

**From:** [Diamond, Joshua](#)  
**To:** [Donoghue, Mike](#)  
**Cc:** [Mishaan, Jessica](#)  
**Subject:** Public Records Appeal  
**Date:** Tuesday, September 22, 2020 7:34:31 PM  
**Attachments:** [Donaghue PRA Appeal final.pdf](#)  
[20B102128 Investigative Actions Timeline - Redactions Appeal.pdf](#)  
[20B102128 Investigative Supplemental Report 8-6-20- Redactions Appeal.pdf](#)  
[20B102128 Supplemental Report 8-10-2020 - Redactions Appeal.pdf](#)

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Dear Mr. Donoghue:

Please find attached the AGO's response to your public records appeal, included revised documents that are responsive to your request.

Sincerely, Josh Diamond

Joshua R. Diamond, Deputy Attorney General  
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September 22, 2020

Michael Donoghue  
Vermont Press Association  
Putney, VT 05346

**BY E-MAIL ONLY**

RE: Response to Public Records Appeal

Dear Mr. Donoghue:

I write in response to the appeal of your public records request to the Vermont Attorney General's Office ("AGO").

**I. Background**

On August 21, 2020, you made requests under the Vermont Public Records Act (the "PRA") including a copy of the VSP investigative report in connection with the Merkel matter. Vermont Attorney General's Office. The following records responsive to this request, with redactions, were provided on September 14, 2020.

- 20B102128 Investigative Actions Timeline (33 pages)
- 20B102128 Supplemental Report 8-6-2020 (1 page)
- 20B102128 Supplemental Report 8-10-2020 (1 page)

On September 14, 2020, at approximately 11:59 p.m., you appealed the redactions. The basis of the appeal claims that redacted information is already public or involves public officials. Specifically, you have identified Chief Merkel, Addison County Sheriff Peter Newton, and the Vergennes City Manager.

Upon review, the AGO is producing revised documents, which eliminate many of the previous redactions. The remaining redactions comprise two different sets of information. The first is the names of private individuals who are witnesses in the investigation. The second set of redactions can be found on pages 2,7,11,13, and 24 of the 20B102128 Investigative Actions Timeline document, and they contain addresses, employee identification numbers, and human

resource type information. For the reasons set forth below, these redactions are appropriate under the Vermont Public Records Act (“PRA”).

## **II. Remaining Redactions Are Exempt Under the PRA.**

### **A. The names of private individuals are exempt from production under 1 V.S.A. § 317(c)(5)(A)(iii) and 5(D).**

The identification of non-public witnesses is properly exempt from disclosure under the PRA. The PRA exempts from public inspection and copying “records dealing with the detection and investigation of a crime...,but only to the extent such production would lead to the consequences set forth in 1 V.S.A. § 317(c)(5)(A)(i)-(vi), including where release “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” 1 VSA § 317(c)(5)(A)(iii).

In construing the exemptions under § 317(c)(5), courts are to be “guided by the construction of similar terms” in the federal Freedom of Information Act (FOIA). 1 V.S.A. § 317(c)(5)(C). The federal courts have interpreted FOIA’s counterpart, Exemption 7(C), to extend to the identities of third parties such as witnesses. *Computer Prof’ls for Soc. Responsibility v. U.S. Secret Serv.*, 72 F.3d 897, 904 (D.C. Cir. 1996)(noting Exemption 7(C)’s scope includes the privacy interests of suspects, witnesses, or investigators); *Nation Magazine, Wash. Bureau v. U.S. Customs Serv.*, 71 F.3d 885, 894 (D.C. Cir. 1995) (“In a number of cases, this court has found that individuals have an obvious privacy interest cognizable under Exemption 7(C) in keeping secret the fact that they were subjects of a law enforcement investigation. That privacy interest also extends to third parties who may be mentioned in investigatory files, as well as to witnesses and informants who provided information during an investigation.” (citations omitted)). The FOIA counterpart includes a “...general privacy interest in preventing dissemination of his or her name and home address.” *Grand Cent. P’ship, Inc. v. Cuomo*, 166 F.3d 473, 485 (2d Cir. 1999) (quoting *Fed. Labor Relations Auth. v. U.S. Dep’t of Veterans Affairs*, 958 F.2d 503, 510 (2d Cir.1992)). As such, redactions to prevent disclosure of witness names, information relating to home addresses, and other employee identification numbers are proper.

Moreover, the PRA unambiguously provides that “...a public agency **shall not** reveal information that could be used to facilitate...the identity of a private individual who is a witness to or victim of a crime, unless withholding the identity or information would conceal government wrongdoing.” 1 V.S.A. § 317(c)(5)(D). The obligation to protect from disclosure the identities of private witnesses is mandatory, not discretionary, absent a need to prevent the concealment of government wrongdoing. See, *Cornelius v. The Chronicle, Inc.*, 2019 VT 4, ¶ 19 (use of the word “shall” in statute indicates the requirement is mandatory). Disclosure would not serve the purpose of revealing government wrongdoing. They are not even targets of the investigation. Therefore, the AGO appropriately redacted the remaining names of private witnesses under the PRA.

### **B. Personal information is exempt under 1 V.S.A. § 317(c)(7).**

The remaining redactions are appropriately exempt under 1 V.S.A. § 317(C)(7) because they include addresses, employee identification numbers, and other human resource type information.

1 V.S.A. § 317(c)(7) exempts personal documents or information. This exemption has been interpreted to apply where disclosure might reveal intimate details of a person's life, including any information that might subject the person to embarrassment, harassment, disgrace, or loss of employment of friends. *Rutland Herald v. City of Rutland*, 2012 VT 26, ¶ 30. This exemption is not absolute, and it must be balanced against the relevance to the public interest sought by disclosure. *Id.*, at ¶ 40. Here, the public interest in the remaining redactions are limited, and the public interest does not outweigh the concerns about disclosure of personal information. The redacted information does not provide probative information about the purpose of the investigation, allegations of misconduct about time sheets and payroll. The redacted information reflects health information and other employment information of a witness who is not a target of the investigation, home addresses, and employee identification numbers. Public disclosure of such information could result in embarrassment or harassment. For these reasons, the remaining redactions of personal information are appropriate.

Your appeal is granted in part and denied in part as explained above. Under 1 V.S.A. § 319, you may seek judicial review of this determination from the Civil Division of the Vermont Superior Court.

Sincerely,

Joshua R. Diamond  
Deputy Attorney General

## **Receipt of allegation and initial communication with Sheriff Newton**

5-14-2020

- I was made aware of an allegation of time sheet fraud reported by Addison County Sheriff Peter Newton. He alleged fraud committed by Vergennes PD Chief George Merkel. Newton started an investigation but eventually stopped and submitted what he accomplished to VSP for continuation.
- I was provided several documents which were forwarded to me, related to this allegation. I reviewed these documents which included a 16-page affidavit style document written by Newton, however it did not contain the typical affidavit header, and was not sworn to / signed / notarized

5-15-2020

- I exchanged e-mails with Newton. We planned to meet in person, and he offered to provide documents to me, that he received from a freedom of information request, related to this investigation. He also offered that he and his Captain (Brent Newton, no relation) would write affidavits, which I said would be helpful.

## **Meeting with Sheriff Peter Newton and Captain Brent Newton:**

5-20-2020

- I traveled to the home of Brent Newton in ████████ VT, as requested by Peter Newton. When I arrived and met with Peter and Brent, I asked for the affidavits that were offered me, as I wanted to review them and determine if I needed to conduct separate sworn recorded interviews with Peter and Brent, or did their affidavits cover all topics and information relevant and necessary for this investigation.
- Peter explained that he and Brent were willing to write affidavits but were not confident in VSP being the agency to handle this case, as he perceived a relationship between Chief Merkel and Colonel Birmingham exists, specifying that Merkel has the Colonel on speed-dial. Peter mentioned that if he was writing an affidavit, he might as well submit his own to the Addison SA office to charge Merkel and suggested the AG's office should be the investigating agency. After I explained my personal beliefs related to police

integrity, my willingness to hold everyone accountable for their actions, and to be thorough with whatever my assignment is, Peter later said he was more comfortable with me handling this case, now that he's had a chance to meet me. Peter made it clear that it was his preference that he and Brent were not providing sworn recorded interviews until I reviewed the documents. He suggested that after I see any evidence of time sheet fraud, we could discuss what he and Brent would provide to continue the investigation.

- Brent did not deny and in fact he offered up his dislike for Chief Merkel. At one point he indicated toward his back yard with a hand gesture and commented about there being a hole for Merkel. I took that statement to be a spontaneous representation of his dislike and not an actual threat. He provided brief descriptions of times that he was wronged by Merkel, and felt Merkel was unethical with reporting his time and overtime. He mentioned times that he felt wronged by Merkel when Brent worked at Vergennes PD. This included disciplinary measures Merkel took against him, as well as behind the scenes actions Brent suspected Merkel took to prevent him from being hired as a [REDACTED]. Brent mentioned that Merkel has driven past Brent's home (which he clarified was NOT in the city of Vergennes or his regular patrol area) and Merkel would stare Brent down. At one point while talking to me, Brent said that he is [REDACTED] ([REDACTED] and [REDACTED]). He indicated toward a large folder of paperwork and told me that all of this was bringing back memories, and to me Brent seemed to hold back tears but re-gained his composure. I told both Brent and Peter multiple times that if this case were to progress, this information they were sharing with me, needs to be included in an affidavit they'd author, or sworn to in a recorded statement. Brent specified that he conducted the preliminary investigation which included review of city provided materials (time sheets and GHSP officer activity reports, which he then compared to radio log entries in Spillman).
- Peter shared with me that he suspects back door dealings with Merkel and city officials to undermine his department's ability to secure contracts for town patrols. He spoke with Brent about this, the discussion turned to Brent's knowledge or suspicion of Merkel's activity with timesheet and reporting overtime, specifically Governor's Highway Safety (AKA click it or ticket overtime), which lead to their FOIA request for timesheet and related documents.

- **The documents provided to me were highlighted and had notes written by Brent Newton. He seemed to be using the Spillman radio history system to locate inconsistencies as well. During my meeting with Brent and Peter, Brent showed me exactly how he used Spillman to research Chief Merkel’s entries. I determined that he used differing methods (tree menu lookups with date ranges entered) than I usually navigate my way through radio logs (typing specific commands in the command line), but it appeared to me that we ultimately arrive at the same resulting data.**
- **It should be noted that I frequently use / used Spillman’s radio log features as well as ticket and warning logs, in my regular duties as a patrol commander. This was an assignment I had for more than 5 years beginning October 2012. Some of my duties while patrol commander included time-sheet review and approval which was a laborious process of checking time reported by troopers and verifying that schedules and radio log entries were consistent with the hours reported as worked. I was also required to check “packets” submitted by troopers, to ensure their overtime activities (when applicable) were documented on officer’s activity sheets, and that these sheets were attached to the packet. I also used the radio history / radio log entries in Spillman to look back on what I did and what other troopers did, during a given period, for various reasons.**
- **Our interview concluded with Peter providing me a thumb-drive of the documents provided to him by his FOIA request upon the city of Vergennes. He asked that I review these documents and see if I saw criminal activity. We discussed the fact that I was not assigned to investigate or audit Chief Merkel’s overall practices which may be in violation of VCJTC’s by-laws and state mandated rules which govern reporting race data of motor vehicle stops. I suggested these matters be referred to the VCJTC for administrative actions, and my role was specific to Chief Merkel stealing money by getting paid for overtime hours which he did not work.**
- **While speaking with Peter I asked him if he had possession of any audio recordings or other media related to this investigation. This was based on his lengthy report which summarizes conversations he had with the Addison County State Attorney, and city officials with Vergennes. Peter told me that he had no other files or media.**

## Review of material provided by Addison County Sheriff Department:

- I began review of the contents within the thumb-drive provided to me by Peter Newton. This consisted of 20 PDF files of varying page volume. All files were of city of Vergennes time sheets, GHSP officer activity reports, and numerous Spillman documents printed and reviewed by Brent Newton.
- On 6-4-2020, I printed all PDF's provided by Sheriff Newton, and re-named all 20 PDF files sequentially, attaching a note to the printed packets to denote its number, keeping each file separate.
- From my preliminary review, I located numerous instances of Chief Merkel's radio history not matching up to the number of regular work hours on his timesheet, however this only tends to demonstrate that he does NOT frequently rely on radio log entries to show his whereabouts. **Upon speaking with City Manager Daniel Hofman later, I learned that Chief Merkel is automatically paid for a 40-hour work week and is not required to accurately account for those 40 hours via the Spillman radio logging system or by any other means. Chief Merkel later confirmed this in an interview, and said he was not bound or required to document his activities by use of the radio.**
- The report submitted to the AGs office by Sheriff Newton has paragraphs numbered 24-34 outlining what the Sheriff flagged as violations of statutes related to "Fair and Impartial Policing" based on a header entitled as such. These allegations were not criminal in nature and were not part of what I was ordered to investigate. In a very brief summary of what was alleged and from what I briefly observed, it appears that written warnings and/or tickets entered into the Spillman system may not be a representation of all enforcement actions taken by Chief Merkel on his traffic stops. **This may however be an example of poor data reporting, a matter more appropriate to be addressed in a forum other than a criminal fraud investigation.**
- In paragraph 32 of Sheriff Newton's report to the AG, it alleges that Chief Merkel submitted an officer's activity report for 6 hours GHSP hours worked on 4-27-2019 1100-1700 (PDF 11 Page 2 and PDF 10 Page 17), in which he reports making 10 stops (4 warnings and 6 traffic citations issued). According to his report to the AG, Sheriff Newton reported that NONE of these stops were logged in Spillman. In my experience, "normal" police procedure would

be an officer calls out a stop to dispatch, reports the vehicle's plate and the stop location, which dispatch then logs as "OVIOL" or "TS", and this entry then goes into that officer's radio log. I am unaware of a law requiring a police officer to take these actions. However, due to the seemingly large inaccuracy reported by Sheriff Newton on this date, I chose to further investigate this GHSP activity to determine if Chief Merkel reported enforcement action to GHSP that he did not actually accomplish during his overtime patrol. GHSP forms, when submitted for review / approval / payment of overtime do not specify that the officer signing their name at the bottom is swearing to the truthful content of their report, so as I look into this, I am not sure if an inaccurately completed GHPS officer's activity report is itself criminal in nature. It may however lend to an overall picture of Chief Merkel's action. Nonetheless, I used Spillman to look up tickets and warnings entered into this system by or for Chief Merkel for the full time period of 4-27-2019. In Spillman, it shows ticket #3361132 was issued 4-19-2019. The next sequential ticket (#3361133) was issued 4-29-2019. Tickets are issued in batches of 10, all sequentially numbered within that batch. According to Spillman records, there is no documentation of the 6 tickets he reported issuing on 4-27-2019. If Chief Merkel did write 6 tickets on 4-27-2019, they were from a different batch than the tickets issued before and after 4-27-2019, were never logged into Spillman and he did not call out his stops. His radio history (documented as "M1861") shows him going off duty on 4-25-19 and signing back on, on 4-29-2019. There were no warnings entered into the Spillman system for this timeframe either. It should be noted that the GHSP daily activity report does not specify "written warnings", it combines "oral and written warnings". Failure to issue written warnings may be a violation of Fair and Impartial Policing (as race data tracking is mandatory and documented on written warnings) but is not a crime and not the focus of my investigation. Within the documents provided to me by Sheriff Newton, I located the officer's activity report completed by Chief Merkel on 4-27-2019 indeed reports that he patrolled 11 miles during the 6 hours he worked. His overtime rate was reported as \$62.05 per hour for a total payment of \$372.30 on this sheet. The timesheet submitted that would pay for hours worked on 4-27-2019 (PDF 10 Page 14), did not show any hours worked on that date (regular, grant, or otherwise). A review of Chief Merkel's activity on 4-27-2019 leaves me with questions that I plan to address in a later interview with Chief Merkel, most importantly, why he submitted a GHSP officer's activity report for 6 hours (which included his overtime rate of pay and total amount to be paid), and not put in for that overtime on 4-27-2019. **I determined that GHSP did not receive a copy of the 4-27-2019 activity sheet and Merkel was NOT**

**paid overtime for these hours. This matter is not considered fraudulent as pay data shows he was not paid overtime, nor did he submit this officer's activity sheet to GHSP. When interviewed and presented with documents related to 4-27-2019, Chief Merkel did not have a specific memory of this situation.**

- In PDF 12, pages 5-7 I noticed that the GHSP sheets have the top and bottom portions covered and cut off. This consists of 3 sheets that do not show vital information such as timeframes and dates for overtime hours worked. On 2 of these sheets (pages 5 and 7) just before the sheet is cut off, I can see that it lists the same starting mileage (34,397). On page 8 the time sheet appears to have a sticker placed over part of it before being copied/ scanned. **I was provided with a copy of the page 8 timesheet that was not covered with a sticker. Under it, there is reference to 13.5 hours worked by Merkel on a Saturday for an assault. This does not appear to be fraudulent or suspicious.**
- In Sheriff Newton's report to the AG, in paragraphs 35-39 (which were under the header "unprofessional conduct", Sheriff Newton documents instances of radio log entries into Spillman that were not reflective of the hours reported on his timesheet. I determined that this information may be relevant as it left me with unanswered questions about how many hours Chief Merkel is paid by the city, if the city manager requires him to log his hours in Spillman (a computer program that the city manager would NOT have access to unless he himself was a police officer). **Although relevant, Chief Merkel not being on point with his radio log entries is not itself criminal in nature and will not be a focus of my assigned investigation. City Manager Daniel Hofman later specified that Chief Merkel is not required to log his whereabouts while on shift and is paid a salary for a 40-hour work week.**
- Paragraph 36, 37, 38, and 39 of Sheriff Newton's report to the AG details inaccuracies when comparing timesheets submitted to the city by Chief Merkel, when comparing the hours reported to the Spillman radio log entries made for Chief Merkel. The city manager reported that Chief Merkel is automatically paid for a 40-hour work week. I know of no law that requires accurate Spillman entries, thus **I see this situation and others like it to be an example of practices that are not ideal, of minimal relevance to a criminal investigation, and not itself criminal in nature.**
- I used the Spillman system to check the tickets and warnings issued by Chief Merkel, by going into the warning table, and looking up all traffic warnings

issued by officer number 00215 (Chief Merkel). I noticed that these warnings stopped being entered in December 2018. I ran traffic tickets (in the Spillman system as “citations”) written by Merkel, and there were none newer than November 2019. I contacted DPS Spillman administrator [REDACTED] to inquire about this, as I would expect more recent entries as Chief Merkel still works as a police chief. I received verification from [REDACTED] that all tickets and warnings entered into Spillman by looking up Merkel’s officer number ([REDACTED]) in the citation or warning table, amounted to the total tickets and warnings entered for him. **This does not appear to be fraudulent. This may however be an example of poor data reporting, a matter more appropriate to be addressed in a forum other than a criminal fraud investigation. Searches for written warnings issued by Chief Merkel and entered into the Spillman computer system have provided different results at different times and should not be considered evidence of criminal activity.**

**Sheriff Newton’s paragraph 43:**

- I began specifically looking at information and documents related to one instance of alleged misconduct on 11-22-2019. In paragraph 43 of his report submitted to the AG’s office, Sheriff Newton wrote of his concerns. Sheriff and Captain Newton also discussed this date with me at length when we met in person. This was the day that Captain Newton attended his son’s graduation from Vermont Police Academy, a ceremony in which Chief Merkel gave a speech. Brent Newton also sent me a video that he recorded, in which he pointed Chief Merkel out to me. On this date, Chief Merkel (according to Spillman entries) signed on by radio “on duty, VPA” noted by [REDACTED] [REDACTED] who is a PSAP administrator assigned to VSP [REDACTED]. This was entered at 0816. There was no entry for his arrival at the VPA, but he goes “8” by his MDC at 1451, likely meaning he was 10-8 or clear from somewhere. He then signs off at 1702, entered by [REDACTED]. His city entered time sheet shows his regular shift was 0830 – 1800 for that day, and also entered 1.5 hours of grant time, noting that his regular shift was 0830 – 1000, and 1200-1800 (PDF 18 page 3). The timeframe’s provided, only account for 7.5 hours worked. There was no record of a traffic stop conducted on 11-22-2019, and no ticket entered in the Spillman system for this date, although there are tickets entered before and after. When I reviewed the daily activity sheet (PDF 18 Page 5) submitted for 11-22-2019, it shows Chief Merkel worked 1000-1130 for Click it or Ticket and he wrote 1 ticket for portable electronic device violation. According to Brent Newton, the VPA had their graduation ceremony on 11-22-2019 at 1000, and it is well documented that Chief Merkel was present for that

timeframe. My review of the documentation of this date, raises questions for Chief Merkel. **This was of concern to both Sheriff Newton and me. I requested copies of tickets issued and submitted to the judicial bureau for 11-22-2019 by George Merkel and was told there were none submitted to them. The absence of a ticket submitted to the judicial bureau, coupled with the other factors listed in this paragraph are concerning. A pay sheet provided by City of Vergennes confirms that Merkel was paid for 1.5 hours overtime during the pay period that included 11-22-2019 when he claimed 1.5 hours overtime. His total payment was \$80.15. It was determined that Merkel most likely worked GHSP the day prior, based on a stop within the timeframe for the same violation, and wrote the wrong date on his GHSP activity sheet, which lead to him requesting overtime on the wrong calendar day on his city timesheet.**

**Sheriff Newton's paragraph 42:**

- I began specifically looking at information and documents related to alleged misconduct on the part of Chief Merkel in April / May 2019. Newton repeats what was written in paragraph 32, regarding the April 27<sup>th</sup>, 2019 hours not being submitted to the city for grant pay. He reports seeing an officer's activity report submitted for 3 hours of GHSP worked for a "press release" on 4-11-2019 (PDF 10, Page 2). I noticed that Chief Merkel called this a "press conference" and did not put in for grant overtime on his timesheet for that date (PDF 10, Page 5). **He likely put in for these 3 hours on the following timesheet, where a 2 is crossed out and a 5 is in its place, as thoroughly discussed throughout this report. I found a YouTube video of an interview with Chief Merkel where a reported discussed drug abuse. This was posted in June 2019, but I did not see a date that it was recorded. When interviewed and presented with this situation, Chief Merkel did not have a specific memory of this situation.**
- I noticed that Chief Merkel's timesheet for pay period ending 5-4-2019 showed 5 hours of GHSP overtime (PDF 12 Page 1) worked on 4-29-2019, however the officer's activity sheet for that date showed he worked 1 hour 0730 – 0830 (PDF 10 Page 15) and one other hour 1600-1700 (PDF 11, Page 1). The 5 hours reported as grant on his timesheet showed an unknown number (but probably a 2) was typed on the timesheet, then apparently crossed out by hand, with a "5" added in, and the total hours of grant work also crossed out, with a "5" handwritten in. Chief Merkel's radio history shows 1 motor vehicle stop on 4-29-2019, more reflective of his officer's activity sheet for 1- or 2-hours overtime, not his timesheet with the handwritten 5 hours. His radio history

also shows he signed on that morning at 0714. **As stated above and thoroughly discussed in this report, it is likely that Chief Merkel added the 3 hours from 4-11-2019 to the following pay period on 4-29-2019. He worked a total of 5 hours GHSP in April, which was all he was paid for.**

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Sheriff Newton's paragraph 41:

- I began specifically looking at information and documents related to alleged misconduct on the part of Chief Merkel in February 2019. Sheriff Newton compared the hours reported as being worked for the GHSP overtime on 2-14-2019 and 2-15-2019 with the Spillman entries that document the times Chief Merkel called out motor vehicle stops. Sheriff Newton notes that all Chief Merkel's stops are not logged in his radio history as occurring within the timeframe of his hours worked on GHSP overtime. Being that Chief Merkel is not required by law to maintain an accurate radio log, is paid for a 40-hour work week by default, and his radio history in general shows that he was conducting proactive motor vehicle enforcement on 2-14-19 and 2-15-2019; **this activity does not appear to be fraudulent in nature. This may however be an example of poor data reporting, a matter more appropriate to be addressed in a forum other than a criminal fraud investigation.**
- Also in Sheriff Newton's paragraph 41, he explored a GHSP officer's activity sheet for overtime worked on 2-16-2019 (PDF 8, Page 8). It was reported that Chief Merkel worked 3.5 hours on "briefing, scheduling, and paperwork". Upon examining this sheet, I noticed that 2-17-2019 was the original date written on the activity sheet, then crossed out with "Per GM, Sat not Sun". This appeared to be an error caught by George Merkel. Sheriff Newton wrote in paragraph 41 that it does not take 3.5 hours to enter 6 tickets. After review of this situation I felt that the ambiguously worded "briefing, scheduling, and paperwork" may encompass more than just ticket entry, and Chief Merkel may have used the 3.5 hours on his day off (this is a Saturday) to handle administrative aspects of the GHSP. **This activity does not appear to be fraudulent in nature. This may however be an example of poor data reporting, a matter more appropriate to be addressed in a forum other than a criminal fraud investigation.**
- In his final concern noted in paragraph 41, Sheriff Newton notes that the GHSP officer's activity reports for 2/16, 21, and 22 "*were all signed and dated on a different day than the day the report was made*". I presume he intended to point out that these were signed on different dates than the reported hours

were worked, not necessarily the date Chief Merkel completed the forms. As I reviewed all officer's activity reports in PDF 8, I concurred that the dates on the signature line were different than the date these hours were reported to have worked. I also noticed this was the case for the activity report for hours worked on 2-14-2019 (PDF 8 page 3). It is not uncommon to complete officer's activity reports after the fact, based on my experience that includes working GHSP, filling out the sheets, as well as reviewing and approving timesheet packets that include other officer's activity reports. It would be my recommended practice to fill the sheets out on the same day as the hours worked, and I myself have strived to accomplish this. The fact is, that the unpredictable nature of police work may pull the author of a GHSP officer's activity report in another direction, causing them to re-visit filling out paperwork later. It could even be concluded that Chief Merkel was doing his best to accurately complete this daily activity report, by using the actual date he filled his sheets out, which was after the date of the hours he worked. **This activity does not appear to be fraudulent in nature.**

Sheriff Newton's paragraph 40:

- I began specifically looking at information and documents related to alleged misconduct on the part of Chief Merkel in December 2018. Sheriff Newton wrote about an officer's activity sheet for 12-7-2018 (PDF 6 Page 2) for 8 hours overtime. I noticed that this form does exist, however the correlating timesheet for reporting hours worked on 12-7-2018 (PDF 6 Page 1) shows no hours reported in the "grant" section. In the notes section for this date it says, "see attached GHSP sheet". Handwritten on the timesheet is "SAL 8 OT POED". Sheriff Newton's concern with 12-7-18 was not that it wasn't listed as grant hours worked on the timesheet, rather how Chief Merkel's radio log and ticket entries did not match up with his GHSP hours worked, bringing into question the accuracy of Chief Merkel's forms. I reviewed Chief Merkel's radio history and saw documentation of proactive motor vehicle work on that date. **Upon speaking with City Manager Daniel Hofman later, I learned that Chief Merkel is automatically paid for a 40-hour work week and is not required to accurately account for those 40 hours via the Spillman radio logging system. Hofman identified POED as Police Outside Extra Duty, a common acronym entered by payroll. Based on the presence of radio history that supports Merkel stopping cars on that date, a form submitted for 8 hours overtime, and the likelihood that pay-roll wrote the notes allowing for the 8 hours of pay, this does not appear to be fraudulent.**

- Also, in paragraph 40, Sheriff Newton notes that Chief Merkel reported 7.5 hours of GHSP worked on 12-15-2018 “*however no timesheet was reported*”. Assuming Sheriff Newton was saying that there was no officer’s activity report provided to him, I checked and verified that Chief Merkel’s timesheet did have 7.5 hours listed for grant (PDF 6, page 5). There is a note on that date “GHSP”. I also could not find a correlating officer’s activity report attached to the documents provided. A check of Chief Merkel’s radio history for that date shows he went on-duty at 1050 for a “traffic detail” and off-duty at 1747 hours. These times more closely reflect 7 hours of overtime worked, not 7.5, as also noted by Sheriff Newton. **The mere absence of an officer’s activity sheet is not criminal in nature. In fact, it not an uncommon occurrence and as a timesheet approver I have noted and requested those that I supervise, to submit a forgotten sheet. Upon further inquiry into 12-15-2018’s overtime (as well as 12-14-18 which also had no officer’s activity sheet), I determined that city payroll had copies of officer’s activity sheets for both 12-14 and 12-15-2018. This coupled with radio log entries that reflect proactive motor vehicle work, leads me to believe this is not fraudulent.**

## Investigative Actions Timeline

6-2-2020

- I inquired with ██████████ regarding Chief Merkel’s radio log entries, which I was researching by going into the CAD screen and entering “rh u ██████████”. I was seeking ██████████ input as to other methods possibly used to document his radio transmissions other than his ██████████ call number. She provided me the option of typing “radio” and subsequently searching with unit names, dates, times that way. I briefly viewed Chief Merkel’s radio history and noticed instances of his reporting off duty many hours after actually signing off, by noting that he was actually “42” at an earlier time. I also noted that (in concert with tickets issued by him and logged into Spillman) Chief Merkel has not shown any instances of motor vehicle stops called in, since November 2019. Using the unit look up feature in “radio” screen, I searched for Vergennes, showing several options. I noted that an option for Vergennes is “██████████” referred to as “Vergennes PD base station”. When I searched for “██████████” I found 6 instances of “██████████” conducting traffic stops, which were sometimes followed by a note that this was a dispatch error.

6-3-2020

- Upon my request, I was provided with a digital invitation for the 11-22-2019 VPA graduation, which shows a start time of 10 AM.

6-4-2020

- I inquired with the Judicial Bureau as to the process of requesting and receiving copies of tickets issued, by a certain officer within a certain timeframe. I was told to send my request to JB operations manager [REDACTED]. I sent her an e-mail request for tickets received at their office written by George Merkel for 4-27-2019 and 11-22-2019
- I spoke with GHSP grant coordinator [REDACTED], who told me that he'd retrieve Chief Merkel's activity reports from 7-1-2018 through 12-31-2019, and provide information related to how many overtime hours he was paid.

6-5-2020

- I conducted a non-recorded phone conversation with City Manager Daniel Hofman, and there is a separate interview report on file with this case. He offered to provide payroll information and paystubs to me.
- After e-mailing him additional requests including seeking clarification on 4 documents that appear to be redacted to some degree ( PDF 12 pages 5-8 ), and different codes written on his timesheet, I received a message back from Hofman. He clarified that he would seek the timesheet ( PDF 12 page 8 ) from his payroll department, in an effort to find a copy that did not have a sticker placed over it. We decided that he would not seek copies of PDF 12 5-7, as he would need to ask for it from the police department, thus raising suspicion. I agreed that I would seek these from GHSP. Hofman provided a copy of PDF 12, page 8 (Merkel's timesheet for week ending 5-25-19) that did not have a sticker. Under the sticker it denoted overtime hours worked on a Saturday for 13.5 hours for an assault. I noticed "not GHSP" written on the version provided in the FOIA, as if to explain that the worked hours for the assault were not relevant to the FOIA request.
- Hofman addressed PDF 12 page 1 (with the number crossed off and replaced with 5), telling me *"PDF 12: Page 1: I do not know what is with all the strike out and fill in of numbers. Most likely, the treasurer/payroll clerk made these edits. "S" and "POED" are pay codes that the payroll clerk would use, not George. Most likely, there was ambiguity on the timesheet, the payroll clerk called George to clarify, and changes were made by the payroll clerk to the time card. Its hard for me to understand what happened here specifically though."*

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- Hofman identified “POED” as a payroll code (not written by Merkel, but by a payroll employee) as an acronym for Police Outside Extra Duty.

6-8-2020

- I asked Daniel Hofman to help me determine if George Merkel was paid overtime for hours worked 11-22-2019 and 4-27-2019. The November hours (1.5 from 1000-1130) are being questioned as Chief Merkel was speaking at the academy graduation during this time frame however submitted a GHSP sheet claiming overtime and having written a traffic ticket. Spillman and Judicial Bureau shows no record of this ticket being issued. The April hours (4-27-2019 1100-1700) are being questioned as the FOIA request yielded a GHSP officer’s activity report completed by Chief Merkel that included his hours overtime rate and total amount of overtime, however a correlating timesheet shows he did not submit those overtime hours for pay on 4-27-2019.
- I received three PDF’s from Hofman. One that showed Merkel was paid for 1.5 hours of overtime during the pay-period containing 11-22-2019, one that showed he was NOT paid for overtime during the pay-period that includes 4-27-2019, and one PDF that included all pay information for his entire tenure at VPD.
- Using the full PDF of Merkel’s prior pay information I determined that he was paid for 5 hours overtime during the pay-period that included 4-29-2019, the date he had an officer’s activity sheet for only one hour, and his timesheet had a number crossed out (likely a 2) with a “5” hand-written in.

6-9-2020

- Using the Spillman system, I wanted to compare the logged warnings and tickets for Vergennes PD officers other than Chief Merkel, to see if entries for tickets and warnings were reflective of just his activity or reflective of the entire agency. For comparison I checked [REDACTED] (radio call number M[REDACTED], CAD officer number [REDACTED]), who I was told was in a full-time position with GHSP at Vergennes PD. I saw that he had no warnings issued under his name, however had numerous tickets entered during the timeframe between 6-1-2018 through 12-31-2019. [REDACTED] most recently entered VCVC as of 6-9-2020 was 6-3-2020, and his most recent motor vehicle stop was 6-5-2020. **\*\*Update regarding written warnings on 6-23-2020. I ran written warnings in the Spillman system for [REDACTED] and it now shows many entered and up to**

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**date. It is unknown why I was unable to see these warnings when I searched on 6-9-2020.**

- I emailed Daniel Hofman with follow-up questions related to his knowledge of VPD documenting stops that do not result in tickets being entered, if they have an admin clerk, and if he talked to Chief Merkel about working extra overtime details when Hofman began working there in January 2020, as I noticed Merkel's POED stopped at the end of December 2019. Hofman wrote back explaining that when he started with City of Vergennes, he met with members of VPD and the topic of GHSP was discussed, but the use of overtime was not a topic of conversation which he could recall. He also told me that they have a part time admin clerk for paperwork. He was not familiar with how VPD enters or tracks warnings.
- I contacted Captain Scott commander for VSP's Fair and Impartial Policing with questions related to data tracking. Captain Scott referred me to a website: <http://www.crgvt.org/tsrd-downloads-838295-574074.html>. This shows data as recent as 2018 related to reporting of traffic stops. Vergennes PD was not "clickable" and there was an asterisk beside it, as were other agencies. As per Captain Scott, I contacted [REDACTED], asking about the lack of data provided for agencies not clickable with an asterisk. Captain Scott confirmed that violations of the statute related to compliance with race data tracking (20 VSA 2366 (e) (1) are not criminally enforced and referred to the Attorney General's office. Captain Scott also told me that there is no part of the law requiring a motor vehicle operator receive in hand, a written warning however all Vermont police agencies are required by this statute to somehow track enforcement actions taken when tickets are not issued.
- From communicating with [REDACTED] and clicking around the large spreadsheet of data that contains municipal police departments such as Vergennes PD, I eventually determined that VPD in fact has their warnings with race tracking data on record with the database. 2018 is the most current year available, and it shows 1441 total written warnings entered for VPD in 2018.

6-10-2020

- I spoke with Lt. Eric Albright and was asked to expand the scope of my investigation to include all GHSP / overtime activity by Chief Merkel for a two-year time period, thus beginning 6-1-2018 through to present time. I

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looked at PDF 1, page 1 of the documents provided to me by Sheriff Newton and found that it included timesheets beginning July 1, 2018.

- I contacted Daniel Hofman and requested timesheets from June 1 2018 – July 1 2018.
- I contacted [REDACTED] and asked that he add to my current and pending request, to also provide a full 2 years of Chief Merkel's GHSP submitted sheets.

6-11-2020

- I received June and July 2018 Merkel timesheets from Hofman.

6-12-2020

- I received a spreadsheet with overtime hours paid to Merkel to GHSP, and a Word document listing which hours Chief Merkel claimed to have worked. I compared the information he provided with what my findings were, listed below in a section titled: "Analysis of GHSP's report of overtime hours worked by Merkel, compared to my documents".
- When I noticed instances of Merkel getting paid for overtime on dates that GHSP reported not paying Merkel, I asked [REDACTED] about possible scenarios to explain this. He suggested I contact Lt. Daley at VSP New Haven as he may be familiar with other contracts (such as individual towns) that VPD may contract with. I spoke with Lt. Daley who told me that he and Sgt. McNamara are aware of VPD only having a town contract with Town of Addison, possibly starting as recently as this year. I narrowed down 3 dates where Merkel was paid for POED, but GHSP does not have documentation of their agency paying him. I sent these 3 dates (6-6-2018, 12-14-2018, and 12-15-2018) to Daniel Hofman for review.
- I received a PDF file consisting of 21 pages, 21 officer's activity sheets submitted to GHSP by Merkel for the timeframe of 6-1-2018 through to present. I will compare these sheets with those that I received from Sheriff Newton's FOIA request, in a section of this report titled "Comparison of GHSP officer's activity report"
- I spoke with AAG John Waszak about this case, giving him a brief overview. He asked that I obtain any documents from GHSP that outline the rules for

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what activities are acceptable for GHSP overtime. I sent this request to [REDACTED]. White provided 3 documents governing the rules spanning the 3 fiscal years encompassed into the scope of this investigation. They were added to the case. They are entitled “Vergennes Grant Agreement” FFY 2018, 2019, 2020.

- On this date I also did a one-drive file share with my investigation thus far, with AAG Waszak.
- On this date I narrowed down 3 instances of overtime paid to Merkel categorized as “POED”, and which he reported as GHSP, however GHSP [REDACTED] had no record of receiving officer’s activity sheets and did not think Merkel / City of Vergennes paid for those overtime hours. These hours were listed in my 2 year back check, and are: 6-6-2018 (5 hours), 12-14-2018 (8.5 hours), and 12-15-18 (7.5 hours). As mentioned in other parts of my investigation, these dates were questioned as Sheriff Newton’s FOIA paperwork did not include officer’s activity sheets for the two December dates. When [REDACTED] provided me the copies of GHSP activity sheets they had on file as received from Merkel, there was no record of 12-15-18, 12-14-18 or 6-6-18. I inquired with the city manager about this, and he brought in the city’s payroll / treasurer to help answer question, and she was made aware that this was a confidential matter. I asked for any details / documents they had relevant to overtime worked on these 3 dates.

6-15-2020

- I received forwarded e-mails from city manager Daniel Hofman. They included back and forth between Sheriff Newton and City staff, trying to figure out who towed a car over the weekend, upon the owner’s request. In a response, Sheriff Newton wrote: *“Daniel, Get you facts straight, [REDACTED] called to have the vehicle towed. If the city of Vergennes needs to have communication with me or the Sheriff’s Department. It needs to go through the Mayor until the criminal investigations into you and George Merkel are done with. DO NOT CONTACT ME AGAIN! Sheriff Newton “*
- Based on this, Hofman asked me if he was in fact under investigation. I told him that I wasn’t investigating him and was not aware of him being the target of an investigation. The email chain was forwarded to the AAG any my supervisor.
- I received an email back from [REDACTED] with the payroll office. She provided 3 GHSP officer’s activity sheets that she had on file, for the December 2018 dates

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in question, but not the 6-6-18, instead she provided one for 5-30-18 which was not within the scope of my investigation. [REDACTED] also told me that according to her records 6-6-18 was a click it or ticket event, and the 2 December dates were speed enforcement, all GHSP. I wrote back asking to double check page 1, as it was an officer's activity sheet for 5-30-18 and not 6-6-18.

6-16-2020

- I sent a follow-up request to the city treasurer asking for any documents their office has on file for 6-6-18 for Chief Merkel 5.5 hours of overtime he was paid.
- I asked GHSP [REDACTED] to specify if his office / program felt that Chief Merkel working 8.5 hours of overtime to attend a conference on a Monday during a work week in October 2019 was a fraudulent act. **I was told that they were not looking at this matter as fraudulent if Merkel either took vacation or worked the hours on a different day. They would internally address the matter of the conference being an acceptable reason for using GHPS overtime hours.**
- I received confirmation from Vergennes payroll that they have no record of a GHSP activity sheet for 6-6-2018 and believe that it may have been paid by another source. I asked that they seek confirmation or clarity on this matter before I close it. I received a PDF showing 5.5 hours overtime billed to [REDACTED] Excavating a Paving. I noticed the date on the 5.5 hours of overtime worked by Chief Merkel was 6-11-2018 not 6-6-2018 so I asked city payroll to clarify the differing dates. I was told that 6-11-2018 is the first Monday after the hours were worked and it is believed that 6-11-2018 is the date of billing. **Based on this additional information and proof that an excavation and paving company paid the city for Chief Merkel's time, coupled with a radio history that shows him signing on for a traffic detail, I have concluded this is not fraudulent.**
- I received a copy of Merkel's GHSP officer's activity sheet for 12-28-2018 from Vergennes pay-roll division, which completed my check into his actions on that date.

6-17-2020

- I asked the judicial bureau for tickets issued by Merkel in the week leading up to 11-22-2019 in a continued effort to determine if he issued a portable electronics violation in the days leading up to 11-22-2019 to figure out if he made an error in the date on the GHSP officer's activity sheet.

- I e-mailed Merkel and identified myself as the investigator in this case and asked that he call me to arrange for an interview.

6-18-2020

- Initially I set up an interview with Merkel for 6-19-2020 at his office. He then called back and specified that the city manager wanted an attorney present, and it was later arranged that the interview would take place on Monday June 22<sup>nd</sup>, 11 AM at Vergennes City Hall.

6-22-2020

- I met with Merkel and a city attorney at Vergennes City Hall. I conducted a recorded and sworn interview, and a separate interview report was completed. In summary, I presented 3 packets of documents that relate to 3 separate concerns / questions I found during my investigation. I provided him copies of these documents (they all consisted of his timesheets, GHSP sheets, and pay-roll data which he would be entitled to. The following are the 3 concerns (and correlating paperwork locations) I shared with Merkel the following:
  - My attention was drawn to your work activities in April 2019. I noticed your timesheet for 4-29-2019 had (what appeared to be) a 2 typed in, crossed out, with a "5" written in. You submitted GHSP activity sheets for a total of 2 hours 4-29-2019, not 5. During the previous pay-period you claimed no GHSP worked on 4-11-2019, despite the presence of a GHSP activity sheet for 3 hours overtime, and GHSP has record of you being paid for 3 hours overtime worked on 4-11-2019. Can you please clarify this situation? (documents provided were: pages 238 and 240 pay-data PDF, PDF 10 page 2 activity sheet, PDF 10 page 5 timesheet, PDF 12 page 1 timesheet).
  - Sheriff Newton reviewed the forms provided in his FOIA request, and observed an officer's activity sheet dated 4-27-2019, which I also looked it. It claimed proactive work that day from 1100-1700. It reports that you issued 6 tickets, 4 warnings from 10 traffic stops. There is no record of these stops occurring, nor is there record of tickets with judicial bureau. GHSP does not have record of this sheet being filed with them, your timesheet does not claim overtime for this date, and your pay data does not reflect being paid for these hours. Can you please clarify this situation? (documents provided were: PDF 10 Page 14 timesheet, PDF 11, page 2 activity sheet, page 239 pay-data PDF).

- **My attention was drawn to your work activities on 11-22-2019. Sheriff Peter Newton and ACSO Captain Brent Newton told me that the VPA graduation was on this date, which I later confirmed. They told me that you were the keynote speaker at this event which began at 1000. They provided photos / videos of this event and pointed you out to me. The FOIA packet provided to Sheriff Newton and later forwarded to me, included a GHPS officer's activity sheet that you completed, claiming 1.5 hours overtime for 11-22-2019 1000-1130. You claimed one stat (portable electronic device ticket issued). There is no record of you issuing a ticket on 11-22-2019. I asked the judicial bureau to search by ticket number, your issued tickets within this timeframe, after I noticed that you stopped a vehicle on 11-21-2019 between 1000-1130. Judicial bureau sent me documents related to ticket 3361157 (portable electronic device violation), including a copy of the ticket which shows it was issued 11-21-2019, and since dismissed. Can you please clarify this situation? (documents provided were: page 254-255 pay-data PDF, PDF 18 page 5 activity sheet, PDF 18 page 3 timesheet, defendant's answer PDF page 1 VCVC #3361157).**
- **After the interview was completed, I re-checked the warning table in Spillman, and found that I mistakenly told Merkel in the interview that Vergennes PD was not using Spillman to enter warnings. VPD does in fact enter warnings into Spillman and are current. When I searched the Spillman warning table at about noon on 6-22-2020 I found only 5 warnings ever entered in the Spillman computer system for Merkel. I notified Merkel of my mistake during the interview. He called me about an hour later and said he was trying to figure out what the issue was with his warnings not being entered.**

**6-23-2020**

- **I ran Merkel in the Spillman warning table and now see that he has 104 warnings entered into the system.**

**6-25-2020**

- **This case was submitted to the Attorney General's officer for case review.**

## 2-year backcheck of Chief Merkel's GHSP hours

I began to review the pay detail records provided by City of Vergennes for the past 2 years (June 2018 – June 2020). I also referred to documents provided by Sheriff Newton that he received in his FOIA request. In general, these documents were from July 2018 onward. Previously I only examined the allegations and concerns brought up by Sheriff Newton in his report to the AG's office. I was then asked by my chain of command to conduct my own full 2 year back check of Merkel's overtime payments. **Due to my observations of Chief Merkel not using Spillman radio log system to accurately track his activities coupled with the City Manager telling me that he does not require Chief Merkel to keep such records, I have not closely examined the on-duty / off-duty times in Chief Merkel's radio log to compare with the hours he wrote on his GHSP officer's activity sheet. I merely looked to see that proactive motor vehicle work was occurring on the dates he claimed overtime pay. Proactive work in the radio log is evidenced by traffic stops, license plate checks, and driver license status checks. If I do not list a pay-period ending date in the below arrow-points, that means Chief Merkel was not paid for POED in that corresponding paycheck.**

- Pay-period ending 6-2-18 shows 4 hours POED overtime paid for a total of \$199.04. A check of the correlating timesheet shows 4 GHSP hours worked on 5-30-2018 thus is not within the scope of my investigation and will not be further examined.
- Pay-period ending 6-9-18 showed 5.5 hours POED overtime paid for a total of \$273.68. The correlating timesheet shows 5.5 hours of something related to "driving" worked on 6-6-18 with a messy handwritten note within the timesheet itself and "5.5 POED OT" under the timesheet in hand. Merkel has a radio log entry denoting a traffic detail on 6-6-18 on US 7 and Monkton RD, beginning at 0803 and ending at 1400. A check of warnings issued on this date from VPD shows 2, but were not within 0803-1400 timeframe; one was issued at 1520 and one at 1557. A check of tickets issued by Chief Merkel in Spillman revealed none. **\*\*GHSP sheet for these hours were not included in Sheriff Newton's FOIA packet, and I requested / received all GHSP copies of Merkel's activity sheets. There was none for this date on file. I inquired with city payroll and it was determined that these overtime hours were paid by a paving / excavating company, and this was not fraudulent.**

- Pay-period ending 7-7-2018 showed 4 hours POED overtime paid for a total of \$207.68 (PDF 1, Page 1). A GHSP officer's activity sheet for 7-3-2018 (PDF 1, Page 2) shows 4 hours overtime worked (1300-1700). Radio history reflects motor vehicle stops on this date.
- Pay-period ending 12-8-18 shows 8 hours POED overtime paid for a total amount of \$415.36. As previously stated above, Chief Merkel submitted a timesheet with no overtime hours (PDF 6 Page 1) but there is a note for 12-7-2018, to see attached GHSP sheet. PDF 6 Page 2 shows an officer's activity sheet for 8 hours overtime, and Merkel's radio history shows motor vehicle stops were conducted during this timeframe. I did not receive an explanation from the City Manager regarding no hours listed for "grant" on the 7<sup>th</sup> of December, the correlating note, and the handwritten "8 hours POED", however as I stated above, this does not appear fraudulent.
- Pay-period ending 12-15-18 shows 16 hours POED paid for a total of \$830.72. His submitted timesheet (PDF 6 Page 5) shows 8.5 hours overtime on 12-14-18 and 7.5 hours on 12-15-18, for a total of 16 hours. Radio log entries show proactive motor vehicle work conducted on those dates. As noted in Sheriff Newton's report for the AG's office (paragraph 31) there are no officer's activity sheets included for these dates. **To follow-up on the concerns brought about by overtime paid on 12-14 and 12-15-18 that did not include GHSP officer's activity sheets, I noted that the Word document provided by ██████████ GHSP did not list 12-14-18 or 12-15-18 as instances of Merkel getting paid by GHSP over the past 2 years. The PDFs containing all GHSP officer's activity sheets submitted to GHSP from Merkel also did not contain sheets from those dates. I sought clarification from city payroll for Vergennes. I was provided copies of GHSP officer's activity sheets that were on file with the city, for both of those dates and confirmation that Merkel's overtime hours were paid by GHSP for these 2 dates. It is unknown why GHSP does not have these sheets on file. I put ██████████ and city payroll in touch via e-mail if they wanted to figure this out. Documents provided to me by city payroll that show Merkel submitted an officer's activity sheet, coupled with numerous radio log entries showing proactive motor vehicle work conducted by Chief Merkel leads me to believe the concerns with 12-14-18 and 12-15-2018 have been addressed and this was not fraudulent.**

- Pay-period ending 12-29-2018 shows 6.5 hours POED for a total payment of \$337.48. PDF 6 Page 14 is the timesheet for this pay-period. It lists no hours of overtime worked, but there is a handwritten note stating “6 1/2 POED OT”. There was no GHSP officer’s activity sheet provided with the original FOIA request for any dates between 12-23 and 12-29-2018 (the dates within this pay-period). A check of Chief Merkel’s radio history shows proactive motor vehicle work on 12-28-2018. **There was no officer’s activity sheet on file with GHSP, I inquired with city payroll for their records for overtime during this timeframe. Payroll located and provided an officer’s activity sheet for 12-28-2018. I do not know why city payroll has a copy of the activity sheet but GHSP does not. For matters like this, I put [REDACTED] [REDACTED] GHSP and city payroll in touch via email if they wanted to sort that out, but this does not appear to be fraudulent.**
  
- Pay-period ending 2-16-19 shows 14.5 hours of POED for a total payment of \$752.84. PDF 8 Page 2 shows the timesheet submitted for this pay-period. Chief Merkel lists 5.5 hours of grant on 2-14, 5.5 on 2-15, and 3.5 on 2-16-2019. There are GHSP officer’s activity sheets provided (PDF 8, pages 3, 6, and 8). A check of Merkel’s radio log entries shows proactive motor vehicle work on 2-14 and 2-15, but not on 2-16-19. On his officer’s activity sheet for 2-16-2019 it shows all 3.5 hours were worked for “briefing, scheduling and paperwork”. **Being that Chief Merkel is not bound by anyone to make radio log entries, and 3.5 hours of briefing, scheduling, and paperwork is ambiguously worded, this does not appear fraudulent.**
  
- Pay-period ending 2-23-2019 shows 7.5 hours POED overtime with a total payment of \$389.40. PDF 8 page 22 is the timesheet for this pay-period and shows Merkel put in for 5.5 hours grant overtime on 2-21, and 2 hours on 2-22-2019. PDF 8 pages 20 and 21 show his officer’s daily activity sheet for these dates and a check of his radio log shows proactive motor vehicle work on these dates. **It should be noted that GHSP [REDACTED] located an instance of duplicate hours paid to Merkel in his submitted word document. He noticed 2 officer’s activity sheets submitted for 2-22-2019, one for 0930-1200 (2.5 hours PDF 8 page 19) and one for 1000-1200 (PDF 8 page 20 for 2 hours). Being that Merkel was only paid for 7.5 hours in this pay-period and despite duplicate sheets submitted, it appears he was only paid for 5.5 hours worked on 2-21-19, and 2 hours on 2-22-2019, NOT the additional sheet for 2.5 hours. This does not appear to be fraudulent.**

- Pay-period ending 3-2-2019 shows 2.5 hours POED overtime paid with a total payment of \$129.80. PDF 8 Page 25 is the correlating timesheet, showing Merkel reported 2.5 hours of grant hours worked 2-24-2019, and a note written at the bottom “2.5 POED OT”. PDF 8 Page 26 shows a GHSP officer’s activity report for 2-24-2019, claiming 2.5 hours of “briefing, scheduling, and paperwork”. Merkel has no radio log entries for 2-24-19. **Being that Chief Merkel is not bound by anyone to make radio log entries, and 2.5 hours of briefing, scheduling, and paperwork is ambiguously worded, this does not appear fraudulent.**
  
- Pay-period ending 3-9-2019 shows 2 hours POED overtime with a total payment of \$103.84. PDF 9 Page 1 is the correlating timesheet, showing Merkel claimed 2 hours of grant worked 3-8-19. PDF 9 Page 6 is a GHSP officer’s daily activity sheet completed by Merkel claiming 2 hours worked from 1500-1700 on 3-8-2019. Merkel’s radio log shows proactive patrol on that date.
  
- Pay-period ending 5-4-2019 shows 5 hours of POED overtime paid for a total amount of \$259.60. As thoroughly discussed in previous sections of this report, PDF 12 Page 1 shows an unknown number (probably a 2) crossed out with “5” written by hand on Merkel’s timesheet in grant section of hours worked 4-29-2019. There is also a handwritten note “POED OT: 5” in what looks to me like different handwriting and a different darkness tone. PDF 10 Page 15 shows 1 hour (0730-0830) worked on an officer’s activity sheet. PDF 11 Page 1 shows a GHSP officer’s activity sheet claiming 1-hour overtime worked on 4-29-2019 from 1500 – 1600. He claimed one motor vehicle stop and one ticket issued for “portable electronic devices”. A check of Merkel’s radio history shows he conducted a stop at 1535 on VT GHF805, and ran a license check on [REDACTED] DOB [REDACTED]. According to Spillman radio logs, Merkel signed off from duty at 1726. Spillman also shows [REDACTED] was issued ticket #3361133 for a cell phone related violation. A check of [REDACTED] driver license status shows she is a valid operator with no convictions. On 6-11-2020, I contacted [REDACTED] from the Judicial Bureau to provide details about the ticket and the outcome that lead to [REDACTED] not being convicted of the violation. I received an autoreply stating that [REDACTED] will be back on 6-15-2020. **All observed activity and documents related to 4-29-2019 is reflective of 2 hours overtime worked, NOT 5. I noticed that in the previous pay-period (which included 4-11-2019), Chief Merkel submitted a GHSP officer’s activity sheet for 3 hours for a “press conference” but did**

**not claim his 3 hours overtime on his city timesheet. GHSP has record of paying Chief Merkel for 3 hours overtime for hours worked 4-11-19. I believe Chief Merkel forgot to add the 3 hours in the correct pay-period and had it added by hand on the next pay period. GHSP reported a total of 5 hours overtime paid to Merkel in April 2019, matching the total hours he claims to have worked. I believe this matter has been resolved and is not fraud. When interviewed and presented with this situation, Chief Merkel did not have a specific memory of this situation.**

- Pay-period ending 5-11-2019 shows 2 hours POED was paid for a total of \$103.84. PDF 12 Page 3 is the correlating timesheet and shows Merkel claimed 2 hours of grant on 5-10-2019 with a handwritten note “POED-OT 2”. PDF 12 Page 10 is Merkel’s officer daily activity report for 5-10-2019, claiming 2 hours of overtime worked 1600-1800. A check of his radio log entries shows proactive enforcement work occurring on this date.
  
- Pay-period ending 5-25-19 shows 14 hours POED worked with a total payment of \$726.88. PDF 12 Page 8 is the correlating timesheet and shows Merkel claimed 9.5 grant hours on 5-20-2019 and 4.5 grant hours on 5-21-2019. PDF 12 Page 20 is the officer’s activity sheet for 5-20-2019, on which Merkel reported that he worked 0530 – 1300 (7.5 hours) which included 2.5 hours of patrol, .5 hours of “briefing, scheduling, and paperwork”, and 3.5 hours of other “assist [REDACTED] at PD processing” (handwritten at the bottom). I checked Merkel’s radio history and it showed that he signed on at 0530 for a CIOT (click it or ticket) detail. I checked cases for Vergennes PD on 5-20-2019 and found [REDACTED] ([REDACTED]) had a DUI case started on 5-20-2019 at 0943. Also on 5-20-2019, Merkel completed another officer’s activity report for 2 hours GHSP worked (PDF 12 Page 13). He reported working 1600-1800. A check of Merkel’s radio history shows proactive work during this timeframe. Merkel submitted 2 officer’s activity reports for his hours worked on 5-21-2019 (PDF 12, pages 14 and 15). He reported hours worked 0700-1000 and 1030 – 1200). Radio log entries show Merkel engaged in proactive work during this timeframe.
  
- Pay-period ending 7-13-2019 shows Merkel was paid for 5.5 hours POED overtime for a total of \$293.87. PDF 14 Page 2 is the correlating timesheet which shows 5.5 hours of grant on 7-12-2019, and in the note section it says: “Grant 1300-1800 GPM”. At the bottom in other handwriting and lightness tone it says “5.5 POED – OT”. PDF 14 Page 3 is the GHSP sheet for 7-12-19. The bottom is cut off, but it claims hours were worked 1300 – 1830 and 5.5

of those hours were for patrol. The cut off section would show miscellaneous hours such as briefing, scheduling and paperwork. A check of Merkel's radio log and tickets entered into the system / Judicial bureau shows proactive enforcement occurring on this date. It was determined that there was no evidence of fraudulent activity on 7-12-2019.

- Pay-period ending 9-7-2019 shows Merkel was paid for 7.5 hours of POED with a total payment of \$400.73. In the notes section of the corresponding timesheet (PDF16 Page 1) it shows the 7.5 hours of grant worked on 9-7-2019 was for "Kelly Brush Benefit Ride". Using a Google search, I found an article about the Kelly Brush bicycle ride occurring on 9-7-2019.
- Pay-period ending 11-2-2019 shows Merkel was paid for 8.5 hours of overtime for a total payment of \$454.16. PDF 17 Page 5 is the corresponding timesheet and it shows 8.5 grant hours worked on 10-28-19, with a note "GHSP grant 0800-1630" and at the bottom of the timesheet "GHSP - OT 8.5". PDF 17 page 9 is an officer's activity sheet for 10-28-2019, which claims 8.5 hours overtime for a conference. I could not identify the acronym before the word "conference" because Chief Merkel signed over it. I sent a snip of this sheet back to [REDACTED] asking if he could identify the conference. A google search for "Vermont conference 10-28-19" reveals a National Transportation Safety Conference occurred in Burlington VT on 10-28-2019. A check of his total hours worked during that pay-period does total 40; and Merkel reports extra hours worked that week. I specifically addressed this type of scenario when I spoke with City manager Daniel Hofman; I asked if it was acceptable for Merkel to adjust his regular working hours at will, without notifying Hofman or having such activity approved. He confirmed that Merkel is paid for a 40-hour work week automatically. I did NOT specifically address my findings of his hours worked 10-28-19, and it should be noted that Hofman was NOT city manager in October 2019, as per his statement. **This situation warranted further review, in that a salaried police chief, even if regularly paid for a 40-hour work week regardless of hours reported, was paid for 8.5 hours overtime for a conference that occurred on a Monday morning. As it was further reviewed, I learned that GHSP would not consider this fraudulent if Chief Merkel made the hours up within the week or took vacation time to attend the conference. Also, GHSP specified that Chief Merkel needed to have worked the GHSP hours he was putting in for. Chief Merkel's radio history reflects that he signed on that day for training at 0708 hours, then off duty at 1745. This is reflective of approximately 10.5 hours**

**worked. His timesheet (PDF 17 page 5) shows a total of 48.5 hours worked that week, accounting for a 40-hour work week and 8.5 hours overtime. Based on these details coupled with GHSP's requirements to consider this fraud, this is not considered fraudulent.**

- **Pay-period ending 11-23-19 shows 1.5 hours overtime worked with a total payment of \$80.15. This represents the 11-22-2019 hours paid to Chief Merkel while at the VPA graduation. This matter was originally concerning and thoroughly investigated. There is nothing on the officer's daily activity sheet for 11-22-2019 that reflects his speech at the VPA was somehow related to GHSP. The GHSP provided officer's activity sheet has "Main Street Vergennes" handwritten into it, which is absent from the copy I was provided, and looks like different penmanship. In the supervisor signature section, it appears to be signed by patrolman [REDACTED], who I was told oversees the program for VPD but is obviously not Chief Merkel's supervisor. As previously explained, Merkel's stop on the prior day (11-21-2019 leads me to believe that he worked the GHSP 1.5 hours the day before and wrote the wrong date down on his GHSP sheet and timesheet. During an interview with Chief Merkel, he could not remember specifically but did not think he'd stop a car while in his dress uniform and agreed that this could be a matter of putting down the wrong date for GHSP worked.**
  
- **Pay-period ending 11-30-2019 shows Merkel was paid for 3.5 hours POED with total payment of \$187.01. PDF 18 page 6 is the corresponding timesheet and Merkel listed 3.5 hours of grant pay on 11-27-19, there is a note "GHSP 1030 - 1130 / 1330 - 1600. A check of Merkel's radio history shows proactive motor vehicle enforcement on this date. This was the last pay-period that showed Chief Merkel was paid for POED, the last and most recent pay information was pay-period ending 5-30-2020.**

## **Analysis of GHSP's Word document of overtime hours worked by Merkel (titled "Special Inquiry Jesse Robson"), as compared to documents that I examined:**

### **June 2018:**

- GHSP reports no hours were paid to Merkel. My records showed he was paid for 5 overtime hours for work on 6-6-18 (no correlating GHSP sheet) and a note on his timesheet referring to a traffic detail. **This was eventually determined to be hours paid by another entity, and supporting documents are on file.**

### **July 2018:**

- GHSP reports 4 hours worked on 7-3-18, same as my findings.

### **August – November 2018:**

- No hours reported by GHSP, same as my findings

### **December 2018:**

- [REDACTED] from GHSP reported that they only paid Merkel for 8 hours GHSP overtime, reported as worked December 7<sup>th</sup>, same as my findings.
- My records indicate that Chief Merkel also claimed 16 hours of GHSP overtime (8.5 hours on 12-14-18 and 7.5 hours on 12-15-18). Notes on his timesheet specify this was GHSP overtime. There were no accompanying officer's activity reports for these dates provided in the FOIA packet. Merkel was paid \$830.72 for these 16 hours, however [REDACTED] from GHSP did not have the activity sheets on file and did not report these dates as paid by GHSP. Radio log entries show proactive motor vehicle work on 12-14 and 12-15-2018 by Chief Merkel. **I inquired with Vergennes City manager to consult with payroll on this. This was thoroughly explored and determined that it was not fraud; city payroll had officer's activity reports on file for those dates. It is unknown why GHSP did not have them or why they were not included with the FOIA packet. GHSP and city payroll were put in contact with each other if they wanted to sort this out, but it does not appear fraudulent.**

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- **Pay-period ending 12-29-2018 shows 6.5 hours POED for a total payment of \$337.48. It lists no hours of overtime worked, but there is a handwritten note stating “6 ½ POED OT”. There was no GHSP officer’s activity sheet provided with the original FOIA request for any dates between 12-23 and 12-29-2018 (the dates within this pay-period). A check of Chief Merkel’s radio history shows proactive motor vehicle work on 12-28-2018. [REDACTED] [REDACTED] has no history of Merkel being paid by GHSP for these hours. I inquired with Vergennes City manager to consult with payroll on this. I sought an explanation of payment from city payroll and was provided with an officer’s activity report for 12-28-2018 that they had on file. As noted in the paragraph above, this is not fraudulent.**

January 2019:

- [REDACTED] reported no overtime activity from Merkel, same as my findings.

February 2019:

- GHSP reports 5.5 hours worked on 2-14-19, same as my findings.
- GHSP reports 5.5 hours worked on 2-15-19, same as my findings.
- GHSP reports 3.5 hours worked on 2-16-19, same as my findings.
- GHSP reports 5.5 hours worked on 2-21-19, same as my findings.
- GHSP reports 2 hours worked on 2-22-19. [REDACTED] Word document also referenced an apparent duplication of hours submitted in February 2019. On his end he received 2 sheets for 2-22-2019, one for 2 hours worked and one for 2.5 hours but within the same timeframe. I checked my files and found that Merkel reported 2 hours on 2-22-19 and 2.5 hours on 2-24-19. His 2-24-19 activity sheet showed one number written over another. I reported this to [REDACTED]. Details surrounding how these hours were reported and paid are listed below in the 2 year back check. **(Likely a mistake in dates, and pay reflects Merkel was not overpaid as compared to the hours he worked)**

March 2019:

- GHSP reports 2 hours worked on 3-8-2019, same as my findings

April 2019:

- GHSP reports 3 hours overtime worked 4-11-2019. I viewed an officer’s activity sheet for a 3 hour “press conference” included with the FOIA

packet provided to Sheriff Newton, but as we both independently noted, Chief Merkel did not claim 3 hours overtime on his timesheet. The pay data for the pay period that includes 4-11-2019, does not show that he was paid overtime. Comparison shows that the GHSP activity sheet for 4-11-2019 was PDF 12 Page 6 of my FOIA packet, and one of the sheets with the top and bottom cut off. **These 3 hours likely account for the 3 added overtime hours as described in the next paragraph.**

- GHSP reports 2 hours worked 4-29-19. My findings showed that Chief Merkel submitted a timesheet with one number (possibly a 2) crossed out and "5" was handwritten in for GHSP overtime on 4-29-2019. His officer's activity sheets reported one hour worked from 0730 to 0830 and one hour from 1500-1600. His radio log reflects one hour of proactive motor vehicle worked, but also shows he signed on at 0714 that day. His radio history showed going 10-8 from the office at 1503, stopping one car at 1535, running a license, clearing and signing off for the day at 1726. GHSP reported to me that Merkel claimed 2 hours work that day, 0700-0800 and 1500-1600. Merkel's pay data reflects that he was paid for 5 hours overtime totaling \$259.60. **The added 3 hours likely represents the 3 hours that GHSP has record of paying Chief Merkel for hours worked 4-11-2019, however Chief Merkel's timesheet that includes 4-11-2019, shows he did not put in for these hours. His total hours paid by GHSP for April 2019 is 5 according to GHSP and is supported by his pay data. When interviewed and presented with this situation, Chief Merkel did not have a specific memory of this situation.**

#### May 2019

- GHSP reports 2 hours worked on 5-10-2019, same as my findings
- GHSP reports 9.5 hours on 5-20-2019, same as my findings
- GHSP reported 4.5 hours on 5-21-2019, same as my findings

#### June 2019

- GHSP reports no hours from Merkel this month, same as my findings

#### July 2019

- GHSP reports 5.5 hours worked 7-12-2019, same as my findings

#### August & September 2019

- GHSP reports no hours worked, same as my findings

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October 2019

- GHSP reports 8.5 hours worked on 10-28-2019, same as my findings. It was flagged by GHSP due to this being a conference on a Monday morning, and ██████████ advised that he expects a police chief to be working regular shift at that time, but also said this may be a reflection of how the Chief structures his own work week. This was thoroughly examined and noted above. **GHSP reports that they are not seeing this as fraudulent but will internally address the appropriateness of GHSP hours worked for this conference.**

November 2019:

- GHSP reports 1.5 hours on 11-22-2019, same as my findings. **This was the academy graduation day, thoroughly addressed above and determined not to fraudulent.**
- GHSP reports 3.5 hours worked on 11-27-2019, same as my findings.

**\*\*GHSP reports no additional overtime hours on file with their office, same as my findings.**

## Comparison of GHSP officer's activity reports

I requested and was provided all GHSP officer's activity sheets submitted to GHSP by Vergennes PD. These were provided to me on 6-12-2020, consisting of 21 total pages, which were 21 officer's activity sheets. My comparison / analysis follows:

- GHSP PDF 1 (7-3-18) matches FOIA PDF 1 page 2. I noticed that the hourly rate of pay and total salary were added to the GHSP version. It is also an exact match to PDF 1 Page 17
- GHSP PDF 2 (12-7-18) matches FOIA PDF 6 Page 2 and I saw no differences
- GHSP PDF 3 (2-14-19) matches FOIA PDF 8 Page 17, and I saw no differences
- GHSP PDF 4 (2-15-19) matches FOIA PDF 8 Page 16 and I saw no differences
- GHSP PDF 5 (2-16-19) matches FOIA PDF 8 Page 17 and I saw no differences
- GHSP PDF 6 (2-21-19) matches FOIA PDF 8 Page 21 and I saw no differences

- GHSP PDF 7 (2-21-19) matches FOIA PDF 8 Page 20 and I saw no differences
- GHSP PDF 8 (2-22-19) matches FOIA PDF 8 Page 19 and I saw no differences
- GHSP PDF 9 (3-8-19) matches FOIA PDF 9 page 6. I noticed that the hourly rate of pay and total salary were added to the GHSP version.
- GHSP PDF 10 (4-11-19) matches FOIA PDF 12 page 6 for 4-11-2019 and is one of the 3 FOIA documents that had the top and bottom covered.
- GHSP PDF 11 (4-29-19) matches FOIA PDF 12 page 7, for 4-29-19 and is one of the 3 FOIA documents that had the top and bottom covered.
- GHSP PDF 12 (4-29-19) matches FOIA PDF 12 page 5, for 4-29-2019. This was one of the 3 FOIA documents that had the top and bottom covered.
- GHSP PDF 13 (5-10-19) matches FOIA PDF 12 page 10, and I saw no differences.
- GHSP PDF 14 (5-20-19) matches FOIA PDF 12 page 12, and I saw no differences.
- GHSP PDF 15 (5-20-19) matches FOIA PDF 12 page 13, and I saw no differences.
- GHSP PDF 16 (5-21-19) matches FOIA PDF 12 page 14, and I saw no differences.
- GHSP PDF 17 (5-21-19) matches FOIA PDF 12 page 15 and I saw no differences.
- GHSP PDF 18 (7-12-19) matches FOIA PDF 14 page 3. I saw that the FOIA version had the bottom cut off when copied. I also noticed that the math for cruiser mileage did not correctly add up. The GHSP version had the math corrected, and I could see the previously covered bottom portion. FOIA PDF 14 page 7 matches the GHSP version completely, including the bottom portion and the corrected math.

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- **GHSP PDF 19 (10-28-19) matches FOIA PDF 17 page 9 and I saw no differences.**
- **GHSP PDF 20 (11-22-19) matches FOIA PDF 18 Page 5. I noticed that the version submitted to GHSP has “Main ST Vergennes” written in a section for “areas patrolled (hot spots)”. In the GHSP version there was also a scribble in the supervisor signature area, with rank of “patrolman” and a date of “12-2-19”.**
- **GHSP PDF 21 (11-27-2019) matches FOIA PDF 18 Page 7. The GHSP version is a full copy as opposed to the FOIA which had the bottom cut off. The GHSP version has the hourly rate of pay calculated, the patrol location specified, and bears the signature of a patrolman in the supervisor section.**

## **Summary / Conclusion:**

- **I found that Chief Merkel is not bound to the use of his radio to notify of his whereabouts, thus his radio log is not truly reflecting of his work.**
- **He is paid for a 40-hour work week regardless of the number of hours he puts in, however is eligible for extra duty overtime in addition to his 40-hour work week, thus his radio logged on and off duty times are not reflective of his actual working hours.**
- **Chief Merkel has issued tickets that were not entered into the Spillman computer system. Chief Merkel has no warnings entered into the Spillman computer system newer than December 2018, a fact that upon learning of it, he insisted that he does not know what went wrong with the warnings and would try to figure it out. The Spillman radio log, traffic citation table, and warning table are not an accurate reflection of Chief Merkel’s activities.**
- **I found and addressed numerous concerns by Sheriff Newton, Sheriff Newton and I, and myself independent of Sheriff Newton’s partial investigation. 3 of these concerns (explained in depth above) warranted me to present documents to Chief Merkel to better explain them.**

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- **I found no pattern or instance of fraudulent or criminal activity such as requesting and/or being paid for overtime hours without evidence that supports he worked those hours. Nothing follows.**

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I took the following additional investigative actions related to this incident:

8-6-2020

- AAG John Waszak contacted me regarding this case. He brought to my attention, the April 27<sup>th</sup>, 2019 GHSP Officers Daily Activity Report (PDF 11 page 2). AAG Waszak pointed out that the date beside Chief Merkel's signature shows that it was signed April of 2018, not 2019.
- I went into Chief Merkel's radio history and observed evidence of proactive motor vehicle work on 4-27-2018, including 7 traffic stops which were logged by dispatch. This motor vehicle work fell within the time of day listed on the GHSP activity sheet (1100-1700).
- It should be noted that the GHSP sheet credited Merkel for 10 stops, when his radio history logged 7. Chief Merkel told me that there are times where he has not called out his motor vehicle stops over the radio. Regardless of the 3 stop discrepancy between radio log and activity sheet, once I saw the 2018 date by Chief Merkel's signature, coupled with his radio history that shows proactive motor vehicle work, I believe this to be an instance of Chief Merkel writing 2019 in the top of his activity sheet by accident, and writing the correct date by his signature.
- I submitted this supplemental report to AAG Waszak via e-mail attachment.

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Det. Sgt. Jesse Robson VSP BCI

I took the following additional investigative actions related to this incident:

8-10-2020

- AAG John Waszak contacted me, seeking additional clarification for GHSP officer activity sheet dated 4-11-2019, in which Merkel claimed 3 hours for a press conference. During my interview with Merkel, he told me that he had no memory of this specifics but would check his e-mails. This was never re-visited, prior to the case being submitted for review.
- I e-mailed Vergennes City Attorney [REDACTED], explaining my additional inquiry. He wrote back later in the day, identifying the event attended by Chief Merkel. He went on to provide additional back story / information about Peter Newton and actions Newton took after a certain grant position was given to Vergennes PD and not the Addison County Sheriff Department.
- The information provided to me from [REDACTED] was forwarded to AAG John Waszak.

8-11-2020

- I submitted this supplemental report and the full e-mail from [REDACTED] including my response, as an attachment to AAG John Waszak.