

JACK CAMPBELL
STATE ATTORNEY



LEON COUNTY COURTHOUSE
301 S. MONROE STREET
TALLAHASSEE, FLORIDA 32399-2550
TELEPHONE (850) 606-6000

OFFICE OF
STATE ATTORNEY
SECOND JUDICIAL CIRCUIT OF FLORIDA

March 9, 2017

Paul Henry
[REDACTED]

*Redacted pursuant to section 119.071(4)(d)2.a.
Pla
St. Henry*

Dear Mr. Henry,

I am writing in response to your letter of March 2, 2017. I appreciate your current work on the Jefferson County Grand Jury and I hope we can meet when you next convene. You are correct that the Grand Jury is able to investigate both criminal actions by governmental employees and the general functioning of government. I am aware of the complaints concerning Mayor Gillum's use of an email system and have recently spoken to the Leon County Sheriff and Tallahassee Police Department concerning an investigation of these allegations. I believe that either the Florida Department of Law Enforcement or the Leon County Sheriff will do the investigation and then present their findings to me.

At that point, armed with facts of actual witnesses, I can make a competent decision concerning whether it should be charged, dismissed, or presented to a Grand Jury as a possible investigation that they could elect to conduct. I do not have the power to force a Grand Jury to take any action so I need to know what the facts are so I can present them with the means to make a decision. I, like you, currently only know what I have learned from the media and the internet and would never base any decisions purely on those reports.

Thank you again for your interest and please let me know if I can be of any further assistance.

Sincerely,

Handwritten signature of Jack Campbell.
Jack Campbell
State Attorney

cc: ASA Andrew Deneen

Honorable Jack Campbell
State Attorney's Office
Leon County Courthouse
301 South Monroe Street, Suite 475
Tallahassee, Florida 32399-2550

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JACK CAMPBELL
STATE ATTORNEY

March 2, 2017

Dear Mr. Campbell,

I am writing to request the Leon County Grand Jury investigate City of Tallahassee Mayor Andrew Gillum's purchase of several thousand dollars of political software via public funds.

Based upon my experience as a law enforcement officer and investigator in Florida, I believe his actions may constitute grand theft under F.S. 812.014 and official misconduct under F.S. 838.022. While I'm aware your office suggests filing a complaint with a law enforcement agency, due to the position of this suspect I believe a Grand Jury investigation is warranted so as to avoid any real or perceived conflict of interest. As a member of the current Jefferson County Grand Jury I have learned a grand jury can investigate public officials when warranted. The known information in this situation illustrates there is sufficient cause for an investigation. Actions such as these erode public confidence in our government, so it is my hope your office will diligently investigate these allegations.

There are precedents for this action, such as the recent case involving former Meigs Georgia Mayor Linda Harris, who was convicted of theft for using \$138 of tax money for personal use. In December 2016, Goodrich Texas Mayor Jeremy Wayne Harper was charged with stealing under \$2,500 of materials from the city.

Here is the synopsis of my complaint:

ANDREW GILLUM in his capacity as Mayor of the City of Tallahassee, a public servant, did violate Florida Statute 812.014(2)(c) "Grand Theft" and Florida Statute 838.022(1), "Official Misconduct" by using at least \$3,915 of public funds to obtain a personal benefit, to-wit political campaign software and falsified the justification for said software. In doing so, GILLUM deprived the taxpayers of their right to this property (money) for no lawful purpose, and appropriated it for his own use.

On Wednesday March 1, 2017, Tallahassee television station WCTV reported that Tallahassee mayor Andrew GILLUM had made personal use of software that had been purchased by the City of Tallahassee. The report alleged that GILLUM had utilized software known as "NGP VAN" which is utilized in political campaigns. Visiting the software company's

website, I learned it is solely used for political campaigns and serves no public purpose or benefit to the taxpayer. GILLUM had evidenced guilty knowledge in the matter by acknowledging the misuse of the money and offering to repay it.

I visited the City of Tallahassee's online public records site for expenditures, known as the "Checkbook", which is located online at <http://talgov.com/fm/opengov.aspx>

A search for any vendors titled NGP returned the following three payments to NGP VAN:

Date: 2016-10-07
Check #: 20145
Amount: \$2,115.75

Date: 2016-03-18
Check #: 14970
Amount: \$1,050.00

Date: 2016-01-11
Check #: 13613
Amount: \$750.00

Total spent: \$3,915.75

For each entry, the *Fund Name* was shown as "General Fund", the *Fund Type* was "Operating Funds", the *Department Names* were either "Unclassified Charges" or a "Membership", the Division was "Office of the Mayor", the Service Area was "Charter & Executive Services", the *Project* and *Project Type* fields were all "Description pending", the *Program Description* was blank, and the *Source* was "PCARD".

Please advise me of your decision in this matter either by mail or email.

Thank you,


Paul Henry



Redacted pursuant to section

119.071(4)(d) 2. a. Fla Stat