

## Draft Document

November 19, 2014

The elections office staff, poll workers, and many others helped to make the 2014 elections a success. We again, despite challenges and resistance faced by the city of Palm Coast, Flagler County Sheriff, Jim Manfre and County Administrator Craig Coffey, County Commissioners and County Attorney Al Hadeed.

Accusations made by the County Administrator stating that "We (the board of county commissioners and the county administrator) the community may have reached a new low in their confidence or our local elections process because of recent and past events involving the Supervisor of Elections. The accusation was made without any specifics being identified and without anything to supporting evidence that the community may have reached a new low in their confidence. Perhaps, this was because this statement was not true, and it was the board of county commissioners who may have received inaccurate information from the county administrator, and there may have been a hidden agenda that was to be played out. The issues was raised at a board of county commission meeting without any notice to myself or the public to adequately respond on the matter, so consequently the stunt and false accusations were planned, the public only got to hear one side, the side of those that have proven to be the problem, the county commissioners, county administrator and perhaps the county attorney. Fortunately, the claim proved to be only somewhat inaccurate, the concern the voters should have is not with the supervisor of elections, but the outside interference, obstruction and manipulation by the city and county as was proven in 2014 elections, yet Craig Coffey failed to properly report the real concern. The state observers did witness the request of one county commissioner being asked to step down from the canvassing board by the supervisor of elections, as well as the second commissioner being requested to step down, and actually witnessed the removal of the second county commissioner being removed because he was unwilling to voluntarily step down.

As the 2014 elections progressed, there were many issues that were raised that clearly proved that the voters confidence of our local elections should be of concern when there was evidence that the board of county commissioners were serving on the canvassing board, when they should not have been, and the county attorney has called himself the canvassing board attorney when he was never asked to be the canvassing board attorney, nor has the canvassing board ever voted on the matter. That was until October 17<sup>th</sup> after the county administrator and the county commissioner made accusations, but provided nothing to support their accusations.



It was the county attorney, Al Hadeed that stated he has been not only the county attorney, but also the canvassing board attorney for many years. The fact is, since I have taken office in 2009, Al Hadeed has just shown up at canvassing board meetings, referred to himself as the county canvassing board attorney, and influenced canvassing board members with his interjections and opinions. In fact, it is documented from the August 6, 2010 canvassing board meeting that he didn't know who the chair of the county canvassing board was to be when the alternate for the chair served and went outside the sunshine law to be a conduit between canvassing board members to have language in the meeting minutes to be replaced with replacement language.

Al Hadeed was also supposedly the canvassing board attorney before I took office in 2009 when CDD elections for Grand Haven and Hammock Dunes were illegally being conducted and condoned. These elections should have been paid for by the county and canvassed by the county canvassing board and instead they were paid for and canvassed by the city of Palm Coast. When I raised this issue, it was Al Hadeed that asked me if I could do it one more time to get on tract when elections were scheduled for 2009. Yes, do it one more time, even though I brought to light that it was not legal to do.

It was Al Hadeed who wanted to track his time and bill the State when Special Elections were held. He wanted to do this even though he had never tracked his time and billed for his services in the past. It was also Al Hadeed who tracked his time and billed the Clerk of Court in 1998 \$24,000 and the bill was not paid to him after the then Clerk of Court, Syd Crosby hired an auditor to review the records Hadeed submitted. It was also after that, that Al Hadeed's contract with the county was not extended, and his employment with the county ended for a number of years...and then, yes, he came back to life!

It was Al Hadeed who was supposed to negotiate with the city of Palm Coast regarding issues of the 2014 elections and specific requests were made, but never appeared in any of the documentation he presented to the canvassing board. It was Al Hadeed who himself went to the community center on a Thursday and noticed that there were only 2 available parking spaces, yet he didn't feel it would be appropriate to cancel or reschedule such scheduled events during the 2 week voting period.

It was Al Hadeed who tried to discredit private council Roberta Walton when the Division of Elections Opinion DE 09-07 was raised as to why Chairman George Hanns should step down from the canvassing board on November 4, 2014. Al Hadeed remained silent when he could have and should have advised the canvassing board to do what was proper. It was particularly disappointing that county commissioner Charles Ericksen Jr and George Hanns both kept quiet about their involvement or appeared involvement in fellow county commissioner Frank Meeker's re-election campaign and were not transparent and forthcoming. How much more is out there that is not known, and hasn't been brought to light? And to think it was the board of



county commissioners and the county administrator that made the statement that the communities confidence may have reached a new low....all that has been proven during the 2014 election cycle is that while one finger was being pointed at the supervisor of elections and staff, three other fingers were being pointed back at the accusers, the board of county commissioners, county administrator and county attorney.

Though it is still under investigation, one can now only wonder who the Al Hadeed was whispering about and when the event occurred when he spoke of the illegal activity he witness and counseled a county commissioner on of studying ballots, doing a poll, and using their cell phone to make a call. I may have been the one to expose the event, but I was not one who was involved in the reported incident, Al Hadeed and a county commissioner was!

The staff and poll workers certainly don't deserve the spin in the media that has been orchestrated by the county; all work very hard and are very dedicated. We have had the state present to observe elections in the past, and certainly always welcome their presence. We want to do it right! We strive to do it right! When you are doing what you should be doing, you don't mind their presence. I have confidence that the report that they are required to make, due to the county's request will be positive, and the voters will be reassured that elections are fair and honest. County commissioner Revels wants to ask who is paying for the court reporter and private council, but she isn't raising the issue of who is paying for the multiple trips the state has made to our county to observe the election and process...yes, it's you, the tax payer! It has been proven that outside private council is necessary here in Flagler County as had private council not been present, county commissioners would have remained on the canvassing board that should not have. It wasn't the county attorney, who was voted to be the canvassing board attorney that was looking out for the canvassing board and the process.

It is an insult to the county judge to think that the county attorney needs to be a canvassing board attorney when she herself is an attorney, has access to the laws, rules and opinions, and can interpret the laws. The county attorney does not need an attorney to do the job that the county ~~attorney~~ <sup>Judge</sup> is by Florida Statue required to do; unless the county ~~attorney~~ <sup>Judge</sup> doubts them self or is not familiar with election law. Then again, on more than one occasion, County Attorney Al Hadeed has proven he is not as familiar with election law as he attempts to make the people believe. Private council is for the benefit of the Supervisor of Elections. It is a conflict of interest for the county attorney to be involved in our elections process when canvassing board members are his employers and he influences canvassing board members, and when candidates on the ballot are his employer, and he wants to maintain his employment.

As Supervisor of Elections, I have been impartial and have gone above and beyond to maintain the voter's confidence that our local elections are fair and honest. In fact, I have lots of documentation to support the fact that the public's confidence in our local elections are very

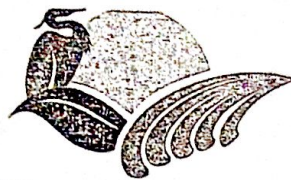
high, and that the public opinion of the job I and the rest of the election officials have done is approved and well thought of; which yes, discredits County Administrator Craig Coffey's October 21, 2014 claim. His claim is believed to be repercussions for the behaviors of the county attorney and county commissioners.

I hope before the next scheduled election, an orientation meeting can be held to go over items that could prevent reoccurrences of incidents and behaviors of the past involving the county administrator, board of county commissioners and county attorney that have proved to be costly, and have been an embarrassment to Flagler County.



## Administration

1769 E. Moody Blvd Bldg 2  
Bunnell, FL 32110



**FLAGLER  
COUNTY**  
FLORIDA

[www.flaglercounty.org](http://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  
County Administrator

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

Charles Ericksen, Jr.  
District 1

Frank Meeker  
District 2

Barbara Revels  
District 3

Nate McLaughlin  
District 4

George Hanns  
District 5



The improper recording of a private conversation by Ms Weeks, that both Mr. McDonald and Ms. Weeks have been distributing, is just the latest dramatic stunt to divert attention away from a very adversarial elections office. Although illegal, the recording being sent out is actually very positive because it is an example of how election law works and shows a Canvassing Board Attorney doing his job.

To set the context of the recording that was sent out, on August 25, 2014 there was a canvassing board meeting. Commissioner Charles Ericksen, Jr, an alternate to the canvassing was there in attendance as a member of the public and Mr. Hadeed, County Attorney and Attorney to the Canvassing Board arrived a few minutes late to the meeting. The Canvassing Board had started in one room and then got up and moved to an adjoining room. Now in a separate room from the Canvassing Board meeting, Commissioner Charles Ericksen Jr. was bringing County Attorney Al Hadeed up to date on an incident that just happened in which a member of the media was asked to leave because they were taking pictures and the stated concern was that a ballot might be visible. Responding to the story Mr. Hadeed then discussed some of the reasons why taking pictures could be perceived to cause an issue. That was not the case here because the picture being sought was a broader landscape shot of all the canvassing Board member at work and not of ballot materials.

In discussing that matter further and as part of a much larger conversation, Mr. Hadeed shared a story with Commissioner Ericksen that occurred in the distant past (prior to the current Supervisor) with a former



Several meetings later, when the minutes came back with Ms. Week's comments almost verbatim and everyone else on the Canvassing Board with hand-picked summarized comments she admitted to secretly recording the meetings on her phone.

At the meeting on September 12 Commissioner Hanns (Canvassing Board Member) asked for a copy those recordings. A week later his request remains unfulfilled. Two days ago the County Administrator submitted a follow-up request and the requested recording had not been received. This despite the fact that she was able to send audio recordings to her political supporters (former Commissioner Candidate McDonald) and a local radio station on Wednesday.

In summary, the taped conversation is positive despite the creative spin attempted by Ms. Weeks and political candidate, Mr. McDonald. However, the taping of the private conversation on August 25 and replaying it publically by Ms. Weeks, and then subsequent distributing the private conversation is not legal and is a clear violation of state law.

The taping occurred outside of the canvassing board meeting. According to Fla. Statute 934.03 it is a third degree felony to tape a private conversation without knowledge of both parties and it is also a third degree felony to distribute the recording to others.

To: Kim  
Date: 18 NOV 2014 Time: 2:17 PM



## IMPORTANT MESSAGE

104300540 118261080  
M: Brod Lane & Deborah Lane  
of: Voters

Phone: \_\_\_\_\_

Message: Keep up the good works  
and kick their butts.

OP: Kathy





## FLORIDA DEPARTMENT of STATE

CHARLIE CRIST  
Governor

KURT S. BROWNING  
Secretary of State

October 15, 2009

Honorable Sharon L. Zeller  
County Court Judge  
Broward County Courthouse  
Fort Lauderdale, Florida 33301

RE: DE 09-07  
Canvassing Board – Disqualification of Member;  
§§ 102.141(1), Florida Statutes

Dear Judge Zeller:

This letter responds to your request for an advisory opinion. You are the Administrative County Judge for Broward County and, as such, you serve as the chair of the County Canvassing Board. As a local officer having election-related duties, the Division of Elections has authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2009).

Section 102.141(1)(a)-(d), Florida Statutes (2009), disqualifies a canvassing board member or a substitute member of a canvassing board if the member is a candidate with opposition in the election being canvassed or is an "active participant" in the campaign or candidacy of any candidate who has opposition in the election being canvassed.

You ask if whether any or all of the following activities by a member of the canvassing board constitute being an "active participant" in the campaign or candidacy of any candidate who has opposition in the election being canvassed:

- Being a member of an election or re-election committee for a candidate
- Public endorsement with or without financial support of a candidate
- Holding campaign signs, wearing a campaign tee-shirt, or other public display of support for a candidate
- Signing endorsement card for a candidate
- Attending a fundraiser for a candidate
- Chairing or co-chairing an ongoing election campaign or fundraiser for the candidate

berle Weeks

From: Timothy Hall  
Sent: Friday, November 07, 2014 9:48 AM  
To: Brian McMillan  
Cc: Peggy Yacavone; Dennis McDonald; Janet McDonald; Polly Winters; Pat Rice; Bob Bossong; Fran Moore; Kimberle Weeks  
Subject: Re: 3rd degree felony

You're welcome.

I mean exactly what I said. Al Hadeed and Charlie Eriksen are assisting a County Commissioner in the achievement of an illegal purpose. In this case, by the County Attorneys' own words, a 3rd degree felony. And the Palm Coast Observer is also, by directing peoples' attention away from said guilty parties (guilty by their own words; not yet a jury) and attacking the innocent whistleblower, quite possibly assisting in the achievement of an illegal purpose as well. The Observer i.e. John Walsh, Brian McMillan, and Jonathan Simmons et al are voluntarily creating the "smokescreen" for a crime to be successfully committed. Rather than uncover and get to the bottom of said crime as an unbiased "observer", as is your mandate, you've decided to become a part of the story, attacking the innocent. And in doing so, you may be committing a serious crime.

Congratulations on your newborn...you're in my prayers.

Tim

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On Thu, 11/6/14, Brian McMillan <[bmcmillan@palmcoastobserver.com](mailto:bmcmillan@palmcoastobserver.com)> wrote:

Subject: Re: 3rd degree felony  
To: "Timothy Hall" <[tfhall119@yahoo.com](mailto:tfhall119@yahoo.com)>  
Date: Thursday, November 6, 2014, 8:24 AM

Thanks for  
the letter, Mr. Hall.

Can  
you explain what you mean by aiding and abetting a third-degree felony?

--Brian McMillan  
Executive Editor  
The Palm Coast  
Observer  
Office: 386-447-9723, Ext. 235  
[www.palmcoastobserver.com](http://www.palmcoastobserver.com)  
[www.facebook.com/palmcoastobserver](http://www.facebook.com/palmcoastobserver)

On Tue, Nov 4, 2014 at 7:28  
AM, 'Timothy Hall' via editor <[editor@palmcoastobserver.com](mailto:editor@palmcoastobserver.com)>  
wrote:  
Dear  
editor,

County attorney Al Hadeed and former County Commissioner Charlie Erickson have, in their own words, tacitly admitted to aiding and abetting a third degree felony committed by another County Commissioner; quite possibly Nate McGlaughlin.



In a sane world, this would be a front page headline and these people would be doing the "perp-walk". In the world of the Palm Coast Observer, Supervisor of elections Kimberle Weeks is the "wicked witch of the west."

Ms. Weeks is one of the only people in this "story" that hasn't done anything wrong. She has been shining a bright light on the rampant corruption that plagues our local government. Ironically, this means she's doing her job and the Observers' job. And because she is doing such a fine job taking out the trash, she is being targeted by the guilty parties. Classic deflection and misdirection.

More importantly, the Palm Coast Observer is ruthlessly attacking Ms. Weeks, creating a smokescreen for the guilty parties. In fact, the Observer is leading the way in these baseless attacks and could be considered to be aiding and abetting a third degree felony as well. That's two potential crimes in as many months!

Our local government and our local paper are just one big happy family-----way to go fellas. You rock!

Timothy Hall

Palm Coast

Kimberle Weeks

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**From:** Dennis McDonald  
**Sent:** Friday, November 07, 2014 10:11 AM  
**To:** SecretaryofState@dos.myflorida.com  
**Cc:** Maria.Matthews@dos.myflorida.com; Kimberle Weeks; Dennis McDonald  
**Subject:** Flagler County Elections 2014

Mr. Secretary.

The Board of County Commissioners voted on 10/20/2014 to have County Administrator Coffey request oversight by your office of our elected SOE in this years election. They apparently had concerns that the canvassing board was failing to complying with state statute.

They were in fact correct and we made history in Flagler by removing Board of County Commissioner George Hanns from the canvassing board the night of a General Election. Another BOCC member was removed two weeks prior because he violated the statute by participating in a fund raiser for fellow member Meeker the same member that Hanns endorsed in a Meeker mailing.

I trust that both of your very able staff members that came to review and witness these actions and report on the election process have made a full report.

As a Flagler Voter and frequent observer at the canvassing board meetings I found the County interference extreme but properly resolved by the Judge and SOE. I would appreciate knowing if a BOCC Chairman has ever been removed on the night of a General election in the great State of Florida.

Regards.

Dennis McDonald  
Flagler County



Kimberle Weeks

From: Bob Hamby  
Sent: Friday, November 07, 2014 2:12 PM  
To: SecretaryofState@dos.myflorida.com  
Cc: Maria.Matthews@dos.myflorida.com; 'Kimberle Weeks'  
Subject: FW: Flagler County Elections 2014

Mr. Secretary.

The Board of County Commissioners voted on 10/20/2014 to have County Administrator Coffey request oversight by your office of our elected SOE in this years election. They apparently had concerns that the canvassing board was failing to complying with state statute.

They were in fact correct and we made history in Flagler by removing Board of County Commissioner George Hanns from the canvassing board the night of a General Election. Another BOCC member was removed two weeks prior because he violated the statute by participating in a fund raiser for fellow member Meeker the same member that Hanns endorsed in a Meeker mailing.

I trust that both of your very able staff members that came to review and witness these actions and report on the election process have made a full report.

As a Flagler Voter and Poll Watcher representing the Flagler County Republican Executive Committee I found the Flagler SOE staff to operate the polling location in a highly professional manner. I am appalled that the Flagler County Commission and County staff saw fit to interfere in the recent elections but am happy that things were properly resolved by the Judge and SOE. I would appreciate knowing if a BOCC Chairman has ever been removed on the night of a General election in the great State of Florida.

Regards.

*Bob Hamby*  
**386-793-2472**

**Kimberle Weeks**

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**From:** Carole Ruffalo  
**Sent:** Monday, November 03, 2014 2:44 PM  
**To:** maria.matthews@dos.myflorida.com; kenneth.detzner@dos.myflorida.com  
**Subject:** FLAGLER BOCC REQUEST

We received a copy of the letter sent to you by Flagler County Administrator Craig Coffee pertaining to the request for your oversight in Flagler County elections this cycle. When you deal with Mr. Coffee, always watch the other hand. Focusing on the Supervisor of Elections is a diversionary tactic. The Flagler County Commissioners are trying to keep the focus off the Canvassing Board, because that's where they have been playing games for years, with the help of the County Attorney. Kimberle Weeks really is a by-the-book type of administrator, with crossed t's and dotted i's.

What you might want to know about all this is that Commissioner Revels is being investigated by the Florida Ethics Commission and Commissioner McLaughlin is being investigated by the State Attorney's office. Both pertain to the purchase of the Old Flagler Hospital by the County for \$1.23 Million Dollars. If the incumbents lose this election, newly elected Commissioners will open doors none of them want opened.

In the opinion of many voters here, the Board of County Commissioners functions for the benefit of the few at the expense of the many. We would certainly welcome your oversight in this election cycle.

John & Carole Ruffalo  
386-283-4342



Kimberle Weeks

**From:** Dennis McDonald  
**Sent:** Monday, November 03, 2014 1:33 PM  
**To:** SecretaryofState@dos.myflorida.com  
**Cc:** Maria.Matthews@dos.myflorida.com; Travis.hutson@myfloridahouse.gov; Kimberle Weeks; pat.rice@news-jrnl.com; Klasne, Nick; Brian McMillan  
**Subject:** Fwd: Flagler BOCC Request

Dear Mr Secretary.

I received a copy of a letter in a records request that was sent to you by the Flagler County Administrator Craig Coffey dated 10/21/2014 in which he states the BOCC respectfully requests your assistance under Florida Statute 101.58 and that the BOCC unanimously voted to authorize this request.

After a review of the 10/20 BOCC Agenda I find no such agenda item listed. So as to be more informed I reviewed the video and found that this BOCC action was taken without public notice or even a meager attempt to allow public comment. This is a clear violation of Chapter 286 FS.

In review it was noticed that this same procedure was used to appoint a replacement alternate canvassing board member for Mr Ericksen who stepped down when it was discovered he was supporting another BOCC member up for election by attending a fund raising dinner. This replacement procedure seems contrary to FS. and is for others to determine but certainly fails the requirement of public notice and allowing for public comment. The public comment would have been spirited to say the least because our BOCC has lost the public trust.

Please review the information presented and know that the request made is made without proper notification and public comment, in short this request is unauthorized. Complaint filings of Sunshine violations are imminent and ethics complaints will follow. It has also been referred to our in county member of the First Amendment Organization.

Please excuse our "mess" here in Flagler but know that the silent majority has been aroused and is working to remove representatives that fail to properly represent us.

Regards.

Dennis McDonald