

# **THE HENLEY** **REPORT**

## **Preventing and Detecting** **Fraud, Waste, Abuse and** **Mismanagement**

**February 5, 2011**

**MEMORANDUM**

**FOR:** Official Use Only

**FROM:** Gardenia M. Henley Diplomat/FSO/Ret.

**SUBJECT:** *Report on Alleged Election Crimes and Offenses*

I am presenting *The Henley Report* for your immediate attention. The contents of this report contains alleged instances of fraud, waste, abuse and mismanagement. It is supported by affidavits and other “sworn to” statements, which presents alleged evidence of illegal and unethical conduct by current and former Forsyth County Board of Elections (FCBOE), North Carolina State Board of Elections (NCSBOE) employees, government officials, both elected and appointed, as well as private citizens within Winston-Salem and the State of North Carolina.

It identifies at least 34 officials who are allegedly aware of or have willfully violated Federal and State laws which relate to the Help America Vote Act (*HAVA*) of 2002, *Voting Rights Act(VRA)*, *Election Assistance Commission (EAC)* and other Federal and North Carolina State Laws. This report also, contains the names of the individuals involved, but it is not intended to implicate that the individuals whose titles are identified are guilty of any crime, felony or misdemeanor.

This report presents allegations of fraud, unethical and illegal acts committed by numerous state, county and local officials as stated in affidavits and other signed statements.

*The findings in this report are in part, established by the Federal Bureau of Investigation’s (FBI) list of when “election crimes become federal offenses” and are presented in three broad categories: **Campaign Finance, Voter/Ballot Fraud and Civil Rights Violations.** The remaining items identified were based on the requirements of the North Carolina General Statues (NCGS). There are five recommendations in this report*

## **Background**

The FCBOE is a three person board which is appointed every two years by the North Carolina State Board of Elections, (NCSBOE). Members of the North Carolina State Board of Elections are appointed by the Governor. Principal functions of the FCBOE include establishing election precincts and voting sites, appointing and training precinct officials, preparing and distributing ballots and voting equipment, canvassing and certifying the ballots cast in elections, and investigating any voting irregularities. It maintains voter registration and participation records and provides public information on voters and elections. Federal laws require that state and local efforts are funded through the Help American Vote Act (HAVA) to ensure that all people, including those with disabilities have access to the election process.

I have found that, notwithstanding the vast amount of regulations and guidance, the conduct of some elected and appointed, state and local officials has been willfully remiss.

## **Objectives**

I performed this review to identify the following objectives:

- Does Forsyth County and North Carolina State, government and elected officials conduct business ethically and legally?
- Is there a break down in the FCBOE and the NCSBOE system of internal controls?
- Are there any egregious violations of federal, state and local laws by state and local elected and appointed officials?
- Was the election process for 2009 and 2010 flawed for state and local officials?

To answer these objectives, I conducted interviews with elected and appointed officials in Forsyth County, the State of North Carolina, including officials at the FCBOE, the NCSBOE, and with private citizens some of which are affiliated with persons who have allegedly committed crimes. I also reviewed relevant federal laws, regulations, guidance, and other documentation, to reach general conclusions relating to the objectives as stated in this report. To identify some conditions in this report, I relied in part on my own observations and audit field work, affidavits, interviews with employees of the FCBOE, and the NCSBOE, statements received from persons familiar with individuals in this report and with expertise in certain areas. Relevant federal, state, and local laws, requirements and guidance, were used as the criteria for this report.

## I. Campaign Finance

### Voters may not be U.S. citizens.

*I found that there may be conditions where voters are not U.S. Citizens:*

*FCBOE current and former employees **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox** stated that during the 2009 election year under the direction of the FCBOE director, they deliberately:*

*Altered (took out or entered) voter application information such as, **citizenship**, felony status, birth dates and drivers license information.*

*As employees have stated that this process took place for years (2008-2009) the employees alleged that their actions affected thousands of voter registrations. Thus, we have no way of knowing the number of non-U.S. citizens affected and believe that the likelihood of non-U.S. citizens having voted illegally does exist. The total amounts may be verifiable thru the FCBOE voter records.*

## II. Voter/ballot fraud

*Former and Current FCBOE employees, **Mrs. Rebecca Pope, Mrs. Pamela Johnson, Pamela Lofland and Mr. Terry Cox** have named themselves and other county officials, elected and appointed, who have illegally registered voters. In fact, **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox**, stated that during the Forsyth County 2006 through 2009 election years and the 2010 primary election it was a common practice. **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox** also gave the names of other FCBOE officials who violated Federal and State election laws during the 2009 election year by allowing voters to register and vote with incorrect addresses. Such was the case with **Mr. Lamar Joyner***

*I have documented statements from several individuals including a former WSSU student and former FCBOE employees, **Mrs. Pamela Johnson, and Mr. Terry Cox** who stated that individuals knew that their voter registration information was not correct when they registered to vote. **Mr. Terry Cox and Mrs. Pamela Johnson**, noted several instances where FCBOE employees assisted voters to illegally register to vote.*

*I have affidavits and statements that have alleged that **Mr. Coffman and Mr. Joyner**, ordered staff members to register voters illegally. For example, **Mrs. Pamela Johnson and Mr. Terry Cox** have alleged that during the 2009 election year, some WSSU students registered and voted illegally and were accompanied by a current public official, **City Councilmember Derwin Montgomery**. It appeared that **Mr. Coffman and Mr. Joyner** favored certain officials during the 2009 and 2010 elections in that they allegedly ordered employees to illegally*

register many voters. These willful acts were violations of HAVA and NCGS laws. Also, I have documented A WSSU graduate, **Mr. Christopher Mickens** and there are other Students from WSSU who have also stated that they were given class credit for voting for **City Councilmember Derwin Montgomery** as well as other officials.

### **FCBOE Officials stated that During 2008 and 2009 they violated Federal and State Election Laws**

Former and current FCBOE employees, **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox** have stated that they violated Federal and State election laws by altering voter registration information without the written consent of the applicant or voter in order to meet deadlines. **For example**, they stated that during the 2009 election year, under the direction of **Mr. Coffman**, they as well as other employees, deliberately omitted thousands of votes from the official election totals. **Mrs. Johnson** also noted that during one incident, **Mr. Coffman** stated that, "I have the total number of votes that I need, it is just a numbers game."

They also stated that **Mr. Coffman** instructed them to:

*Alter (take out or enter) voter application information such as, citizenship, felony status, birth dates, drivers license information.*

*Process same day voter registrations even without the state mandated voter signatures.*

*Change or entered January 01, 1900 a commonly used epoch, which will allow a computer system software to accept errors.*

*I attempted to verify voter registration information for the 2010 primary and found that out of 661 one stop voters in Forsyth County during the primary election, there were 31 voters who were documented as 110 years old. Individuals whose birth dates are listed as 110 years old are consistent with the birth of January 01, 1900 which was entered illegally by FCBOE officials. In fact, I was able to further verify this information because I had already received complaints where voters had stated that their birth dates were incorrect even after they had previously complained to the FCBOE about the errors.*

*In fact, I was able to further verify this information because I had already received complaints where voters had stated that their birth dates were incorrect even after they had previously complained to the FCBOE about the errors. I asked **Mrs. Johnson and Mr. Cox** to prove that they had in fact altered voter registration information and they made several unsuccessful attempts to verify this condition, stating that, "they could not understand why the public data base no longer supported their comments." They stated that the information must have been changed or corrected by **Mr. Robert Coffman**.*

**A voter receives money or something of value in exchange for voting in a federal election or registering to vote.**

**Some Forsyth County Elected Officials Paid for Votes**

*I received signed statements from a WSSU graduate **Mr. Christopher Mickens** and a registered voter **Mrs. Virginia Roberts Lee** who stated that newly elected officials during the 2009 and 2010 primary election paid money, beer, food and cigarettes and also gave extra college credit to student voters, who voted for certain candidates.*

**An election official corrupts his or her office to benefit a candidate or party (e.g., lets unqualified voters cast ballots)**

***Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox** stated that at least 14 FCBOE current and former staff members have conducted illegal and unethical acts in violation of Federal and State election laws, they as well as some other official's, have come forward and admitted to committing certain violations, **for example:***

***Ms. Linda Sutton** has admitted to disclosing protected information with myself and others relating to FCBOE Employees, i.e., discussing privileged information during several meetings to allegedly terminate **Mr. Coffman's** employment. **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox** that **Ms Sutton** had also had similar closed session meeting discussions with them relating to FCBOE personnel matters also in violation of State laws.*

*Also, I was told by current and former employees, that a collective total of at least 34 current and former FCBOE staff members, various local and state elected and appointed officials, have conducted or have knowledge of violations of election and state laws. Also, I have sworn statements alleging that officials manipulate the registration cards and the absentee ballots" during the elections.*

***Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox** have stated that they followed the unethical and illegal direction of **Mr. Robert Coffman** for fear of being retaliated against or of losing their jobs, they stated that **Mr. Coffman** created a hostile work environment of intimidation and fear. I have affidavits and statements from the former and current employees who stated that they decided to come forward with these accusations after many years of committing voter fraud and violating Federal and State laws.*

*Former and current employees **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox**, stated that illegal voter registration cards were scanned into the system and the individuals who are not eligible to vote for what ever reason are currently identified as legal voters and their names could be used to vote illegally as N.C. is considered a no ID state.*

***Mr. Coffman** stated during a December 2009 board meeting that, a large amount of voter registration cards were returned from the U.S. Post Office located at Winston Salem State University, (WSSU), after the Forsyth county election results were tallied and disclosed to the public as the official election results. No official investigation was requested or conducted of this incident. I met with the U.S. Postal Service and found that they were never informed of this problem.*

*I also conducted an investigation of this incident at WSSU's post office. The officials their stated that the registration cards were returned late because of staffing problems. The supervisor of the post office acknowledged that some voter registration cards are normally retuned to the FCBOE later than required even though these cards are stamped as first class mail with a 1 to 2 day return status. In fact, the FCBOE pays substantially more for first class mail.*

*I spoke with current and former FCBOE officials, **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox** who stated that they remembered the incident and one employee alone remembered processing hundreds of registration cards returned after the final results were disclosed to the public. **Mrs. Rebecca Pope** has stated that the registration cards were not discarded, and that the correct totals for 2009 should still be available for audit. Normally NCGS laws require that returned voter registration cards are sent out a second time, to verify the legal status of voters. I was informed that this did not happen as required by N.C. State Law.*

***Mrs. Pope** stated that she, as well as others, scanned these voter registration cards into the system, thus, making ineligible voters eligible to vote. The individuals who are not eligible to vote for what ever reason are currently identified as legal voters and their names can be used to vote.*

*I was not able to identify the exact amount of voter registration cards that were returned after the final votes were tallied and disclosed to the public, but was told that these votes were included in the final voter results and that the election results for 2009 and 2010 were not accurate. I was also told by a current employee, **Mrs. Pope** that the returned voter registration cards were still located at the FCBOE office*

## Election Officials Abuse of Duties and Obstruction of Justice

*During April 27, 2010 at a FCBOE protest meeting, Mrs. Constance Johnson alleged that one candidate for the school board Mr. Jimmy Bonham was electioneering. Ms. Sutton denied the allegation, even though there were numerous witnesses present at the meeting to prove that the allegations were accurate.*

I have identified numerous cases where NCGS were violated. In fact, several current and former employees gave me statements and affidavits relating to voter ballot fraud stating that no one was willing to investigate the issues. On one occasion *Mrs. Johnson, and Mr. Cox* stated they contacted *State Representative Mrs. Earline Parmon*, and she told them that she contacted *Mr. Larry "Leake*, about their concerns and *Mr. Leake* stated that, he did not want to do anything about their concerns, because he did not want anymore bad publicity from Forsyth County. They stated that their admissions of guilt were not investigated and in fact, *Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox* contacted me to assist them with their issues. Also, *Ms. Pamela Lofland and Ms. Rebecca Vanderklok*, have also stated that they were forced to comment illegal acts because of *Mr. Coffman or Mr. Joyner's* fear and intimidation techniques.

## Campaign Print Disclosure Requirements were Ignored by Elected and Government Officials

During the Forsyth County's primary election for 2010, *N.C. State Representative, Mrs. Earline Parmon, the Clerk of Court Mrs. Susan Frye, County Commissioners Mr. Everett Witherspoon and Mr. Walter Marshall, and a former candidate for the F.C. School Board Jimmy Bonham* formed an alliance which may include other elected and appointed city and state officials not disclosed in this report.

These alliance members and their volunteers passed out flyers that violated North Carolina General Statute requirements, (NCGS). A meeting was held with *Mr. Coffman* to address the FCBOE lack of concern and failure to respond to clear and willful violations of Federal and North Carolina General Statute requirements. There were numerous officials at this meeting, for example:

*A former County Commissioner, Mr. Beaufort Bailey, a School Board Member, Mr. Victor Johnson, a former Forsyth County Clerk of Court, Mr. Nick Gordon and myself a former Candidate for N.C. State Representative, the Forsyth County Attorney, the Assistant Forsyth County Attorney and a journalist from the Winston-Salem Journal, were present.*

During this meeting officials and candidates including myself, complained about the illegal techniques that the alliance members were using to win the election, we also presented illegal "BPAC" flyers that were being passed out to voters by the



alliance members. **BPAC** is an organization established and managed by **Mr. Everett Witherspoon**. **Mr. Witherspoon** officially stated in his campaign records that **BPAC** had no campaign contributions in this **BPAC** account, which showed a zero balance as far back as and prior to February 10, 2010, furthermore that same account had been terminated prior to the 2010 election. I informed **Mr. Coffman** and the county attorneys present that this was a clear violation of **Chapter 1.0104(d) of Title 8 of the North Carolina Administrative Code**, which stated that this **BPAC** committee was ineligible to receive contributions or make expenditures.

*The fact that **Mr. Witherspoon** clearly stated on the campaign flyers being passed out that they were paid for by **the BPAC** committee is one problem in that no money was in the account, another problem is that this law was not enforced by FCBOE officials.*

**Mr. Robert Coffman** acknowledged that the flyers were illegal and stated that he had no mechanism in place to enforce **Chapter 1.0104(d) of Title 8 of the NCGS**. I later verified **Mr. Coffman's** assertions with NCSBOE investigator, **Mr. Marshall Tudor**, who stated that this illegal act could have been enforced. I found that several options could have been taken to prevent this illegal act from taking place or continuing, but all resolves were ignored. **Mr. Witherspoon** campaign disclosure report, for the **BPAC** committee, to date shows a beginning and ending balance of \$0.

As a result, **Mr. Witherspoon** won the Forsyth County 2010 primary election in part, while operating under a committee that had been terminated by the NCSBOE. I spoke to **Mr. Witherspoon** concerning this matter and he stated that he paid for the flyers via in-kind contributions, which were not listed on the **BPAC** committee report as well.

### **Some Forsyth County Officials assisted voters to vote multiple times.**

*I received statements from one voter, Mrs. Virginia Roberts Lee who stated that said she was paid to vote more than once and was taken to vote by F.C. Clerk of Court Mrs. Susan Frye, County Commissioners Mr. Everett Witherspoon, and a former candidate for the F.C. School Board Mr. Jimmy Bonham. Therefore, at least one voter, Mrs. Virginia Lee who in fact admitted to voting multiple times, stated that she was paid to vote by the F.C. Clerk of Court Mrs. Susan Frye, County Commissioners Mr. Everett Witherspoon, and a former candidate for the F.C. School Board Mr. Jimmy Bonham. During the 2010 primary election, Mrs. Lee implied that others had voted more than once as well.*

*Mrs. Lee stated that County Commissioner Mr. Everett Witherspoon, encouraged her to vote more than once and clerk of court Mrs. Susan Frye paid her to vote and former school board candidate Mr. Jimmy Bonham paid her to vote as well. Mr. Bonham would not allow her to select the candidate of her choice even though she verbally expressed her discontent with not being allowed to do so.*

*In fact, Mrs. Lee stated that when she informed Mr. Everett Witherspoon that she had been reprimanded by a NCSBOE investigator Mr. Marshall Tutor for voting more than once and violating state and federal laws Mr. Everett Witherspoon assured her that they would “take care of” the problem and asked her to illegally vote a third time. I verified the accuracy of the voters written statements and FCBOE and NCSBOE officials agreed with most of Mrs. Lee’s assertions.*

### **III. Civil Rights Violations**

#### **Someone Threatens a Voter With Physical or Economic Harm Unless the Voter Casts His Ballot in a Particular Way:**

*Ms.. Virginia Lee Robertson alleged that, F.C. Clerk of Court Mrs. Susan Frye, County Commissioner, Mr. Everett Witherspoon, and a former candidate for the F.C. School Board Mr. Jimmy Bonham encouraged and helped her to vote more than once and she stated that Mr. Bonham would not allow her to select the candidate of her choice, even though she verbally expressed her discontent with not being allowed to do so. In defense of not allowing her to cast her own vote, Mr. Jimmy Bonham allegedly stated that, you want our people to win don’t you?”*

## **A Scheme Exists to Prevent Non-Minorities and Minorities From Voting.**

*The Voting Rights Act (VRA) of 1965 protects every American against racial discrimination in voting. The FCBOE Officials did not give equal opportunity to all the candidates as it related to voting.*

### ***For example:***

*Alliance members, N.C. State Representative, Mrs. Earline Parmon, Clerk of Court Mrs. Susan Frye, County Commissioners Mr. Everett Witherspoon and Mr. Walter Marshall, and a former candidate for the F.C. School Board Jimmy Bonham and their volunteers passed out flyers endorsing themselves and other African Americans, while this is not a problem, per se, I believe that a civil rights violation was created, in that the passage of these flyers disparaged some minorities and other voters who are not minorities. In fact, some of the African American ministers listed on the flyers openly denounced them via the local media and at their local churches, stating that, "they did not support the candidates as stated on the flyers". Also, at the early voting location at **201 Chestnut Street**, there were also instances where members of the alliance were physically taking flyers out of voters hands, and were aggressively making announcements to voter to only vote for the persons on the illegal flyers list that were being passed out. During the 2010 primary voters were being repeatedly harassed and intimidated using these methods. The FCBOE officials and its attorney's were made aware of these problems. FDBOE officials were told that these flyers represented **Mr. Everett Witherspoon's** committee which had been terminated months prior to the start of the election year. FCBOE director, **Mr. Robert Coffman** and other FCBOE officials stated to candidates and to the Winston-Salem Journal that they had no mechanism in place to enforce the **North Carolina General Statutes** which relates to this problem.*

*Civil Rights Violation such as this, may have been critical to affecting the election results, as vast numbers of voters used these flyers as a guide to cast their votes, and voted early during the 2010 election under these hostile conditions. As a result, Mr. Coffman did not enforce laws that would assure that the VRA was properly enforced and that all candidates regardless of their race had the opportunity for a fair and peaceful election.*

## **FCBOE and NCSBOE Officials Ignored the Requirements Under the Americans with Disabilities Act(ADA) , the Privacy Act, and the HIPAA act.**

*FCBOE former and current employees **Terry Cox, Pamela Johnson, Pamela Lofland, Rebecca Pope** told County and State of North Carolina Government Officials, **Linda Sutton, Gary Bartlett Don Wright**, that they were being harassed and stated that the work environment was extremely hostile to the point*

*that employees violated state and local election laws for fear of retaliation.*

***For Example:***

***Mr. Cox*** alleged that he was constantly harassed relating to his disabilities, where he suffered from an eye condition and diabetes, which he stated was often the topic of criticism and also used as a mechanism to force him into early retirement.

***Mrs. Pope*** alleged that her weight was constantly addressed in a negative sense which embarrassed her in front of her colleagues. She also stated that she was offended by other comments made by ***Mr. Coffman*** relating to other employees and others who entered the FCBOE office.

***Ms. Deanna Heade*** also alleges that ***Mr. Coffman*** disclosed information covered under the Privacy act and possible HIPAA information to the temporary agency in which she was employed as a temporary employee.

***FCBOE and NCSBOE Officials Ignored the Requirements relating to State of North Carolina Laws and Federal laws in regards to the Whistle Blowers Act***

*The FCBOE director **Mr. Coffman** told, the Winston-Salem Journal, that the computer system caught a voter voting multiple times, however, I later learned that a FCBOE employee **Mr. Pat Boyles** recognized the person who had voted more than once, because the computer system was not capable of catching such an error and may still lack the capability to do so. I was also told this voter was accompanied by a local candidate for office, **Mr. Jimmy Bonham** who subsequently won the primary election for 2010. Former and current FCBOE employees, **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox,** stated that elected officials have knowledge of illegal conduct in Forsyth County, in fact, I was given a statement by **Mr. Terry Cox and Mrs. Pamela Johnson** who stated that N.C. State Representative **Mrs. Earline Parmon** stated that **Mr. Larry Leake the Chairman of the NCSBOE** said that Forsyth County did not want any more bad publicity from Forsyth County, thus, current and former FCBOE employees complaints were ignored.*

*I was told by former and current FCBOE employees, **Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox,** and was given evidence that, the General Counsel for the state of N.C. BOE is aware of FCBOE employees complaints of violations of Federal and State laws and have documentation that other N.C. State Officials may or should be aware of these problems as well.*

## **FCBOE and NCSBOE Members Ignored Conflicts of Interests and Inadequate Separation of Duties**

### **Conflicts of Interest and Nepotism**

Several FCBOE Board members including *Ms. Sutton*, disregard conflicts of interest relating to their assigned tasks. State and local elected officials openly give financial support to incumbents and candidates during past and current election cycles. While I do not view a public official financing a candidates campaign a problem per se, I do know that these same public officials who have vested interest in the candidate via campaign contributions. should not play a role in the decisions that are made as to whether or not these political individuals have committed crimes punishable by law.

#### **For example:**

I have identified numerous instances as previously discussed in this report where State and Local officials one being *Mr. Frank Dickerson* openly supported one candidate discussed in this investigation and openly dismissed well founded cases against these individuals from being advanced or prosecuted.

#### **For example:**

During protest meetings which were held during May of 2010, FCBOE board members voted to dismiss several protests which would have negatively impacted several alliance members. These actions clearly gave the appearance of a conflict of interest.

Another FCBOE board member *Mr. Frank Dickerson* gave a campaign contribution to the chief alliance member and *N.C. State Rep. Mrs. Earline Parmon*. campaign for reelection. Again, this is not a problem, per se, however, this same board member *Mr. Dickerson* voted on a protest which involved the leader of this alliance *N.C. State Rep. Mrs. Parmon* which clearly gave the appearance of a conflict of interest. It also made it hard to convince anyone that election protests and decisions on laws that would negatively affect alliance members would have been decided and voted on without prejudice. The Forsyth County District Attorney *Mr. James O'Neal* also gave a campaign contribution to a chief alliance member, *State Rep. Mrs. Earline Parmon*. Again, this gives the appearance of a conflict of interest and also makes it hard to convince anyone that election laws affecting non alliance members would have been decided and voted on without prejudice.

***Ms. Sutton and other FCBOE and NCSBOE Members Ignored Conflicts of Interests and investigate complaints which involved themselves. I also found that in creating conflicts of interests, FCBOE board members support certain candidates financially, which creates conflicting positions which may not allow them to properly investigate or advance claims against candidates in opposition of the ones that they support.***

*Thus, when valid complaints are forwarded to FCBOE board members they tend to overlook them and bend or misinterpret the rules to avoid adequately addressing the problems. I have identified a few of the most egregious complaints which the NCGS have listed as punishable under the law as a Felony.*

**Inadequate Separation of Duties**

*Prior to and during the one stop voting period, Mrs. Rebecca Pope, Mrs. Pamela Johnson, Mr. Terry Cox stated that the Mr. Coffman conducts the final voter reviews for precinct reporting and the accumulation of the precinct total number of voters behind closed doors in his office. If true, it is my assertion that no one individual should be responsible for the checks and balances of voting data and documents in this manner, especially behind closed doors and especially given the consistent claims of mismanagement of votes by Mr. Coffman.*

**Recommendation: 1:**

**NCBOE should request an independent review of the allegations identified in this report.**

**Recommendation: 2:**

**State of NCBOE officials should devise a plan to deal with and enforce election law violations that warrant their immediate attention. This mechanism/plan should not be used to replace matters that can also be dealt with by filing a related complaint or protest.**

**Recommendation: 3:**

**State of NCBOE officials should have a zero tolerance policy for violations of the Privacy Act, EEO and the Americans with Disabilities Act (ADA).**

**Recommendation: 4:**

**The State of NCBOE officials should assure that the Chairman of the FCBOE is aware of the responsibilities of that office.**

**Recommendation: 5:**

**WSSU's late delivery of voter registration cards should be reported to the U.S. Post Office, Inspector General's Office.**

## **Scope and Methodology**

### **Scope**

I conducted this review in accordance with GAO's generally accepted government auditing standards. The purpose of this review was not to form an opinion on the information reported or the individuals identified, instead it was to:

- Verify the integrity of state and local elected officials, including whether or not government officials conducted business ethically and legally.
- Identify problems with the FCBOE and the NCSBOE systems including internal controls.
- Identify any violations of federal, state and local laws by federal state and local elected and appointed officials.

I conducted this audit/investigation to gain an understanding of the programs and activities of the FCBOE and the NCSBOE and other state and local entities and to answer the objectives of this report. This audit/investigation contains five recommendations. The audit/investigation was conducted in Forsyth County located in Winston-Salem, North Carolina and in Raleigh, North Carolina, during the period of January 2009 through January 2011. The audit/investigation primarily focused on election years 2006-2010 and as necessary, I considered other relative information associated with former and current appointed and elected, FCBOE and NCSBOE officials .

### **Methodology**

To obtain a more detailed understanding of the electoral process, I conducted site visits to various precincts in the 72<sup>nd</sup> District of Forsyth County during the primary and general election dates of September and November 2009, and during the primary election during April and May of 2010. I also selected precincts that were generally regarded as having prior election year problems. A few of these locations were historically known to be potentially biased towards one or more candidates or incumbents in regards to their approach towards the overall administration of the voting requirements as it relates to the HAVA act.

## **Conclusion**

I found that state and local, government and elected officials do not always conduct business ethically or legally. In fact, I found numerous instances of alleged illegal and unethical conduct as stated in this report. At times, it was in question whether officials actually knew the “right way” to conduct business, so to speak, as the “wrong way” is so generally accepted.

I also found that some individuals were so afraid of retaliation that it was hard for me to get some state and local officials who wanted to do the right thing to speak out. Officials were very afraid to talk honestly and truthfully about certain alleged illegal and unethical matters identified within this report. Most citizens of Winston-Salem will attest to the truthfulness and accuracy of this report but few will go on record to officially attest to its content for fear of retaliation. I was told on numerous occasion to just leave things alone.

As far as the FCBOE system, I found a total break down in internal controls to the point where it is questionable if any of the election results for the past 5 years are accurate or complete. The of lack of internal controls as it relates to FCBOE and certain aspects reviewed as it relates to the NCSBOE system of internal controls are very disturbing and surreal.

On December 1, 2010, I presented the findings in this report to the Chairman of the FCBOE, **Ms. Linda Sutton**. **Ms. Sutton** stated that she was familiar with most of my findings, but had not received some of the issues formally enough by others to advance their claims. She also stated that she had tried to fire the FCBOE Director, Mr. Robert Coffman, but was not successful because the other board members would not vote to terminate his employment. She continued to say that she believed that the current and former employee statements were basically true. She appeared to be very remorseful, and stated that she felt that she had been lied to by officials on several occasions. Although I showed **Ms. Sutton** supporting documentation relating to my allegations and also the list of 34 names as well, I informed her that her name was on this list of officials who were “aware of or participating in the illegal acts.” **Ms. Sutton** stated that she was not clear on her responsibilities and authority as a Chairman of the Board of Elections of Forsyth County and relied on others to give her direction.

On December 3, 2010 I met with officials at the NCSBOE, **Mr. Don Wright, and Mr. Gary Bartlett**. I gave them a detailed briefing of the Henley Report/Investigation and discussed the details of my meeting with **Ms. Linda Sutton**. **Both Mr. Wright and Mr. Bartlett** stated that they were aware of the personnel issues identified in my report. They both stated that that had already had several discussions relating to these employee allegations with the whistleblowers as well as with others. The also stated that they had conducted their own investigations of certain matters. **Mr. Bartlett and Wright** also discussed that **Ms. Sutton** should not have openly discussed the details of closed session meetings with myself and others relating to the FCBOE employees.

**Mr. Bartlett** stated that he wanted to know if the employees prior comments were



consistent with the statements that were made during my audit/investigation, thus in good faith, we (Mr. Wright and Bartlett) and myself agreed that I would give supporting documentation to **Mr. Wright**. After verbally presenting the details of this report with both officials, I left a host of supporting documentation with the two State Officials.

I also showed Mr. Wright and Mr. Barlett the list of 34 names given to me collectively by the *current and former FCBOE officials, Mrs. Rebecca Pope, Mrs. Pamela Johnson, and Mr. Terry Cox*. Although I gave these two officials the list of 34 names, I informed them that their names were on this list of officials who were “aware of or participating in the illegal acts.”

I believe that an outside investigation should be requested by the responsible officials. Also, I believe that the Forsyth County Government Building where the FCBOE is located has a very well structured system of security which could have verified some issues by the use of their security camera’s and conversations with security personnel who by profession among other things are responsible for observing and protecting the public.

Finally, I conducted research and have statements in writing where it has been stated that, because elected officials are involved in these illegal acts and because of concerns relating to conflicts of interest, state and local government and elected officials have chosen to obstruct justice by ignoring illegal and unethical admissions of guilt.

Finally, I believe that appointed and elected officials should know and consider that, if they are in any way involved in any allegation(s) relating to fraud, waste, abuse or mismanagement, they should not participate in any way with the inquiry or investigation of the details of such allegation(s). Therefore, I have given this report to the FCBOE in good faith. However, any representatives mentioned in this report or directly involved with the State of North Carolina political elections process, should not opt to investigate these alleged matters if they relate to their appointed positions. N.C., State law allows for such an independent investigation and review.

Thank you for your attention,

Gardenia M. Henley  
Diplomat/FSO/Ret.