-4171 \* www.flaglerelections.com

### "2<sup>nd</sup> AMENDED"

(Amendments are reflected in Blue *Italic*)

### Canvassing Board Meeting Minutes

Flagler County Supervisor of Elections

(Board Meeting Minutes: August 6, 2010)

(9:00 a.m., SOE Office, Election Canvassing Board Room)

#### Present

1. Judge Kim C. Hammond, Chairman of the Canvassing Board (temporary substitute for Judge Atack)
2. Alan C. Peterson, County Commissioner (temporary substitute for Chairman Hanns)
3. Kimberle B. Weeks, Supervisor of Elections
4. Kaiti Lenhart, Deputy Supervisor of Elections
5. Marie Gaeta, Candidate
6. Connie Parham, Secretary, Flagler County Democratic Executive Committee
7. Linda Hastings-Ard, Division of Elections
8. David Drury, Division of Elections, Bureau of Voting Systems Certification
9. Al Hadeed, County Attorney

#### Proceedings

Per the request of Judge Kim C. Hammond the first paragraph of the meeting minutes read as the following (see attachments following meeting minutes):

*"Meeting called to order at 12:00 p.m. The Canvassing Board acknowledged the order of the Chief Judge of the Circuit Court appointing the Honorable Kim Hammond, Circuit Judge, as a temporary substitute for County Judge Atack. The Canvassing Board also acknowledged the formal action of the County Commission appointing Commissioner Alan Peterson as a temporary substitute for Chairman George Hanns. As the first order of business, the Supervisor explained the purpose of the Logic and Accuracy Testing of the voting equipment."*

Meeting called to order at 12:00 p.m. The Supervisor asked that the Board appoint a Chair as Judge Atack was not present. County Attorney, Al Hadeed stated he believed the Supervisor became the Chair. Judge Hammond stated that he would be the Chair. Everyone present signs in. Judge Hammond then turned the meeting over to the Supervisor. The Supervisor explained the process of the Logic and Accuracy Testing. Chairman Hammond states that he will leave during the testing and then return to certify the accuracy of the voting equipment. Judge Hammond signed a statement confirming he authorized the Supervisor and substitute member Commissioner Alan Peterson to act on behalf of the Canvassing Board for the Logic and Accuracy testing. The meeting is moved out of the Election Canvassing Board room to begin the Logic and Accuracy testing.

12:10 p.m.

The Canvassing Board verifies the seal number on the green bag containing the test ballots.

12:12 p.m.

The Canvassing Board verifies and signs the zero tapes for each AccuVote and Touch Screen machine.

12:20 p.m.

Ballots are tabulated on the AccuVote machines and Touch Screen machines.

12:33 p.m.

Canvassing Board reviews the Predetermined Results Report and verifies the totals for each AccuVote and Touch Screen machine.

*Since the time was not documented, it is being documented that Judge Hammond exited the Canvassing Board meeting after he verified the predetermined tabulation on all the tabulation equipment which is believed to be between 12:33 p.m and 12:50 p.m.*

12:50 p.m.

Deputy Supervisors Darlene Walker and Chris Vickers upload memory cards from the AccuVote and Touch Screen machines to GEMS (Global Elections Management System).

1:05 p.m.

The memory card on the AccuVote machine for precinct 29 with seal # 226748 cleared itself and cannot be uploaded. This card is deemed unsatisfactory and will not be used. The memory card was replaced and the seal was replaced with # 243117, test ballots were re-tabulated, predetermined totals were confirmed with the printed tapes, and the results were uploaded to GEMS and the test

was confirmed to be satisfactory. An upload report was printed from the GEMS system as confirmation the system accepts uploads without incident.

1:50 p.m.

Canvassing Board reconvened to the Election Canvassing Board room.

2:00 p.m.

The Canvassing Board verifies the new seal # 243117 for AccuVote machine for precinct 29 and verifies all uploaded results were removed from the GEMS system and a zero report was printed to confirm the system is clear of any votes. The Canvassing Board signs all the Logic and Accuracy Certification reports. The Canvassing Board returned to the testing area as the AccuVote and Touch Screen machines are sealed for the election, and all seals were verified.

Next Meeting Announced

Wednesday, August 18, 2010 at 9:00 a.m.

2:10 p.m.

Canvassing Board adjourned.

August 6, 2010 @ 12:00 PM

Canvassing Board Sign-In

Primary Election - August 24, 2010

Kevin C. Hammond Flagler County Judge

Alan C. Peterson Flagler County Commissioner

Linda H. Ord FL DOS / DIVISION OF ELECTIONS

David R. Dunn FL DOS / DOE

→ AL HADERS, COUNTY ATTORNEY, CANVASSING Bd.

Marcus Foster Grand Haven CDD - Sect 1

Kaiti Lenhart, Deputy SOE

Council Paulam, Sec. of CPSC

Kempier B. Walsh

15

**Kimberle Weeks**

---

**From:** Holland, Gary J. [GJHolland@dos.state.fl.us]  
**Content:** Thursday, August 19, 2010 9:50 AM  
**To:** Kimberle Weeks  
**Subject:** RE: Canvassing Board Meetings

Kimberle:

The meetings of the County Canvassing Board are governed by the Government in the Sunshine Law (chapter 286, Florida Statutes). That means there must be reasonable public notice of the meeting, the meetings must be open to the public, and minutes must promptly be recorded and open to public inspection. There is no requirement that the minutes be approved by anyone, but some boards, etc. do approve them in some manner. If the meetings are audio taped, it does not excuse the requirement that written minutes be made.

→ Your county attorney (or whomever you are using as the attorney for the canvassing board) should be well versed in the Sunshine Law's provisions. I have placed my responses to your specific questions in your email below.

Respectfully,

*Gary J. Holland*  
Assistant General Counsel  
Florida Department of State  
R.A. Gray Building, 500 S. Bronough Street  
Tallahassee, FL 32399-0250  
Phone: 850-245-6536  
Fax: 850-245-6127

*Note: This response is provided for reference only and does not constitute a formal legal opinion or representation from the Department of State or the Division of Elections. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult an attorney to represent their interests before drawing any legal conclusions or relying upon the information provided.*

*Florida has a very broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, this email and any that you sent that generated this response may be subject to public disclosure.*

Please take a few minutes to provide feedback on the quality of service you received from our staff. The Florida Department of State values your feedback as a customer. Dawn K. Roberts, Florida Interim Secretary of State, is committed to continuously assessing and improving the level and quality of services provided to you. Simply click on the link to the "DOS Customer Satisfaction Survey." Thank you in advance for your participation.  
[DOS Customer Satisfaction Survey](#)

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**From:** Kimberle Weeks [mailto:kweeks@flaglerelections.com]  
**Sent:** Thursday, August 19, 2010 9:28 AM  
**To:** Holland, Gary J.  
**Subject:** Canvassing Board Meetings  
**Importance:** High

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Mr. Holland,

( you would answer the following three questions, it would be helpful. I attended the Canvassing Board Workshop and recall that it is not necessary to audio tape Canvassing Board meetings, however, I also have a recollection that minutes are to be taken but now I am now unable to find confirmation of this in the Statues.

Is it required that canvassing board meetings be audio taped? No  
Is it required that minutes be taken of canvassing board meetings? Yes.  
Is it required that minutes that have been taken be approved, or are they simply for the record?  
No requirement for approval of the minutes.

Thank you for your help regarding this matter.

*Kimberle B. Weeks*  
*Flagler County Supervisor of Elections*



*1769 East Moody Blvd., Bldg. #2, Suite 101*  
*Bunnell, Florida 32110*  
*Phone: 386.313.4170*  
*Fax: 386.313.4171*  
*Web: Flaglerelections.com*

The Flagler County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



17

**Kimberle Weeks**

**From:** Kimberle Weeks  
**Sent:** Thursday, September 18, 2014 4:05 PM  
**To:** 'Holland, Gary J.'  
**Cc:** 'Matthews, Maria I.'; 'Atkinson, Drew'; 'Jones, Jordan'  
**Subject:** RE: Hadeed taped  
**Attachments:** 8-25-14 Canvassing Board Meeting--Al Hadded and Charles Ericksen whispering conversation.docx

Gary,

Based on the audio (transcribed the best of my ability above in the attached word document) that was previously supplied to you would the Division be responsible to conduct a preliminary investigation as this is related to a voting violation per FS 101.5614(9), and would then would not some or all of the following Statutes be reason for discipline FS 104.051, 104.061, 104.091,104.39,104.41, and 106.15?

It is most concerning to me that an attorney, who is an officer of the court, did not report that sampling election results were being released and he did not report this to the Supervisor of the Canvassing Board as a whole, and this individual thinks he should remain as the attorney during canvassing board secessions. The perception that the public may now have is that elections are not fair, and depending on who you know you are able to get the inside scoop which could make elections not fair.

I feel that if action is not taken that it will appear that this type of activity is condoned and supported. What action can the State take?

**Kimberle B. Weeks**  
**Flagler County Supervisor of Elections**  
**State Certified, Master FCEP 1,2 & 3**



1769 East Moody Blvd., Bldg. #2, Suite 101  
Bunnell, Florida 32110

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**From:** Holland, Gary J. [mailto:Gary.Holland@DOS.MyFlorida.com]  
**Sent:** Monday, September 15, 2014 3:31 PM  
**To:** Weeks, Kimberle

Cc: Matthews, Maria I.; Atkinson, Drew; Jones, Jordan  
Subject: RE: Hadeed taped

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Kimberle:

My response is as follows.

1. DE 05-08 provides: "A canvassing board may act in an official capacity when a majority of the members are present, unless otherwise specified in statute or rule. Therefore, generally the canvassing board may act when two members of the board are present, thereby constituting a majority, as long as the two members present are in agreement as to the action to be taken." I would interpret this to also apply to who may be present as the canvassing board's attorney.
2. Violations of the Election Code, depending upon the facts, can be handled in a variety of ways: (a) The Florida Elections Commission has jurisdiction to investigate and determine violations of Chapter 104 (which contains most of the criminal violations in the Election Code) and Chapter 106 (the Code's campaign finance provisions, some of which are also criminal) – the Elections Commission may only impose civil penalties; (b) the SOE has the authority to report fraudulent registrations and illegal voting to the local state attorney and the Florida Elections Commission; (c) for criminal violations (those found in Chapter 104 and in Chapter 106), reports may be made to local law enforcement or the local state attorney for possible prosecution; (d) An aggrieved individual may possibly file a civil lawsuit seeking some type of civil relief; and (e) for cases involving irregularities or fraud involving voter registration, voting, candidate petition, or issue petition activities, an election fraud complaint may be filed with the Division of Elections (per Rule 1S-2.025). If the Division finds the complaint legally sufficient and if FDLE finds probable cause that the offense occurred, the Division will refer the complaint to the state attorney for possible prosecution. (Instead of, or along with filing an election fraud complaint, a person may file a complaint directly with law enforcement or the applicable state attorney since the Division of Elections would refer a "founded" case to the state attorney for potential prosecution under the state attorney's discretionary decision-making authority.)
- 3. If anyone wants to complain about an attorney's violation of the Rules of Professional Conduct, the person may file a complaint with The Florida Bar. One can find attorney discipline and complaint procedures on the Bar's website.

Regards,

*Gary J. Holland*

*Assistant Director, Division of Elections*

*Florida Department of State*

*R.A. Gray Building, 500 S. Bronough Street*

*Tallahassee, FL 32399-0250*

Phone: 850-245-6200

Fax: 850-245-6217

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From: Kimberle Weeks [mailto:kweeks@flaglerelections.com]  
Sent: Monday, September 15, 2014 11:35 AM  
To: Holland, Gary J.  
Subject: FW: Hadeed taped  
Importance: High

Gary,

During the August 25<sup>th</sup> canvassing board meeting it was realized when I was reviewing the tape to put the minutes in writing that there was a conversation between the alternate canvassing board member, commissioner Charles Ericksen Jr for the Commission Chair, George Hanns and the County Attorney, Al Hadeed about illegal activity the County Attorney was aware of that involved a county commissioner. A copy of the audio recording snip-it is being provided for your review. Per the recording Al Hadeed starts with "I shouldn't be telling you this" which is an indication to me that he knows what he observed or knew about and was going to reveal to Charles Ericksen Jr was not appropriate and shouldn't have taken place. Further on in the conversation when Al continues to tell Charles of the situation, he stated it is a third degree felony to reveal election results prematurely and I tell members and those present this when opening absentee ballots. Charles went on to say that I require the ballots after they are opened to be placed face down. This is to protect the vote. The conversation then goes on to talk about a local blogger/media website person came and was taking pictures when absentee ballots were being opened for tabulation and was made to stop, and how I would and do call security when what I say is not complied with. At the end of the tape Commission Chair George Hanns comes in the canvassing board room and apparently was motioned about the meeting being taped, and he stated I don't tape the meetings. This tells me Al Hadeed was whispering in case the meeting was taped thinking it wouldn't be picked up, because after he tells of the illegal activity involving a county commissioner he then talks in his normal voice.

I presented this at the special canvassing board meeting we had this past Friday, and am very upset that the county attorney knew of illegal activity and did not alert the Supervisor or the Canvassing Board when it occurred. This lets me know even though he is an attorney he doesn't uphold the law, and is not to be trusted. The public is upset at the behavior of the county attorney and is wanting to file a formal complaint. Because this is a violation of election law, is that something the Division of Elections would do? If one insists that a complaint be filed, where would it be filed, and with whom, and by whom?

I have since hired independent counsel to represent our Canvassing Board for the General Election as I must have council that I can trust who is honest and will uphold the laws. Al Hadeed made a statement at Friday's meeting that it would be up to the board as to who the canvassing board attorney would be, and I made the statement it would be up to the Supervisor. Based on the responsibilities of the canvassing board outlined in 102.141 I do not see where the canvassing board has authority or responsibility to determine who the canvassing board attorney is, and I believe as an independently elected constitutional officer I have that authority. My concern now is that Al Hadeed will return when we begin our General Election canvassing board meetings and disrupt the meeting. Would I have the authority to have him removed if he does?

Another issue that came up was I recorded the 9/2 canvassing board meeting. I believed I was the only person recording the meeting as no other recording devices were seen other than the county attorney Al Hadeed's lap top and normally he always has his cell phone near his lap top and picked it up when a canvassing board member would be running late to contact them regarding their attendance. The afternoon of 9/2 it was brought to my attention that there was a story on the local blog media FialgerLive that contained audio from the meeting. I was asked if I released any media from what I recorded and the response was no. There were only 5 people in attendance of this meeting and it was confirmed that two others other than myself did not record the meeting. The only two that were not confirmed were the county attorney Al Hadeed and Commission Charles Ericksen Jr (alternate member for Commission Chair George Hanns). A

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public records request was sent by a member of the public to the county attorney asking for his copy of the recorded meeting and the county attorney stated he did not record the meeting. When the meeting opened on 9/12 I asked Commissioner Ericksen if he recorded the meeting and he responded yes. I asked what did he record it on (he was sitting to my right and no recording devices were present in his vicinity on 9/2) and he said a small recorder. I then asked Charles if he shared his audio with Flaglerlive and he stated "no". Flaglerlive refuses to disclose where he received the audio. If only Charles and I stated we were recording the meeting, and neither of us released any recording to Flaglerlive, someone obviously is not telling the truth and the security of the office is a concern to me. I know since it is a public meeting that anyone can tape the meeting, so that is not the problem, but it is a problem when one has a public record and withholds it, and when information is out that no one present claims they released. The integrity of the office must be maintained, and the public must know that those involved in canvassing and conducting elections are honest and fair.

I look forward to your response. The public must know all is being done to protect the process, and I intend to maintain the ethical standards I have set and demonstrated.

**Kimberle B. Weeks**  
Flagler County Supervisor of Elections  
State Certified, Master FCEP 1,2 & 3



1769 East Moody Blvd., Bidg. #2, Suite 101  
Bunnell, Florida 32110

Phone: 386.313.4170  
Fax: 386.313.4171  
Web: [Flaglerelections.com](http://Flaglerelections.com)

The Flagler County Supervisor of Elections Office is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. E-mail messages are covered under such laws and thus subject to disclosure.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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**From:** You've Got Mail [<mailto:Weeks2815@aol.com>]  
**Sent:** Monday, September 15, 2014 9:15 AM  
**To:** Kimberle Weeks  
**Subject:** Hadeed taped

Sent via the Samsung Galaxy Note® 3, an AT&T 4G LTE smartphone

@ItsWorkingFL

The Department of State is committed to excellence.  
Please take our [Customer Satisfaction Survey](#).

— TRANSCRIPTION —

(AL HADEED) Well you know, we actually had a problem here. Um, maybe I shouldn't tell you this.  
 (CHARLES ERICKSEN JR) Well, no don't. (AL HADEED) No, with a prior prior county commissioner, I had to caution him, cause he was reading the frickin ballots. I said you cannot do that. (CHARLES ERICKSEN JR) Right, that's her instructions. Well, that's the law, that's the frickin law. (CHARLES ERICKSEN JR) Yea, right. (AL HADEED) I think it's like a third degree felony or something like that. (CHARLES ERICKSEN JR) Well yea she explained that, that if you said anything about what went on in the room, other than the procedures, in other words if you said I saws Al's ballot, he voted for so and so. (AL HADEED) No, this commissioner was actually studying the ballots. (CHARLES ERICKSEN JR) Oh wow. (AL HADEED) And I said you can't do that. And the problem was after that session he ran out and made a call. And so I talked to him later, I said look, you just got my note, I am sure that call you made was to report to somebody what you've seen. It was like he was doing like a, a sample, a \_\_\_\_\_ sample of what he's seen ...he didn't do it again. (CHARLES ERICKSEN JR) Oh, she would have called security on him.

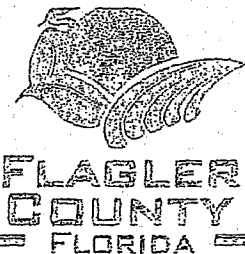
The remaining session is a conversation between Commissioner Charles Ericksen Jr and County Attorney Al Hadeed regarding Pierre Tristam taking pictures as absentee ballots were being opened and security being called on him due to the strict security policy the supervisor of elections enforces.

At the end of the tape Commissioner George Hanns is heard entering the conversation. Apparently some body language is being presented to George by Commissioner Charles Ericksen Jr and/or County Attorney Al Hadeed as County Commission Chair George Hanns makes the comment "Next meeting, oh, she's not taping it anyway".

Transcript of Whispering Conversation  
 prepared by Kimberle B. Weeks,  
 Supervisor of Elections.

Whispering conversation took place 8/25/14 at a public Canvassing Board meeting and was captured on audio.

Administration  
1760 E. Moody Blvd Bldg 2  
Bunnell, FL 32110



www.flaglercounty.org  
Phone: (386)313-4001  
Fax: (386)313-4101

October 21, 2014

Florida Department of State  
Attn: Mr. Ken Detzner, Florida Secretary of State.  
R.A. Gray Building  
500 S. Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

The Flagler County Board of County Commissioners respectfully requests your assistance under Florida Statute 101:58 "Supervising and observing registration and election processes". At their meeting last night, the Board voted unanimously to include two current candidates for public office to authorize me to pursue this request.

We are concerned that the community may have reached a new low in their confidence of our local election process because of recent and past events involving the Supervisor of Elections. We are hopeful that with assistance from your office it will ensure a proper general election and restore some confidence in our local electoral process. Additionally, it may help us correct any problems ahead of what may likely be an upcoming special election for Senator Thrasher's Senate seat.

If we need to do any further coordination to effectuate our request or should you have any questions please do hesitate to contact me at 386/313-4001.

Most Sincerely,  
*Craig M. Coffey*  
Craig M. Coffey  
County Administrator

\* Per FS 101.58 the County Administrator nor the Board of County Commissioners have the Authority to make this request of the state. The law

Cc: Board of County Commissioners  
Ms. Maria Matthew, Elections Division Director  
Mr. Gary Holland, Assistant Election Division Director  
Canvassing Board Members

The County Attorney failed to properly advise and guide this board candidates cannot use their official capacity to promote their candidacy.

Arlos Erickson, Jr. District 1    Frank Moecker District 2    Barbara Revels District 3    Nate McLaughlin District 4    George Flenno District 5

Vote November 4th for a dedicated leader who stands with us.




"I support Frank J. Meeker and hope you will too. Frank's experience has proven to be invaluable. He has given back to his community and supported me with the veterans. He is a Flagler recognized leader." BOCC  
Chair George Hannis

Campaign to Re-Elect  
Frank J. Meeker

11 Ogden Court  
Palm Beach, Florida  
33480

Presorted Standard  
U.S. Postage  
Paid  
Permit 39  
Palm Beach, FL 32137

↑  
QUOTE

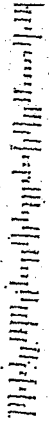
Re-Elect Frank J. 

# MEEKER

1<sup>st</sup> Flagler County Commission  
District 2

Knowledge with Proven Experience!

[www.facebook.com/electFrankMeeker](http://www.facebook.com/electFrankMeeker)



10000



23

Vote for Frank November 4th

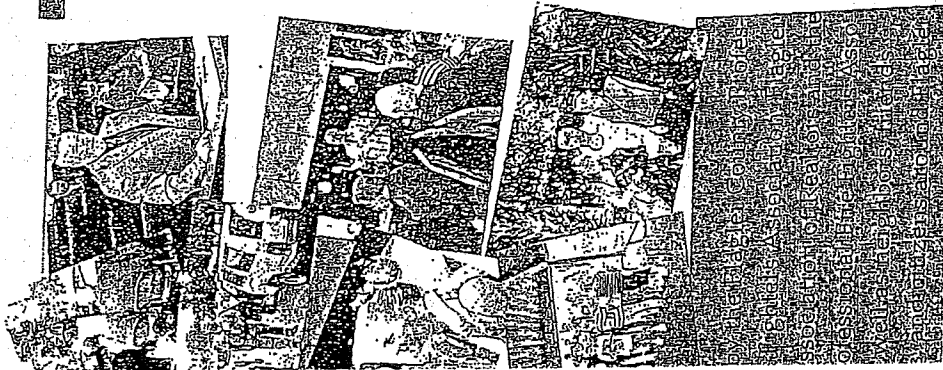
## Frank Meeker looks out for all Flagler Residents, ...always has.

As a City Council Member in Palm Coast, Frank fought for the African American Cultural Society when a \$10,000 grant was going to be denied. Frank got it turned around and approved.

As a competitive soccer coach, Frank was always looking out for our kids. He wasn't afraid to get his hands dirty either laying sod with his soccer team at Eddie Johnson Park in Bunnell.

Working as a team, got the budget back on track, kept taxes low, provided mandated services, protected our homes, saved millions.

Helps Commissioner Revels and the community by making pizzas for Carver Gym fund raisers.





25

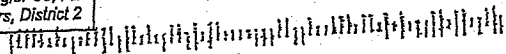
Campaign to Re-Elect  
Frank J. Meeker

41 Cochise Court  
Palm Coast, Florida 32137

Larger than  
Initial mailing

Presorted Standard  
U.S. Postage  
Paid  
Permit 39  
Palm Coast, FL 32137

Paid for by Frank J. Meeker Republican  
Candidate for re-election to Flagler Co, FL  
Board of County Commissioners, District 2



Mailed more than 2 weeks after Initial mailing was sent on 10/18 after  
Dear Friends, thousands of voters voted  
Early and by mail

October 24, 2014

In one of several different mailers recently sent, a political ad inadvertently appeared to include an endorsement from Commissioner George Hanns. Commissioner Hanns as Chairman of the Flagler County Board of County Commissioners, and a member of the County's Canvassing Board, cannot, and has not endorsed any candidate in this election, including me. Please disregard the error we made, and accept my apology as well.

Frank J. Meeker

Republican Candidate for re-election to Flagler Co, FL Board of County Commissioners, Dist. 2

FIRST-CLASS

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FIRST-CLASS

FIRST-CLASS

FIRST-CLASS

Flagler County Supervisor of Elections  
Kimberle B. Weeks  
PO Box 901  
Bunnell, FL 32110