

ALABAMA LAW ENFORCEMENT AGENCY
Integrity Unit
Case Report
Case Agent: April Bickhaus

DETAILS:

On February 29, 2016, Acting Secretary Stan Stabler of the Alabama Law Enforcement Agency (ALEA) assigned Special Agent Senior (SAS) April Bickhaus with the Integrity Unit (IU) to investigate allegations of violations of ALEA policies and procedures by ALEA Secretary Spencer Collier and his subordinates. A meeting was held on the same date between Stabler, Deputy Attorney General Michael Robinson, and Bickhaus. Robinson presented Bickhaus with a file containing copies of receipts from purchases made by Collier and copies of per diem records claimed by Collier, John Jenkins, Jay Howell, and James Rigby from October 2015 through February 2016. Robinson stated personnel from the ALEA Accounting Division had approached Stabler following Collier's placement on medical leave beginning February 18, 2016, and advised him to review the receipts and per diem records. Stabler requested that Bickhaus conduct a thorough administrative review of the purchasing processes by Collier to determine if the purchases were made in violation of administrative procedures and to refer any uses of funds that were potentially criminal to an outside agency for further investigation.

Bickhaus requested to interview Collier, which was standard procedure with accused employees, but Robinson advised her to refrain from contacting Collier, his wife, or Jenkins until determining if there were potential criminal charges that required referral. He advised notifying Collier may impact the potential criminal investigation. He advised following the preliminary review, Bickhaus may interview Collier. Bickhaus sought further clarification of the assignment, given that Collier's supervisor and employer was Governor Robert Bentley, not ALEA. Robinson advised the assignment of the internal investigation was to ensure proper administrative actions were taken on Collier's part, and to self-report if violations were exposed. Robinson further advised Collier's salary was funded through the ALEA general fund.

Bickhaus reviewed a Report on the Alabama Law Enforcement Agency State of Alabama from October 01, 2009 through September 30, 2015 written by the Department of Public Examiners. The report states, "Our examination was performed for the purpose of determining whether the public officer, agents, and employees of the Agency properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Agency. Our examination included determining compliance by the Agency with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not

encompass managerial and operational matters, such as whether the Agency accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner. Tests performed during the examination did not disclose any significant instances of noncompliance with applicable laws and regulations.” The report was entered into the case file as exhibit number twenty eight (28).

Bickhaus conducted an interview with Jennifer Frost, ALEA Accounting Director 1. Frost advised she was aware of multiple purchases made by Collier since 2011 to 2016, which violated the purchasing procedures that had been in place in the Accounting Division from 2011 to 2016. Bentley had appointed Collier the Director of Alabama Department of Homeland Security (ALDHS) from January 18, 2011 to April 05, 2013, when Bentley appointed him Secretary of ALEA. Collier remained Secretary of ALEA until his termination on March 22, 2016. Frost advised Collier had approved the purchasing policy and procedures from 2011 through 2016, through his leadership as Director and as Secretary. She advised the Accounting Division’s purchasing expectations followed the guidelines established by the Alabama Department of Finance, Purchasing Division’s policy and procedures.

She reported the Accounting Division had corresponded with members of Collier’s office, and with Collier, via email and in person, regarding the proper procedures for purchasing equipment and other necessities. Frost provided Bickhaus with copies of email correspondences between Collier and members of the Accounting Division expressing the proper procedures and expectations prior to making purchases. The email correspondences have been entered into the case file as exhibit number twenty seven (27). She provided Bickhaus with copies of ALDHS policies and procedures, and those documents have been entered into the case file as exhibit number two (2).

Frost explained all ALEA employees, and former ALDHS employees, were expected to provide the Accounting Division with a purchase request for approval prior to making a purchase. She stated the monetary amount made no difference to the application of the purchase request. She stated the purchasing request allowed the Accounting Division to approve the purchase as an appropriate expenditure, and allocate the funds to cover the purchase. She advised purchases totaling over one thousand (1,000) dollars required a purchase order and two (2) quotes to ensure the lowest quote was selected prior to purchasing the desired items. Frost explained the receipts she had provided for administrative review were all generated following a violation of proper purchasing procedures by Collier, or by ALEA employees at Collier’s direction. She explained the purchases seemed excessive to the Accounting Division, and were not qualified or defended by any reasonable account. She stated none of the items purchased by Collier qualified as emergency expenditures, which also represented a separate set of procedures.

Bickhaus presented Frost with a copy of invoice numbers 45935 and 45936 dated February 25, 2011, for letterhead foil, foil, and embossing dyes totaling four hundred sixty eight dollars and forty two cents (468.42) remitted to Craftmaster Printers, Inc., 687 North Dean Road, Auburn, AL. The vendor is of particular interest considering the

former Speaker of the Alabama House of Representatives Mike Hubbard's alleged contributions and involvement with the company. Bickhaus entered a copy of a Craftmaster Printers, Inc. Business Entity Annual Report for 2011 and 2012 into the case file as exhibit number eighty one (81), along with internet articles regarding the company. The report reflects Hubbard as the Secretary of the commercial printing business.

Additionally, on February 24, 2011, invoice number 46024 for foil and embossed envelopes for Collier totaling three hundred sixty four dollars and fifty eight cents (364.58) remitted to Craftmaster Printer, Inc. was approved by Jenkins. Jenkins approved the purchase of foil embossed envelopes totaling three hundred fifty four dollars and forty eight cents (354.48) from Craftmaster Printer, Inc. on June 24, 2011. Frost explained the purchases seemed suspicious to her because the orders were broken into increments that did not amount to more than one thousand (1,000) dollars per purchase, which would have required notification of the Accounting Division for a purchase order. In reference to invoice numbers 45935 and 45936, Frost stated she received the receipts after the items were purchased and extended, which forced her to adjust the funds after the process, rather than before, per ALDHS accounting procedures. Frost stated envelopes and letterhead had normally been purchased through the Department of Corrections (DOC) because the cost was low. She stated there was no regulation that outlined letterhead and envelopes were required to be purchased through DOC, but it seemed odd to her that Collier had ordered the specialty items when the regular items were likely in stock in the office. She stated to her knowledge he never purchased any items from Craftmaster Printers, Inc. with agency funds again.

Frost reported invoice numbers 92431412, 92441667, and 92458276 totaling three hundred forty nine dollars and ninety six cents (349.96) were for clothing purchases Collier made at Dick's Sporting Goods store on September 24, 2012, October 02, 2012, and October 16, 2012. The voucher completed by the State of Alabama, Department of Finance, Comptroller's Office was dated October 24, 2012, indicating the items were purchased prior to the funds being appropriately allocated beforehand. She explained that ALDHS did not have an account with Dick's Sporting Goods at the time the clothing purchases were made. Therefore, to make the purchases, someone had to establish Dick's Sporting Goods as a vendor through the state accounting system. Frost stated there was no reasonable explanation for establishing Dick's Sporting Goods as a vendor for ALDHS. She stated that the Accounting Division had been unaware of the addition of the ALDHS account through Dick's Sporting Goods, and had to follow up behind Collier to provide the necessary paperwork, including the W-9 form, to ensure the purchases would be covered. Frost reported the Accounting Division normally arranged vendors for ALEA. She reported the account opened at Dick's Sporting Goods was initiated to facilitate purchasing the desired items. She denied recalling any other purchases at any other times made through the account with Dick's Sporting Goods.

Bickhaus conducted an interview with Jennifer Holman, ALEA Senior Accountant. Holman reviewed the copies of the invoices from Dick's Sporting Goods. She acknowledged she had addressed the violation of procedures with Leah Garner, who was

Collier's assistant at the time. She stated Collier had purchased the items through Garner. Holman recalled Garner had assured her she would relay the message to Collier. She stated she continued to have problems with purchasing violations after addressing the issue with Garner, so the Accounting Division sent out emails detailing the proper procedures all employees were expected to follow. She stated Collier was a recipient of the email correspondences, and she provided copies of those emails to Bickhaus. The email correspondences have been entered into the case file as exhibit number twenty seven (27).

Holman reviewed invoice number 0900-22, dated October 28, 2013, from CCI Custom Weaponry for fifteen (15) pants and fifteen (15) fleeces totaling three thousand eight hundred seven dollars and fifteen cents (3,807.15). Collier was operating as the Secretary of ALEA during the period. Bickhaus entered a copy of a CCI Custom Weaponry LLC Business Entity Report for 2012 into the case file as exhibit number twenty eight (28). The report reflects Jason L. Johnson as the Owner, with a business address of 317 Plantation Oaks Boulevard, Millbrook, AL 36054.

Holman believed the purchases were for a uniform prototype that was never vetted. She stated it seemed excessive to order that many articles of clothing at an expensive rate for sampling. She stated she received the invoice after Collier purchased the items. Holman explained the amount warranted a purchase order to cover the expenditure, but because Collier had neglected to notify the Accounting Division prior to making the purchases, no purchase order request was completed and no purchase order was remitted in the appropriate fashion. She stated she had to provide two (2) additional quotes to ensure the amounts were higher than the amount already extended for the purchases from CCI Custom Weaponry. She stated she accessed a store online to establish the quotes. The date on the print out for the online quote is October 29, 2013. Purchase order number 3488334 was generated on November 13, 2013. Holman stressed Collier should have notified the Accounting Division prior to making the purchase, so a purchase order request and purchase order could be approved. Holman reported she contacted Jenkins when she could not reach Collier, and advised him of the proper purchasing procedures. She stated she continued to receive additional invoices for purchases made by Collier, which required purchase orders to cover the expenditures.

Holman reviewed invoice number 1189844 dated April 29, 2014, from Gulf States Distributors for clothing items totaling three hundred five dollars and sixty five cents (305.65). Bickhaus conducted a business entity search through the Alabama Secretary of State, which reveals three (3) incorporators: Charles Leslie Dees, Connie Adams, and Doyle Fuller. The search also identifies the business as a domestic corporation which formed on June 06, 1980 for the purpose of selling firearms. Bickhaus entered the search results into the case file in exhibit number twenty eight (28).

The invoice reflects Collier's signature approving the purchases. The remittance approved through the State of Alabama Department of Finance, Office of the State Comptroller, was dated May 17, 2014, reflecting that the purchases were made prior to receiving the allocation of funds in advance. Holman stated the Accounting Division had

received the invoice for the purchases following the extension of the merchandise, and employees had to reverse normal procedures to ensure the expenses were covered.

Holman reported invoice number 45312524101, dated May 27, 2014, from CCI Custom Weaponry totaling one thousand five hundred sixty dollars and fifteen cents (1,560.15) was for clothing items purchased by Collier. The date on the print out for the online quote was June 16, 2014, approximately two (2) weeks following the date of the purchase. Purchase order number 3496906 was generated on June 21, 2014. She stated the purchase order and quotes were generated after the items were purchased and collected. Holman explained the clothing items purchased from CCI Custom Weaponry seemed excessive. She stated she had expected the Comptroller's Office to reject the request, considering a single jacket totaling six hundred and twenty nine (629) dollars was on the invoice. She reported the Comptroller's Office did contact her and question her regarding the necessity of the jacket, and she replied it was for Collier.

Receipt number 503900102469, dated July 13, 2014, totaling one hundred forty nine dollars and ninety five cents (149.95) from Sunglass Hut was for the purchase of a pair of sunglasses by Collier. The receipt depicted a handwritten note suggesting the glasses were shooting glasses, but Holman ran the item number, which returned to a pair of aviator style Ray Ban sunglasses. Shirrell Roberts, ALEA Homeland Security Director, approved the voucher as the Authorized Department Head.

Bickhaus entered the UPC Item Number 8053672189148 from the receipt into a search box at www.upcitemdb.com. The Item Number returned to a pair of aviator style Ray Ban sunglasses. Bickhaus reviewed an invoice remittance from the Office of the State Comptroller, which reflects Collier was reimbursed through state money for the sunglasses. The remittance check was written to Jack S Collier, [REDACTED]. Bickhaus entered the documentation into the case file as exhibit number twenty nine (29).

Bickhaus interviewed Roberts. Roberts explained the voucher method required an Authorized Department Head to approve it before the expenditure was remitted. He explained when he received a voucher for approval, it had already been processed by the Accounting Division. He stated he had signatory authority for Collier, as well as Robert Ratliff, ALEA Chief Financial Officer. He stated at his level, he was not required to review the documentation, as it had already cleared that process through the Accounting Division. Bickhaus entered the documents reflecting signatory authority into the case file as exhibit number twenty nine (29).

He acknowledged Sunglass Hut was not a vendor on contract with ALEA. He stated, "If any other employee brought a receipt to accounting for sunglasses, I don't believe it would be approved. I don't believe sunglasses are reimbursable under the clothing allowance, and if they are not, it would not be approved. I don't remember ever getting a receipt for sunglasses. It is an out of the ordinary purchase from my experience."

Frost stated, "The process for purchasing the glasses was a violation of proper procedure. We were told they were shooting glasses. We do not buy people Ray Bans. That purchase does not fit anywhere. There is no way to excuse it." Frost denied ever receiving receipts for the purchase of a pair of Ray Ban sunglasses from any other ALEA employee. Frost acknowledged that had she received a receipt from any other ALEA employee, it would have been rejected for reimbursement. Frost admitted the expenditure was processed in this case because the purchaser was Collier. She acknowledged shooting glasses may qualify as a general fund expenditure, but would have been purchased through state contract, which would require prior notification and approval through the accounting division. She said quotes would also be required prior to purchasing the sunglasses. Frost stated Sunglass Hut is not an approved vendor on state contract with ALEA.

Invoice number 53811800022, dated January 06, 2015, from CCI Custom Weaponry totaling six hundred six dollars and forty six cents (606.46) was for clothing items for Collier, including a jacket and a shell. The remittance from the Comptroller's Office was dated January 22, 2016, reflecting the items were purchased and collected prior to the funds being allocated.

Invoice number 759336036001, dated March 09, 2015, from Office Depot totaling one hundred twenty one dollars and ninety nine cents (121.99) was generated following the purchase of a Columbian leather briefcase for Collier. Holman reported Jenkins had approached her with the invoice and told her it was a necessary item. She stated Jenkins said Collier had repeatedly misplaced his briefcase, and he required a replacement briefcase that was stocked. He also presented her with invoice number 000886, dated February 25, 2015, from Walmart totaling one hundred twenty six dollars and seventy two cents (126.72) for items for the briefcase, which included three (3) packs of gum, two (2) calculators, four (4) chargers, and one (1) pair of reading glasses. Holman stated if Collier required a stocked briefcase, the request should have been presented to the Accounting Division for approval prior to purchasing the items. She stated a list of the requested items should have been presented to the Inventory and Supply Division to determine what supplies were already in stock.

Invoice number 0114263, dated December 10, 2014, from Gulf States Distributors totaling five hundred nineteen dollars and ninety cents (519.90) was for clothing items for Collier. The remittance voucher from the Comptroller's Office was dated February 13, 2015, approximately two (2) months following the purchase and extension of the merchandise.

Invoice number 1227674, dated October 29, 2015, from Gulf States Distributors totaling four hundred forty seven dollars and eighty six cents (447.86) was for clothing items of various sizes for Collier. Collier signed the invoice when he purchased the items. Frost explained the excessive clothing purchases from Gulf States occurred a day after she, Holman, and Ratliff had been approached and asked to establish an account with Kinnucan's for Collier. Frost stated, "I told him no for sure that time. There was no legitimate reason for the account other than the store had what he wanted at that time. I could not approve that. The next day Spencer went to Gulf States and bought all this

clothing through the account, then provided us with the invoice. There was no PO request or anything.”

In regards to invoice number 123643390, dated February 12, 2016, Frost reported the items purchased appeared to be more clothing items and possibly a pair of polarized sunglasses. She stated she did not understand the reason these items were required for normal law enforcement operations. She stated an email followed the purchase from Sunny Daugherty, Administrative Support Assistant (ASA) for ALEA State Bureau of Investigations (SBI) to Patricia Evans, ALEA Staff Accountant, citing, “Items were purchased by Secretary Collier and the bill was sent to SBI.” Frost read on the invoice that Secretary Collier had picked up the items. She stated, “We had no purchase order request or purchase order for those items, and we should have. This vendor, Gulf States, we do a lot of business with them. This one would need a forgiveness letter following these purchases. We had no prior knowledge of it being purchased.”

Invoice number 1236443, dated February 12, 2016, from Gulf States Distributors for clothing items for Collier totaling two hundred thirty two (232) dollars. The invoice reflects Collier collected the items on the same date. The merchandise was paid through Accounts Payable, DPSABI, with a shipping address of SBI/Cyber Crimes, 834 Adams Avenue, Montgomery, AL.

Invoice number 69902-2, dated February 26, 2016, from Azar’s Uniforms totaling nine hundred thirty (930) dollars was for polo shirts and jackets. The shirts were embroidered with Collier’s name. The merchandise was covered through the ALEA SBI account held at Azar’s Uniforms. Bickhaus conducted a business entity search for Azar’s Uniforms through the Alabama Secretary of State website. The results reveal that Azar’s Uniforms is a domestic corporation formed on March 31, 1992 for the purpose of selling uniforms. The business incorporators are Mark Azar and Zack Azar III. Bickhaus entered the documentation into the case file as exhibit number twenty eight (28).

Holman explained the purchases of clothing items were excessive because Collier had received an annual clothing allowance totaling eight hundred fifty (850) dollars beginning in 2012. She stated he had exhausted his clothing allowance every year except 2016, although he had made clothing purchases at Gulf States Distributors in 2016 through an account for SBI. Holman stated, “If you are getting clothing for yourself, you should get it with the clothing allowance. That’s what it is for. To buy clothes for yourself with clothing allowance funds and then buy more clothes through the general funds seems like double dipping to me. No one else can do that.” Holman stated, “As of October 2015, he had not spent his clothing allowance. I had checked that when all those purchases started coming in then. He eventually did spend all his clothing allowance for 2015.” Holman provided Bickhaus copies of Collier’s clothing allowance balances. She reported being able to recover records of clothing allowance balances for the most recent two (2) years, as the records from Homeland Security were unavailable. She recalled Collier receiving and exhausting the clothing allowances for those years. The documents were entered into the case file as exhibit number thirty (30).

In an interview with Robert Ratliff, ALEA Chief Financial Officer, Ratliff stated, “I do remember bringing it to Spencer’s Office’s attention, that they needed to do a PO prior to purchasing items. In one case, I think I even told someone who worked for him to tell him. It was either Merritt, his secretary, or JT.”

Ratliff reviewed the invoice from the purchase of a briefcase and supplies for Collier. He stated, “I do remember this one. We kept going around and around about this purchase. It was received the same way, no PO first. Once we have the invoice, we don’t really have any options then because the vendor has already extended the merchandise. Because we just had an invoice, I was backtracking to provide everything necessary to have it corrected to get it paid.” Ratliff explained there was nothing improper about purchasing some of the items with the Walmart credit card, but agreed the way the receipt was received was a violation of procedure. He stated, “Buying car charges on the Walmart card should be okay. Car chargers, we usually got those wherever, just depends on the vendors, who is carrying the one they needed. We don’t really have a stipulation on things like that. There was still no PO with this one. At the point we got the receipt, we just have to figure out how to settle it.”

Ratliff stated, “I do remember bringing this incident up to Spencer’s attention. They said they had to have it, and didn’t have time to wait on a PO, was the way that went down. I don’t remember exactly who relayed the message but there were several people involved in that discussion, JT I know. I was just told to take care of it.”

Ratliff agreed if any other ALEA employee had provided invoices without submitting purchase order requests or notifying someone in the purchasing department prior to making the purchase, the invoice would not be approved. He stated, “If an employee had given me just an invoice from something purchased on an account so we had to pay it, that employee would have been reprimanded through their supervisor because we would have gone back to the supervisor to explain the necessary documentation on this.”

Ratliff stated, “In this case, that process was not used because we don’t really have a supervisor there; he is the supervisor.”

Ratliff was fearful of retaliation for having to explain the proper process to Collier and Jenkins so often. He stated, “They were getting irritated. They kept saying they didn’t need to hear about that. It’s accounting’s job to pay the bills. And did I want a job or not.” Ratliff stated, “If I kept giving them resistance they would have moved on to somebody else. I have seen that happen in a round-about way already.”

Frost stated she had received email correspondences from Collier, directing her to proceed with approving a purchase through the general fund. She provided Bickhaus with a copy of the correspondence, which Bickhaus entered into the case file as exhibit number thirty one (31). Frost stated, “If I refused to pay it, they would have gotten someone else to pay it. It wasn’t an option not to pay it. I was in fear for my job if I refused to pay it. By this time it was a common practice.”

Roberts stated, "Any other employee would not have authority to open an account at a retailer where they saw clothes they liked. If any other employee provided a receipt for clothing to be applied to the general fund, it would not be approved. It was approved in this case because the Director was the purchaser."

Roberts stated, "I wouldn't go out to Dick's, and buy something for myself, and bill the agency. You think that would be common sense."

Frost explained the funds accessed for the clothing and equipment purchases for Collier were through the general state fund (0100) and the state law enforcement fund (1629), which included moneys from the Alcohol Beverage Control Board (ABC) from the consolidation. She stated it was appropriate to purchase necessary law enforcement clothing, weapons, and other equipment from those funds. She stated the violations of procedure, which resulted in the purchases under review, concerned her, because a pattern had been established by Collier. She stated there seemed to be a disregard for the procedures in place when it benefited him.

Invoice number 1200432, dated November 04, 2014, from Gulf States Distributors totaling six hundred fifty one dollars and seventy cents (651.70) was for a G42 .380 handgun with fixed sights and accessories for Collier. The voucher from State of Alabama, Department of Finance, Office of the State Comptroller, was dated December 18, 2014, reflecting the purchase was made prior to the allocation of funds. Holman stated, "Any ALEA employee who needs a weapon is expected to follow the purchase request process. It was handled differently in this case because we just got the invoice, and were told to pay it. This is not handled like this across the board. Typically, with things he has just gone out and bought, we have just gotten the invoice or receipt, and we just had to make it work."

Holman reported once a weapon is purchased through agency funds, a property number must be assigned before it will be issued. She explained when the Accounting Division paid invoices that required property numbers for equipment, the accountant had to document the property number for the item in the division's records in order to track and account for the item. She explained the property number had to be assigned before the invoice could be paid.

Roberts stated, "It was more than one weapon that went through for him. I was working on inventory today, and there were at least four weapons on his inventory sheet for him. I think only one service weapon and one long gun is typically purchased with agency funds for sworn employees. A secondary weapon is generally purchased with the employee's money, not the agency's money."

Roberts stated, "I know sometimes he would purchase a gun, have it for a period, and not like it, and purchase a new weapon. I don't know if he turned the weapon back in to supply, if it went into the safe, or what." Roberts stated, "The red flag to me was the four weapons. We are buying the same employee multiple weapons. We don't do that

Bickhaus conducted an interview with Suzanne Booth, ALEA Inventory Control Officer. Booth denied having a record of a Glock 43, nine (9) millimeter caliber handgun with serial number [REDACTED] or a Smith and Wesson .38 caliber Body Guard in the ALEA property database. She explained she is responsible for each piece of property ALEA owns, and is accountable during audits. She reported ALEA is currently undergoing an equipment audit.

Booth explained weapons are a higher priority audit item, due to the liability factor. She reported weapons are listed in inventory with a full description of the weapon, including serial number, make, model, and date of purchase. She stated, "No weapons were reported to the inventory office as purchased weapons in the last three months. I searched the serial number using our asset works database with filters including serial number, containing serial number, beginning and ending with comprised serial number from the weapon, and it showed no results. We have no record of that weapon ever being reported to inventory. I also checked to see if there was a purchase order or requisition associated with the purchase, and there was none."

Booth reported once a purchase order has cleared the accounting system, and the agency has received the weapon, the purchaser receiving the weapon is required to report the weapon to the inventory office within thirty (30) days. She stated, "That is an ALEA policy rule, and a state rule. It's actually in Code, Section 36-16-8." Bickhaus received a copy of the search results from asset works database, which reported the weapons were not on record. Bickhaus also printed a reference to Code of Alabama 1975, Section 36-16-8 and 36-16-10. The document sources were entered as exhibits in the case file as exhibit number thirty two (32).

Code of Alabama Section 36-16-10, Property Inventory Control Division Authority of Chief; Neglect of Duty By Chief or Other Officer states, "In the event the head of any department or officer in charge of any office, bureau, board, or agency of the state neglects to perform the duties imposed upon him by Sections 36-16-8 through 36-16-11, he shall be liable for the sum of \$5.00 for each day such neglect continues and for the value of any and all personal property losses to the state as a result of such neglect."

Booth explained standard operating procedures for purchasing weapons and entering them into inventory. She stated, "The property contact who receives the weapons usually emails my office regarding the quantity, make, model, description, serial number, along with accounting information. Usually that office would go through chain of command to get authorization to purchase that weapon. If there is no chain of command, they would usually go through our accounting section, and request a PO to be cut to the vendor. Then, the vendor would order the weapon, and notify us when it arrived. Once we received the weapon, the actual person who received it would call my office, and report the necessary particulars of that weapon: serial number, make, model."

Booth reported the state auditors and the Comptroller's Office had a checks and balances system for purchase orders sent through the Comptroller's Office and the property

outright. We don't do that without running it through a request, or notifying accounting. None of that was done to my knowledge.”

Frost stated, “Weapons stand out to us because this particular individual bought a lot of weapons, more than the average employee. For him to just go to Gulf States, and buy weapons and accessories without a PO, and purchase these items through the ALEA account held at Gulf States is clearly wrong. This was another invoice we received after the fact. So, as you can see, at this point, it was a common practice for Secretary Collier to go by Gulf States, and purchase items that had not been approved by accounting by the proper purchasing procedures. Then we are left with a bill to pay and few options.”

Invoice number 1234641, dated January 25, 2016, totaling four hundred twenty four dollars and fifty cents (424.50) for the purchase of a Glock 43, nine (9) millimeter handgun for Collier was presented to Holman. She stated Collier had to write a forgiveness letter to Michael Jones, the Purchasing Director of State Personnel, to request approval to pay the invoice. She stated the agency has guns and ammunition provided through a state contract, but explained Collier had to write the letter to State Purchasing because he was buying the gun and ammunition through the state account with Gulf States, rather than utilizing the vendor on contract. She stated Collier purchased the weapon without notifying the Accounting Division.

Bickhaus received a copy of a receipt dated February 12, 2016, totaling four hundred sixty two (462) dollars for the purchase of a Smith and Wesson .38 caliber Body Guard handgun with a trace laser from Gulf States. The invoice reflected Collier had collected the merchandise on February 12, 2016, but failed to present the funds prior to making the purchase. Frost reported it appeared the purchase had yet to clear the Comptroller's Office, so remittance is still pending. After consulting with Robinson, Bickhaus was directed to halt payment for the weapon. It was decided to allow Collier an opportunity to return the weapon to the agency or pay for it with his personal money.

Bickhaus conducted an interview with Candace Davis, Executive Secretary of the Department of Public Safety (DPS). Davis stated she had received a letter authorizing Collier to collect merchandise from Gulf States. She stated she had presented the letter to Gulf States at Collier's direction. She stated Collier had attempted to retrieve merchandise paid through ALEA accounts from Gulf States in the past, and had been denied because he was not authorized through official communications between ALEA and Gulf States. She stated it was causing tension between personnel at Gulf States and Collier, because the personnel had expressed the proper procedures for him to follow. She stated personnel from Gulf States had advised Collier to compose a letter granting him clearance to collect purchased merchandise paid through ALEA agency accounts. She stated Collier contacted her supervisor, DPS Colonel John Richardson, and directed him to have then ALEA Chief of Staff Hal Taylor compose the letter. She stated the letter expressed Collier and all executive directors had permission to recover merchandise from Gulf States. Davis denied retaining a copy of the letter, but referred Bickhaus to Taylor or personnel at Gulf States. Bickhaus entered the email correspondence with Davis into the case file as exhibit number ninety seven (97).

entered into the asset works database. Booth agreed it is an unusual circumstance for an employee to possess a weapon paid for by ALEA funds without a purchase order or some other documentation of approval from accounting. She stated, "It can't happen. Any moneys sent out to the Comptroller's Office from accounting, there has to be a record of it in our property system, especially with weapons because we tend to keep a tight control over those because there is such a liability."

Booth stated, "If an employee failed to follow that protocol for a weapon that was purchased, they'd be fired. If an employee failed to report the weapon to property, they'd be fired. That is a serious, serious violation."

Bickhaus conducted an interview with Gene Wiggins, Director of SBI in an attempt to locate the nine (9) mm handgun Collier had purchased. The invoice reflects Wiggins had signed for the weapon. Wiggins described the chain of events preceding Collier's purchase of the Glock 43. He stated, "Pretty much if he wanted it, he purchased it. The Glock 43 was the last one purchased with my signature on it. I received a call from either Kevin Wright or Conrad at Gulf States; I don't remember which one first, but I was told a Glock 43 was there at Gulf States, a compact 9 millimeter, single stack Glock, which would be a concealment weapon, that one had been ordered for the Secretary. At that time, I checked with Mr. JT Jenkins, which was the Secretary's number two guy, made decisions for the Secretary or at his advice, his facilitator. I called him and asked had they ordered a pistol. He said yes, so I asked what I was supposed to do about it. He said go out and pick it up. I have a receipt where I signed for it. I got it."

Wiggins stated he picked up the weapon for Collier at the direction of Jenkins, who was his acting supervisor. He reported he returned to the office after placing the weapon in his truck vault. He stated Collier did not report to the office that day, and did not return to the office for approximately three (3) days, during which time the weapon was secured in his truck vault. Wiggins denied knowing why Collier was out of the office for the extended period. Wiggins reported once Collier returned to the office, he notified him that he had the weapon. He stated Collier then met him in the parking garage, and he retrieved the gun and accessories from his truck, which were maintained inside the plastic retail bag in the vault. He stated he handed the gun to Collier, and Collier placed it inside his vehicle. Wiggins stated, "I gave it to him, bag and all. I watched him take it and put it in his car. He drove away. I guess he took it home."

Wiggins acknowledged following the full discovery of events, Collier had not followed proper procedure. He denied knowledge of the purchasing process of the handgun, and denied knowledge of Collier contacting the Law Enforcement Support Division. He stated, "What should have been done was to contact law enforcement support and supply, and notify them of the purchase, which could have been done, but I'm not sure if it was or not. And, accounting had to give them a PO number before they make the purchase, I guess. I never purchased a weapon for the department, but, personally, I would call them and check, just give them the information to be sure. In this case, it was a weapon for him, purchased for him, so I just gave it to him. It's what I was told to do."

In regards to the impropriety of the events, Wiggins stated, "The main thing is, we talked about budget and saving money. I'm supposed to be a department head, and there was stuff, I was told, he bought through my unit, through SBI. I understand we are one ALEA, and we need to take care of others when there are short falls, but the courtesy of knowing that things are being bought out of your account...that troubles me that I didn't even know, that somebody could go buy something and circumvent chain of command and have it taken out of your account. Ultimately, I'm responsible for it. I think there is a lot of that going around by Spencer and his small leadership, JT Jenkins."

Wiggins admitted Collier had confided in him that he had purchased a weapon shortly after purchasing the Glock 43. He denied observing the weapon, or knowing of its whereabouts. Wiggins denied knowledge of the purchasing process for the weapon. He stated Collier did not offer a description of the weapon, but simply divulged he had purchased a new handgun after being disappointed with the Glock 43.

He stated, "I guess by being the Secretary of an agency, you have ultimate decision making authority, where funds come from. You would think in an agency like this one, where you have directors, when there was a short fall and they had to tap into your budget that you would know about it. There were things going on that I just did not know about, like it was a joke, like, 'hey, we're buying this and taking it out of your budget'. That was so discouraging because I got officers out there working many hours, and they're expected to take comp time because we can't pay them overtime. There's no way to adequately plan for overtime or purchases when you don't know what's being taken out of your budget."

Wiggins admitted he believed it was inappropriate for Collier to purchase multiple weapons with general fund money, but denied ever confronting him. He stated, "I never told him I thought it was wrong because I have known him for twenty years, and I know how volatile he can be. It wouldn't have went well for me. Generally speaking, over the last few months, I have had less and less contact with him. It's been more manageable."

Wiggins reported he received a Sig Sauer .45 caliber handgun from Collier, once he discovered Collier was not carrying it. He stated Collier had made a production about having the gun, but he never observed Collier carry the gun in a law enforcement capacity. He stated he observed the gun sitting in Collier's office, and he requested Collier to transfer the gun to him. Wiggins stated he qualified with the .45 to carry it as his primary service weapon, and returned his state issued Glock 23 .40 caliber handgun to the armory to be reissued as needed. Wiggins stated he never received a transfer of equipment request from Collier and was concerned there would be a discrepancy reported for the weapon during the upcoming audit. He reported contacting Booth to ensure the record of the weapon was accurate.

Booth confirmed normal procedures for equipment transfers include having the individual who relinquished the property complete the transfer request. She stated the individual who received the property would accept the request, and the official record would reflect the transaction. She stated it is normally incumbent on the individual who

relinquishes the property to submit the transfer request. She stated the individual who received the property could submit the request if the individual who relinquished the property failed to initiate the request. She confirmed the Glock .45 was removed from Collier's inventory after Wiggins had contacted her. She denied receiving notification from Collier regarding the transfer of equipment.

Booth reported encountering resistance when auditing property assigned to Collier. Booth stated it fell within her job description and responsibilities to account for every employee's equipment, regardless of rank or title. She stated she regularly conducted spot audits, where she would randomly select an employee, and request the employee to physically account for the items of property on the employee's inventory list in her presence. She stated she has never encountered any difficulty in performing the spot audits, with the exception of the one (1) audit she attempted for Collier.

Booth stated she paid more attention to Collier's inventory to ensure there was no negative media attention. She stated, "I paid more attention to the Office of the Secretary's equipment. When we are audited each year, the names of people who lost equipment is released in the paper, and I wanted to make sure Spencer Collier's name was not in the paper. I handled his, JT Jenkins, and Hal Taylor's directly. I have only seen Spencer in human form only one time since I have worked for this agency. I was never allowed to see his inventory. It was always confirmed by his secretary or JT or Scottie. It made me nervous because I never actually saw the equipment; I just had to believe them."

She stated, "I was asked to report that I had seen the property, but I have never seen any of his property with the exception of the assets physically in his office. I was never allowed to see any of his vehicles, or any of his weapons, his tablet, Dell Venue Pro, or radios. With all other employees, I have accounted for their same property. He gained a lot of pieces from the consolidation that may have had incorrect numbers placed on them or not a number at all. I had persistently asked to see those pieces, and was told, 'Don't worry about it'. It made me nervous because if something wasn't entered correctly or accounted for, it fell on me."

Booth reported when she discovered the .380 handgun belonging to Collier had not been entered into inventory correctly, she was ordered to refrain from approaching or contacting Collier or his office when verifying property. She stated her supervisor, Scottie Chandler, told her he would be responsible for the Office of the Secretary's inventory. She stated it was an unusual request, because Chandler was not assigned any other divisions or units. She stated she was the sole internal property auditor, and, although, any employee in her chain of command could assume the role, none ever had. She stated, "It took me coming across the street, and speaking directly with Merritt Hays, asking her multiple times to verify the gun. She did. She said he said he had it. I entered it into his inventory list as 'confirmed'. I never saw it. Soon after I verified that gun was when Scottie came to me, and said, 'From now on, I will handle the Office of the Secretary'. I think that me trying to pinpoint and verify the location of that gun is what spurned that decision. It took me out of the loop."

Booth stated, "Spencer wasn't around a lot. He was never in the office. There were times weapons would be in his possession that were not assigned to him. They would be in someone else's name or in no one's name because they were brand new. When I discovered this, I sent him the transfer requests to have the weapons entered into his name, but he never signed it. So, they remained unaccounted or improperly assigned."

Booth reported when Collier announced he was going on extended medical leave, she had approached Chandler and requested he account for Collier's property prior to Collier leaving. She stated the impending audit was her priority. Booth reported receiving little contact with Chandler regarding the Office of the Secretary property. She stressed all assets would be seen during the audit, and she wanted to ensure Collier's property was correct. She stated, "I even asked before he was put on medical leave if I could come take photographs of his pieces, and was denied. Scottie denied that request. He said Spencer will be taking those items with him, and he will be available for the audit. He, nor anybody who works for him, has made any plans with me about getting his pieces seen. If he is available for the audit, he, just like every other employee in every other division or unit, would have to go through me for scheduling."

Booth reported the standard operating procedures for employees taking extended military leave or medical leave included having each piece of property assigned to that employee returned, and held in a lock box until the employee reported back to work. She stated, "That was not the protocol with Spencer. He was allowed to take the assets."

Booth reported the standard process for issuance of weapons for law enforcement officers is one (1) sidearm, one (1) shotgun, and one (1) rifle. She stated it would be unlikely for any law enforcement officer to have more than one (1) of each type of weapon. She stated, "Spencer has five handguns that I know of. That is very unlikely, especially for an administrative law enforcement officer who is not active on patrol. Very, very uncommon. I don't know of any other law enforcement officer like that. Only one of those weapons even meets the protocol of our standard issue, a .40 cal, usually a Glock. Mr. Collier had a Sig, a Styer, a Glock, and a .380 that we don't know the make of. I don't know of any other employee who carried any of those weapons except the Glock. Those were all specialty weapons he had either purchased, or was given to him by legacy agencies. Homeland Security gave him a weapon. He bought an ultralight Glock, a Glock 27 that he carried for a day, and then handed off to someone else. That's very unusual, too. Usually a law enforcement officer knows what gun they want before they buy it. It was like he was just trying on guns."

Bickhaus accessed an inventory of Collier's assigned property dated March 14, 2016, which was available on ALEANet in preparation of the impending audit. The inventory reflects the following weapons: one (1) Glock 27 .40 caliber handgun, one (1) Ruger LCR .38 caliber revolver, one (1) Glock G23 .40 caliber handgun, and one (1) Glock G42 .380 caliber handgun with fixed sights. The Glock nine (9) millimeter handgun was not reflected on the inventory. The Smith and Wesson .38 caliber handgun was not reflected

on the inventory. Bickhaus entered the inventory in the case file as exhibit number thirty three (33).

In an effort to determine if Collier had purchased the weapons with the intent to carry at least one (1) as a primary service weapon or as a backup weapon, Bickhaus contacted Sylvia Johnson with the Training Division and requested records of Collier's qualification scores. Johnson reported she had no record of Collier's qualification scores, and did not possess a training folder for him. She referred Bickhaus to Tracy Townsend with the ALEA Information Bureau (IB). Townsend reported she could access the Alabama Electronic Law Enforcement Certification Tracking System (AELECTS), which accounted for each ALEA Alabama Peace Officer Standards and Training Commission (APOSTC) certified, sworn law enforcement employee's qualifications and training scores. Townsend reported Kenneth Fuller, who is assigned to the ALEA Fusion Center, had maintained a training file for Collier. Townsend provided Bickhaus with the requested records. Bickhaus entered the AELECTS records into the case file as exhibit number thirty four (34).

The records reflect Collier qualified with an APOSTC Firearms Qualification score on August 08, 2011 in Montgomery, AL. John Bishop was Collier's instructor. Collier qualified using a Glock 22 .40 caliber handgun, which was not listed on his inventory sheet. Bishop confirmed scoring Collier's fire arm qualification.

Bickhaus conducted an interview with Fuller. Fuller provided Bickhaus with copies of training records from Collier's training file, which Bickhaus entered into the case file as exhibit number thirty five (35). Fuller acknowledged Collier was not APOSTC certified, and had not maintained APOSTC standards following his appointment as Director of ALDHS in 2011. Fuller explained Jenkins and Collier had assured him that through the virtue of ALEA Act 2013-67, Collier did not have to abide by APOSTC standards. He stated the Act itself qualified Collier as a law enforcement officer who did not have to maintain the same standards as other sworn state law enforcement officers. Bickhaus entered a copy of ALEA Act 2013-67 into the case file as exhibit number thirty six (36).

ALEA Act 2013-67, Section 2 (b) (1-2), enacted on March 19, 2013, states, "The secretary shall be appointed by and hold office at the pleasure of the Governor, and shall serve until his or her successor is appointed. The salary of the secretary shall be set by the Governor, and shall not be subject to Section 36-6-6, Code of Alabama 1975. A person appointed secretary shall have an extensive law enforcement background, and, by virtue of office, is a state law enforcement officer with the immunity set forth in Section 6-5-338, Code of Alabama 1975."

Fuller provided Bickhaus with a copy of an APOSTC qualification sheet for Collier dated December 04, 2013. Collier qualified with a Glock 27 .40 caliber handgun, which is a handgun recorded on his inventory sheet. Fuller stated it was the only firearm qualification he had on record for Collier. Fuller stated he had been unable to enter the scores into the APOSTC database because Collier's account was locked by APOSTC. He stated only authorized personnel from APOSTC could access the account.

Fuller stated when he had been assigned the responsibility of managing training requirements and records for ALDHS, Collier and Jenkins had assured him that Collier would attend the refresher courses as mandated. He stated once Collier and Jenkins reported Collier's intent to complete the refresher academy, he had enrolled Collier and himself through the APOSTC database. He stated shortly after enlisting Collier in the academy, Jenkins approached him and told him to remove the application. He stated the deadline for completing the academy began once the individual was enrolled, and Jenkins seemed concerned that Collier may not satisfy the deadline, therefore losing the opportunity to fulfill APOSTC requirements. Fuller stated he had been advised to remove the application, and he followed suit. Fuller acknowledged Collier never attended the academy or maintained his APOSTC standards prior to his appointment as Secretary of ALEA, and thereafter becoming exempt from APOSTC standards.

Bickhaus conducted an interview with Alan Benefield, Chief of APOSTC. Louis Zook and Robinson were also present in the interview. Benefield reported Collier is not currently APOSTC certified, but clarified ALEA Act 2013-67 exempted Collier from the requirements on two (2) points. He stated the Act qualified Collier as a state law enforcement officer and recognized Collier as a member of the Governor's Cabinet. Benefield reported members of the Governor's Cabinet are exempt from the minimum standards requirement. Benefield provided Bickhaus with a copy of APOSTC Administrative Code, Chapter 650-X-8 Persons Exempt from Minimum Standards Requirements. The form included Cabinet Members appointed by the Governor of the State of Alabama. Bickhaus entered the form into the case file as exhibit number thirty seven (37).

Benefield reported state law enforcement officers in Alabama have a grace period of two (2) or three (3) years of not being employed or accredited through a law enforcement agency before the APOSTC standards expire. Benefield reported Collier was last employed with a law enforcement agency in 2007, following his resignation from Bayou La Batre Police Department. He stated Collier failed to complete any necessary refresher academies before March 19, 2013, when ALEA Act 2013-67 qualified Collier as a state law enforcement officer.

Benefield reported receiving two (2) requests from Collier for an extension on attending the academy. He stated the first extension request was dated November 01, 2011. In the request, Collier wrote, "I fully understand that only one extension can be granted and I intend to attend the next available APOSTC Refresher Course." Benefield stated he granted the extension, and enrolled Collier in the training course at the Montgomery Police Academy on February 20, 2012. He stated on February 14, 2012, he received a subsequent request for an extension of time from Collier. He stated Collier reported he was not medically cleared to attend the academy due to a "minor medical condition", and requested to attend the next available training course.

Benefield stated he made an exception, and granted the subsequent request of an extension of time to complete the refresher academy for Collier. He stated APOSTC

rarely grants two (2) extensions, but could under special circumstances. Benefield denied being able to recall any other times APOSTC has extended two (2) subsequent extensions. He stated he enrolled Collier in the Northeast Alabama Police Academy beginning June 04, 2012. He stated Collier never attended the refresher academy at the Northeast Alabama Police Academy.

Benefield stated Collier's application for APOSTC recertification was rejected within the APOSTC database on May 21, 2012. He stated Collier should not have claimed law enforcement subsistence following that date. Bickhaus included the documents recovered from Benefield in exhibit number thirty seven (37).

The documents reflect Collier's employment history, which began on January 04, 1996, through November 12, 1996, with Prichard Police Department as a full-time law enforcement officer; November 12, 1996, through January 06, 2006, with Alabama Department of Public Safety as a full-time public safety officer; May 01, 2006, through July 27, 2007, with Bayou La Batre Police Department as a reserve law enforcement officer; and July 16, 2011, through July 10, 2012, with ALDHS as an applicant to renew law enforcement standards.

Bickhaus requested copies of Collier's timesheets and subsistence claims from May 22, 2012, through March 19, 2013, from Holman. Holman reported recovering the subsistence records from the Comptroller's Office. The records reflect Collier claimed subsistence through the months of May and June 2012, but did not claim any additional subsistence until his appointment of Secretary of ALEA in 2013. Collier claimed subsistence totaling two hundred fifty two (252) dollars for the month of June. Bickhaus entered the subsistence records into the case file as exhibit number thirty nine (39).

Following the subsistence request from Holman, Frost provided Bickhaus with copies of email correspondences between herself, Collier, and Roberts. She stated Collier had advised her to resume his subsistence beginning on the date of his appointment as Secretary of ALEA. She stated she had questioned him regarding his retirement percentages. She stated if Collier had maintained APOSTC certification, it would have qualified him for a percentage increase of retirement fund. She stated Collier never responded to her question regarding his intent to maintain his APOSTC standards, so she never changed his retirement percentage. She stated his retirement percentage reflects that of a non-law enforcement employee, and is correct in the system. Bickhaus entered the copies of the email correspondences into the case file as exhibit number forty (40).

Bickhaus reviewed documents in Collier's personnel file. The file contained an ALEA Personnel Policies and Procedures Manual Employee Acknowledgment Form, which Collier signed on October 22, 2014. The signed form acknowledges, "I understand I am responsible for reading and familiarizing myself with the contents of the ALEA Personnel Policies and Procedures Manual, asking questions about any items I do not understand, and abiding by the policies and procedures included in the Manual throughout my employment with ALEA. I understand that my failure to comply with the contents contained therein (Manual) and any subsequent revisions, additions, or

amendments to said policies may result in adverse action on my employment status up to and including separation from State service.” Bickhaus entered the document into the case file as exhibit number thirty five (35).

The file contained a letter Collier authored on August 04, 2011, to Bentley, requesting approval to appoint himself a state law enforcement officer. Collier wrote, “As you know, Act No. 2011-535, Section 22, gives the Director of the Alabama Department of Homeland Security the authority to appoint APOST certified state law enforcement officers...I am requesting your permission to appoint myself as a state law enforcement officer pursuant to this Act...Additionally, I will comply with all APOST requirements.” Collier acknowledged operating in the capacity of a Cabinet member negated his eligibility to claim certain overtime compensation generally afforded to state law enforcement officers. The letter reflects Bentley approved the request. Bickhaus entered the letter into the case file as exhibit number forty one (41).

Immigration Act No. 2011-535 Section 22 (a), enacted on June 02, 2011, cites, “Notwithstanding the provisions of Section 31-9A-9 of the Code of Alabama 1975, the Alabama Department of Homeland Security may hire, appoint, and maintain APOST certified state law enforcement officers. Such officers shall receive the same rights and benefits as those prescribed to officers of the Alabama Department of Public Safety, except for the purposes of retirement. The officers shall have the same retirement benefits as a law enforcement officer as defined under Section 36-27-59 of the Code of Alabama 1975.”

Immigration Act No. 2011-535 Section 22 (b) cites, “Unless a violation of state law occurs in their presence, officers authorized under this section shall not engage in routine law enforcement activity, except for those investigative and analytical duties necessary to carry out the mission of the Alabama Department of Homeland Security or those duties necessary to provide assistance to other law enforcement agencies.” Bickhaus entered both references into the case file as exhibit number forty two (42).

Bickhaus reviewed a letter Collier authored to Jackie Graham, Director of State of Alabama Personnel Department, dated July 13, 2011. Collier wrote, “Pursuant to Act 2011-535, I would like to appoint myself, Director Spencer Collier, to function as a law enforcement officer for the Alabama Department of Homeland Security effective July 16, 2011. The appointment will not change my salary, position, or status as Director but will allow me to function as a law enforcement officer in addition to my regular duties.” The letter was submitted to Graham approximately one (1) month prior to receiving written approval from Bentley authorizing the appointment, as the letter Collier authored to Bentley requesting such approval was dated August 04, 2011. Bickhaus entered the letter to Graham into the case file as exhibit number forty three (43).

Bickhaus conducted a subsequent interview with Zook regarding Collier’s APOSTC status upon his self-appointment. Zook stated Collier was not actively APOSTC certified on July 16, 2011. He stated since Collier had been previously APOSTC certified through law enforcement employment, he was eligible to be appointed as a state law enforcement

officer, and would legally be considered a sworn law enforcement officer upon completion of the mandatory refresher academy. He stated he was uncomfortable with Collier's self-appointment, and was unable to recall an instance in his experience when a law enforcement officer conducted his own appointment. He stated he did not think Collier was exempt from APOSTC accreditation through his role as a member of the Governor's Cabinet until following his appointment. He stated he did not think the exemption initially extended to law enforcement officers and an amendment was written into the applicable Act once Collier discovered it. He could not specifically recall which Act was applicable. He recalled Benefield had received two (2) or three (3) requests from Collier for an extension to attend the mandatory academy, but Benefield refused the third request because Collier had been operating as a law enforcement officer for one (1) year without accreditation. He stated APOSTC rejected Collier's application at that point. Bickhaus entered the email correspondence with Zook, which lists the questions covered in the interview, into the case file as exhibit number ninety two (92).

Bickhaus and Robinson attended a meeting with Ward Beeson, Assistant Attorney General with the Attorney General's Office (AGO) Opinions Division to review Collier's self-appointment under Immigration Act No. 2011-535 Section 22 (a). Collier was initiated into Cabinet Membership upon appointment of Director of ALDHS on January 18, 2011, and was possibly thereby exempt from APOSTC requirements. Bickhaus sought clarification of the propriety of the application of the Immigration Act, which cites a requirement of possessing an active APOSTC status, given the individual applying the Immigration Act for self-appointment was possibly exempt from maintaining APOSTC standards. Additionally, Bickhaus sought clarification of the propriety of Collier's self-appointment as a law enforcement officer. Beeson provided Bickhaus with a copy of AGO Opinion 2005-043, which addressed Department of Homeland Security's authority to appoint law enforcement officers. Beeson requested additional time to conduct research before offering an official informal opinion, but stated, preliminarily, he believed the events were improper. Bickhaus entered AGO Opinion 2005-043 and a timeline of events into the case file as exhibit number ninety two (92).

Following his self-appointment, Collier claimed law enforcement subsistence from July 16, 2011, through July 10, 2012, totaling two thousand five hundred forty four (2,544) dollars. Bickhaus entered the subsistence documentation recovered from Holman into the case file as exhibit number forty four (44).

In a letter dated July 19, 2012, to Graham, Collier wrote, "I will not function as a law enforcement officer for the Alabama Department of Homeland Security effective July 10, 2012." From July 10, 2012, until March 19, 2013, Collier was not legally authorized to operate as a state law enforcement officer for ALDHS. On March 19, 2013, ALEA Act 2013-67 qualified Collier as a state law enforcement officer by virtue of the office held. Collier resumed claiming subsistence, following the appointment. The letter to Graham was entered into the case file as exhibit number forty five (45).

On March 08, 2016, Bickhaus accompanied Stabler and Robinson to a meeting at the Governor's Office. Bickhaus, Stabler, Robinson, Bentley, and David Byrne, Bentley's

Legal Advisor, and two (2) additional aides were present in the meeting. Stabler requested Bickhaus report the findings of the administrative review up to the current point to Bentley. Prior to the meeting, Robinson had advised Bickhaus that notification of Bentley was appropriate, because Collier was a member of Bentley's Cabinet, Bentley was Collier's supervisor, and personnel of ALEA ultimately work for Bentley through his leadership as Governor of Alabama.

On March 14, 2016, at the direction of Robinson, Bickhaus met with Alice Martin, Chief Deputy Attorney General, Kyle Beckman, Special Prosecutions, and James Murray, Special Investigator, Office of the Attorney General. Robinson was also present in the meeting. At Robinson's direction, Bickhaus referred the potential criminal charges, in particular, Alabama Code 36-25-5 Use of Official Position or Office for Personal Gain and Alabama Criminal Code Chapter 8 Offenses Involving Theft to the AGO for review. Bickhaus was advised to continue the administrative investigation, as it would not interfere with any criminal investigation. Subsequent meetings with the aforementioned parties ensued at AGO to seek clarification of events, recover requested materials, and discuss potential investigative methods and leads. Murray further contacted Bickhaus through telephone calls and email messages requesting additional information and contacts for potential witnesses. He advised he was unable to assume investigation in a full capacity without further direction from Matt Hart.

Bickhaus, Robinson, and Stabler met prior to issuing a criminal referral to discuss potential administrative action for employees who had been identified as either facilitating, participating in, or contributing to the violation of ALEA administrative policy. Robinson and Stabler recommended Bickhaus complete the investigation into Collier, as it was concerted and voluminous and manpower in IU was limited. Robinson and Stabler advised upon completion of Collier's case, Bickhaus could assume investigation of those identified as violating ALEA policy and procedures.

On March 14, 2016, Bickhaus accompanied Robinson and Byrne to the [REDACTED] [REDACTED]. Robinson and Byrne relayed the ethics concerns. Bickhaus was not present in the meeting. Robinson relayed to Bickhaus that the [REDACTED] deferred the investigation of ethics violations to the AGO.

On March 22, 2016, Robinson presented Bickhaus with copies of fuel reports for Collier. He reported receiving the information from employees in the Law Enforcement Services Division. The fuel reports reveal Collier's Personal Identification Number (PIN) [REDACTED] was used to purchase fuel on dates following his placement on medical leave. On February 22, 2016, at approximately 4:46 PM, the fuel card assigned to a red Explorer with vehicle number 065497 was activated through Collier's PIN code at Pantry number 3673 in Montgomery, AL. On March 06, 2016, at approximately 10:01 AM, the fuel card assigned to the Explorer was activated through Collier's PIN code at S and S Eagles, LLC in Letohatchee, AL. On February 08, 2016, at approximately 2:50 PM, the fuel card assigned to the Explorer was activated through Collier's PIN code at Kangaroo Express Store Number 399 in Montgomery, AL. On March 14, 2016, at approximately 2:29 PM, the fuel card assigned to the Explorer was activated through Collier's PIN code at

Kangaroo Express Store Number 399 in Montgomery, AL. On March 19, 2016, at approximately 1:20 PM, the fuel card assigned to the Explorer was activated through Collier's PIN code at Chevron Store Number 0209182 in Irvington, AL.

An Accurant Advanced People search reveals an active address for Collier, [REDACTED]. Additionally, documentation of a change of address request recovered from Collier's personnel file reveals an old address, [REDACTED]. Bickhaus entered the aforementioned documents into the case file as exhibit number forty six (46).

Attempts to recover surveillance video for Pantry, S and S Eagles, LLC, and Kangaroo Express were unsuccessful, as the video had already looped in recording. On March 25, 2016, Bickhaus recovered surveillance video footage from the Chevron in Irvington, AL. The manager confirmed the store number is 0209182. He reported all cameras were operational except the camera covering pump number six (6), which is located to the far right of the viewer's screen. Bickhaus entered the disk containing the surveillance video footage into the case file as exhibit number eighty two (82). Bickhaus did not recover any evidentiary value from the surveillance footage, but included the reference for the Reviewer's discretion.

A subsequent interview with Booth revealed the Wright Express Fuel Card Company captured fuel claims in Central Standard Time, and the times of the purchases reflected on the record were not affected by Day Light's Savings Time, which occurred on March 13, 2016. Booth reported the times on the fuel records were correct and accurate. Irvington, AL is in the Central Time Zone.

In an effort to identify and locate vehicles assigned for Collier's use, Bickhaus conducted an interview with Walt Middlebrooks, ALEA General Services Supervisor. Middlebrooks stated when vehicles are issued they are typically issued to one (1) employee who would be accountable for the vehicle throughout the duration of the need or the employee's term of employment. Middlebrooks admitted there have been times he has provided vehicles upon request of his chain of command without knowledge of who was using the vehicle. He stated, "There's been a couple of times where I received a phone call that we need to have a vehicle available out front within a couple of hours, cleaned up, gassed up, and we do. We either take the keys up to the Secretary's Office or to whoever we are told to leave them with, sometimes in the gas tank, and the vehicle will leave, and sometimes it comes back to me, and sometimes it doesn't." Middlebrooks agreed it was not a typical practice, and was outside standard procedures, but clarified since it was at Collier's request, it was appropriate.

Middlebrooks stated, "In my fleet, there is only one or two that is somewhere I don't know. I'm assuming I know who has it, but I don't know where they are located. I was asked to bring a vehicle for...I gave the keys to Merritt Hays, so I will make the assumption Spencer...Secretary Collier is driving it while he is off. I have pulled the fuel reports, and he is the one gassing it up. It's a red Ford Explorer. The day that Secretary Collier sent the letter out that he was going to take a leave of absence, Scottie Chandler

called me, and told me to have that vehicle ready. How often we would get calls like that just depended on who called from across the street. It would either be Spencer or JT.”

Middlebrooks reported Collier had a state vehicle assigned to him prior to taking leave. He reported a black 2015 Taurus with vehicle number 089274 was assigned to Collier. He stated Collier had previously been assigned a 2015 Suburban with vehicle number 084119. He reported Earnestine Tarver was responsible for the Office of the Secretary’s vehicles. He stated, “So they keep a couple Suburbans, Tahoes, and sedans at the RSA deck in her name, so that the Office of the Secretary has access to all of them.”

Middlebrooks reported the red Ford Explorer loaned to Collier was assigned to Anthony Birmingham, a Narcotics officer. He reported the vehicle has been maintained in Birmingham’s name since December 2015. He stated it was not an accurate reflection of possession. He stated Birmingham would be accountable for any damages or issues with the vehicle.

Middlebrooks also acknowledged it was not a usual practice to loan a car to an employee going on extended leave. He stated, “I don’t know why that was done in this case, and I didn’t ask.”

Middlebrooks reported there was no policy or procedure for the Law Enforcement Support Services Division that specified fuel cards and state vehicles should not be used during periods of leave. There is an ALEA policy that qualifies state vehicles should be used only in conducting state business. ALEA policy referencing the use of state vehicles has been entered into the case file as exhibit number two (2).

In an effort to ascertain Collier’s responsibilities while placed on leave, Bickhaus conducted an interview with Stan Goolsby, ALEA Departmental Personnel Manager II. Goolsby reported the memorandum Collier had distributed agency wide expressed Collier would be taking medical leave for three (3) months, beginning on February 18, 2016. Goolsby stated immediately following the release of the memorandum, he approached Martha Formby in Payroll, and advised her to notify Merritt Hays, Collier’s administrative assistant, of Collier’s leave balances. Goolsby reported approximately two (2) days following the memorandum notification, Jenkins sent Formby an email acknowledging Collier had claimed to the agency to be on medical leave while recovering from back surgery, but would be working some special projects for Bentley. Goolsby stated the email from Jenkins expressed Collier would not be taking the entire three (3) months off of work.

Goolsby stated, “Based on that email from JT, I gave that to the front office. We are all in a difficult situation because we have a Secretary and an Acting Secretary. It’s complicated because the Secretary is still our boss, but so is the Acting Secretary. So, I deferred all that stuff to the Acting Secretary for the Governor’s Office after finding out about the claim in the email, to make sure we had a clear line of authority on that. The Governor’s Office said the claim in the email is not true. He is on leave. Unequivocally, he is on leave. Based on that, I told Ms. Formby to make sure she enters him on leave. At

the end of the pay period is when we would get those time sheets with leave.” Bickhaus entered the copy of the email correspondence from Jenkins into the case file as exhibit number forty seven (47).

On March 08, 2016, Bickhaus had received confirmation from the Governor’s Office that Collier was not authorized to participate in any special projects or work related activities during his period of medical leave. Stabler had been appointed the Acting Secretary to manage all responsibilities during his period of leave. Additionally, Bickhaus recovered a text message correspondence between ██████ and Collier, which ██████ had submitted to Goolsby who turned it in to Bickhaus. The message depicts Collier had no intentions of claiming leave for the full period of his medical recovery. Collier wrote, “...in a way not to hurt me. I am not even using medical leave. He just said take the time to get healthy and that’s what I am gonna do.” Bickhaus included the copy of the text message correspondence in the case file in exhibit number forty seven (47).

On April 06, 2016, Stabler notified Bickhaus through Robinson with a letter composed by Luther Strange, Alabama Attorney General, requesting documentation related to the investigation. Robinson advised Bickhaus to provide the AGO with the requested documentation. Bickhaus asked for clarification of item number seven (7), “a final report—excluding any Garrity statements—from the Integrity Unit that identifies and details the major complaints against former Secretary Collier along with the potential criminal violations at issue”. Bickhaus advised that the final report was not complete, as the administrative investigation was ongoing, and further advised that the final report would include Garrity statements, as the majority of witnesses who participated in interviews were provided Garrity notifications. Robinson advised he would consult with the AGO, and suggest a memorandum in place of the final report until the completion of the report, at which time a copy of the final report would be transferred to the AGO. Bickhaus presented the compiled exhibits and items to Robinson for approval prior to providing the file to Murray. Bickhaus completed a chain of custody for the exchange, and directed Murray to sign for the file. Bickhaus entered a copy of the communications with the AGO and Murray into the case file as exhibit number eighty (80).

Through the course of administrative interviews, Bickhaus received multiple reports of Collier’s absenteeism and lack of attendance in the office. Hal Taylor, former ALEA Chief of Staff (COS), reported being reassigned from the appointed position to Captain in Major Crimes Narcotics Division D following Collier’s placement on medical leave. He stated the reassignment was at Collier’s direction. He stated prior to the reassignment, his office directly faced Collier’s office on the third floor of the Retirement Systems of Alabama (RSA) building. He stated he and Collier had even recently shared an ASA for scheduling events. Taylor reported observing Collier in the office about one (1) day a week for a few hours over the course of his appointment of COS beginning in 2014.

He stated, “It would be weeks at a time when he would come in for maybe an hour or two, and then he would say his back hurts so bad he couldn’t stand it, and he couldn’t stay there, and he would have to go home. And he would be out for three or four days. He missed numerous meetings. He would put them on the schedule, and just never go, you

know. He was always calling and cancelling stuff for him. Because he just didn't feel good, didn't feel like going. I have gone up to two weeks and never laid eyes on him. And we totally communicated through texts and emails."

He stated he could not recall a single conversation with Collier that did not include Collier complaining about his back pain. Taylor surmised when Collier was not in the office, he was at home. He reported Collier was readily responsive to telephone calls, email messages or text messages. He recalled calling Collier on one (1) occasion several months ago to advise of a pressing issue at the office, and Collier had told him he needed to get out of bed to get dressed before reporting to the office. Taylor could not recall the date or time of the correspondence, but clarified that Collier had not taken any leave to his knowledge in 2015.

Taylor reported Jenkins managed the office while Collier was absent. He denied knowing Jenkins's official title. He reported Collier had introduced him as his second in command in meetings, but had also introduced him as his advisor or facilitator in other meetings. Taylor reported during his appointment as COS, Jenkins had operated as his acting supervisor when Collier was not available. He stated he had to report to Jenkins before being allowed to communicate with Collier. Taylor stated he reported to Jenkins more than Collier from 2014 through 2016. Taylor reported observing Jenkins in the office almost every day. He stated Jenkins worked more hours than what he was recording on his timesheets, which reflected a part-time employee's compensable hours. Taylor reported he had signed many of Jenkins's timesheets, and was aware the hours he claimed fell short of the hours he was present in the office or at other work related events.

Taylor reported asking Collier on several occasions if he had performed to his expectation. He expressed that Jenkins encroached the function of his position as COS. He stated Collier always reassured him that he was performing adequately, but continued to direct ALEA functions through Jenkins in his absence. He stated the line of communication was inefficient and confusing. He stated when he approved or authorized any requests for employees or the agency without consulting with Jenkins beforehand, Jenkins would tell them "there's your problem right there; you don't go to Hal. You go to me." He recalled an occasion in 2015 when Jenkins returned from vacation. He stated, "You know, he'd been gone for a couple of weeks, and then I would handle things as Spencer saw to be handled, and everything was fine. JT would come back and totally undo everything that had been done."

Taylor reported observing Collier on few occasions when he appeared to be under the influence of a medication. Taylor stated, "I never saw him take any medication or anything; I don't know of an abuse. He just always said he's in a lot of pain always. Now, I say that because, you know, there were days that you could tell that he was obviously taking probably some type of medication for the pain that made him, you know, a little thick tongued, you know, just seemed a little different than other days when you knew maybe his back wasn't hurting or he wasn't taking something."

He stated, "He couldn't remember things, and that may have been contributed, you know, to that. Temperament-wise, he'll get really mad really quick about certain things, move people, do things that, and I don't know for certain, I'm not a doctor, but if him being on the medication causes him to react the way he did some times for certain things, and then some days he wouldn't react the same way. You know it was just different. He had mood swings that, I guess, may be the medicine or whatever, may be the pain. I don't know, just causing this mood swings. One day he's in a good mood, and one day everything is fine, and some things were really, really important, and some days they just weren't as important."

Taylor reported Collier had appointed Howell, a retired State of Alabama employee who was hired as a part-time Special Agent through ALDHS, and Mark Barber, ALEA SAS of SBI, to drive for him and his family. Taylor denied knowing why Collier required drivers. He stated no one else in ALEA required drivers to fulfill their responsibilities. Taylor stated he had been assigned to a former Governor's protective detail in the past. He stated Collier wanted a protective detail that rivaled the Governor's. Taylor stated, "I helped facilitate many of those trips, and I did it because JT asked me to do it. Jay and Mark Barber would take his family all over the place, to baseball games, basketball games, football games. Spencer thought that this agency, and everything up here was for him, to move him around, and JT would make sure, you know, he wanted someone on call 24/7 to pick him up and take them everywhere. Everything was about him and his family, and moving his family around. Jay and Mark went and got the kids, and moved the kids, and did things for them, took them to a list of places and did things all the time, with or without Spencer in the vehicle."

Taylor denied knowledge of any credible threats against Collier or his family, or any other justification for Collier requiring a protective detail that extended to his family. Taylor qualified the use of state personnel and state equipment a waste of resources, an example of mismanagement, and an abuse of position and authority.

Bickhaus contacted Frost, and requested copies of Collier's per diem travel claims from October 2015 through February 2016. Bickhaus contacted Lee Hamilton, Chief ALEA Pilot, and requested documentation of all air travel for Collier from January 2015 through January 2016. Bickhaus entered the documentation into the case file as exhibits forty eight (48) and forty nine (49), respectively.

Wiggins reported working on the third floor of the RSA building from 2014 through 2016. He stated his office during that period was located at the end of the hall opposite of Collier's office. He reported observing Collier in the office approximately one (1) to two (2) days per week for a few hours. Wiggins denied knowing Collier's whereabouts for the majority of the work weeks through the year. He stated he assumed Collier was nursing his back injury, which he sustained in a vehicle accident around 2013.

He stated, "He had a habit of cancelling engagements, and just not coming in to work. We cancelled a lot of meetings through his office. You would be set for a meeting, and they would start that meeting for the AM, then they would move it to the PM, and then he

just wouldn't show up. So, there's been some weeks you might see him in the office for a few hours, maybe a couple of days a week. There's a long period there, where it didn't seem like he was at the office as much as he should have been. He was out of the office a lot. It was real noticeable, and it was noticeable to everybody that was in the office, you know."

Wiggins stated he believed Collier was absent from the office due to pain from his back injury. He stated Jenkins was always in the office. He stated he reported to Jenkins more often than to Collier. Wiggins reported Jenkins was his acting supervisor, and the Acting Secretary of ALEA in Collier's absence. Wiggins reported Jenkins was a part-time employee, and therefore ineligible to operate in a supervisory capacity. Wiggins denied knowing Jenkins's official title. He denied knowing why Collier required assistance from Jenkins while having an operational chain of command in place for ALEA. He stated, "Secretary Collier gave the appearance that JT Jenkins was running the office. And, it finally got to the point, you know, it's almost like a psychological effect on everybody that worked on the third floor."

Wiggins acknowledged he suspected Collier has been using prescription pain pills following the vehicle accident. He stated he has never observed Collier take any medication, but has observed Collier when he appeared to be under the influence of medication from about 2013 to 2016. He stated, "I noticed at different times that his behavior was different with his back issue. Like you can tell when somebody's taking medication, their movement, whether it's slower and their speech is more, I would say, relaxed, or whatever. I noticed situations like that since he had his back issues. There has been times when he's been at work and you can tell that his body movements, his speech, and stuff like that. Was it rumored? Yes, it was rumored. I heard he's been in facilities and stuff like that. I never known that to be fact, but I can tell he's been at work at times when his demeanor, and stuff, you can tell that he has, had to be taking something...I noticed he seemed like he was in a stupor, or kind of real relaxed."

Wiggins denied knowing the reason Collier required personal drivers. He denied knowledge of a security threat or any threats made against Collier. He denied requiring a driver to perform his own professional responsibilities. He stated, "It's opinionated, what I say, but I think one thing is he liked it. I think one thing, that it gave him a sense of, you know, importance. I think that, you know, if he realized that he did have a chemical issue, or anything like that, that, you know, maybe that would be one reason for having it, but I just really think it was, to me personally, knowing him all these years, it's more of an entitlement."

He stated, "You know, if you add all this up, you know, the drivers, the special investigators, the individual, the perception that he (Jenkins) was running the agency, it creates a lot of rumors, a lot of talk in the agency, a lot of wasted idle business going on in the agency when you should be moving forward trying to make the agency the best you can."

Bickhaus conducted an interview with William Filmore, Jr., ALEA Government Relations Coordinator. Filmore reported he has worked directly for Collier for approximately one (1) year. He stated he is an at-will employee, and was hired by Jenkins for Collier. He stated his annual salary is forty five thousand (45, 000) dollars. He stated his responsibilities included traveling with Collier, taking notes for Collier, and running communications regarding legislative events and other governmental operations, and attending meetings with Collier. He stated, "One of the main things was to be a helper for Spencer. Whenever he travels, be there with him. They wanted me to just be around for types of interactions, whenever he would have those, so that if other folks that would sometimes travel with him couldn't be there, there was a consistent person that would always be around and be able to help."

Filmore reported he did not have a standard schedule. He stated he reported to his cubicle, which was aligned directly outside Collier's office, at approximately 08:00 AM every morning that he was not traveling with Collier or attending meetings. He reported responding to the office most days out of the week. He stated he would typically take lunch around 11:00 AM, and would usually bring lunch back to the office for Collier if he was in the office by 12:00 PM. He stated he normally offered to get Collier's lunch, and Collier always paid for his own lunch with cash. He stated he offered to get lunch for other people in the office, as well. Filmore reported working in the office from 12:00 PM through 05:00 PM on most days of the week.

Filmore reported observing Collier in the office approximately one (1) or two (2) days per week "and that wouldn't even be from eight to five". He stated, "That would either be for a meeting or for an afternoon, or for a morning through lunch, and then, um, usually, even if it was two days, a lot of times it would just be for an event or something specific."

Filmore denied knowing Collier's whereabouts for the remaining times of the days of the weeks through the year. He stated, "That's, I guess, the million dollar question. I mean, really, I don't know. I mean, if he wasn't at the office, I mean, normally he wouldn't ask me to do anything, you know. I was always in the office because I felt like that was my place. If he needed something, or somebody else in the office needed something, I could always be there and be available. So, this was, I guess, always my rendezvous point." Filmore stated his role was to assist Collier, and speculated when Collier was not in the office he was at home, or participating in some other function that did not require his immediate assistance. Filmore was unable to describe a role or function that would dictate the majority of Collier's work time, which would not include him.

Filmore reported being responsible for Collier's calendar and schedule. He stated, "He always complained about his back hurting. More got rescheduled than they did not get rescheduled. I mean, I hate to say it was a joke. I guess it was more of an understanding that if something got put on the calendar that it was more than likely gonna get changed once, if not twice, if not just not happen at all. That was the majority of the situation rather than the latter. I would say the majority of the events that were put on the calendar were rescheduled or cancelled to an indefinite later date, and, um, the majority of those

reschedules or cancels were related to back problems. I would say people outside the office, if they interacted on a regular basis with us, were they had the same impression we had inside the office.”

Filmore explained his professional background and experience. He stated, “You know, how many hours a week, I mean, that, I thought that was a little odd. My previous employer would work all weekend and still be in the office from eight to five, you know, so that was what I was used to, so whenever I came into an office environment, well, that was much less than that, um, I would say that was odd. That was the biggest thing that I had to learn to cope with, deal with, you know, learn to operate around, I guess you’d say.” Filmore reported that Jenkins supervised the office in Collier’s absence.

Filmore denied traveling extensively with Collier in the past year. He stated most of the travel was via automobile, which was always driven by Howell or Barber. He recalled a few trips traveling via state airplane. He stated Collier appeared to work by responding to text messages, email messages or phone calls, or review notes for speeches during the course of the travel. Filmore denied being present when Collier transported his children or wife. He stated the trips he made with Collier seemed to be for professional reasons. He explained he did not have a personal relationship with Collier, but did pursue an appropriate professional relationship with him.

Bickhaus contacted Amanda Jesse, ALEA IT Systems Technician Senior, and requested copies of entry access for Collier and Jenkins for the third floor of the RSA building from September 2015 through February 2016. It is noted that entry to the third floor can be gained a number of ways, such as accompanying someone else who has access, or using someone else’s access card. The records reflect Collier accessed the third floor approximately twenty (20) days during the six (6) month period, with a total of forty one (41) access events. Jenkins accessed the third floor approximately sixty (60) days during the six (6) month period, with a total of three hundred twenty two (322) access events. Bickhaus entered the documentation into the case file as exhibit number fifty (50).

Bickhaus conducted an interview with [REDACTED] ALEA Public Relations Director in an effort to ascertain Collier’s attendance and commitment to public and internal events. [REDACTED] stated, “Well, I moved across the street last year, but I know that there would be some weeks he wasn’t in the office at all, and I mean, it got so bad where, he was like, okay, I’ll meet you, we’ll talk about this, you know, he’d send you an email and he’ll say we’ll talk about it tomorrow. Well, you know that wasn’t going to happen because he wasn’t going to come in. And we had to cancel like tons of press conferences, tons of different events, like the TAC team had been rescheduled, I think, seven times as far as giving their awards. The bomb squad was scheduled for an award; I had to move it one time. Spencer decided he didn’t want to come in that day, after we had, they had moved everything on their calendar to accommodate his schedule...Then you had the fact that we had to cancel five million and one events because he never shows up or we had to cancel, I don’t know, how many press events because he cancelled or we get someone else to do it, and then the media is asking why, and I can’t tell you how many interviews and everything else I had to make up lies for. You can’t say he’s sick all the time. I am

sorry he had a meeting with the Governor; oh, I am sorry, last minute we're working on a case, you know. So you're constantly making up all this and people see that and it's not just happened internally. The media sees it, too. People are questioning."

██████████ reported being concerned that Collier may have been abusing prescription pills. She stated she had observed behavior changes in Collier from 2013 to 2016. She stated she was aware he had sustained a back injury in an automobile accident and had undergone several back surgeries. She acknowledged awareness that he suffered from chronic back pain. She stated he has demonstrated a declination of his speaking skills in press coverages, concerning his ability to accurately recall and relate events linearly to the public and internal audience. She stated he has demonstrated weight gain and erratic temperament. She stated Collier had revealed a family history of prescription pain pill abuse to her. She denied Collier ever revealed to her that he had a problem with prescription pain pill abuse. ██████████ stated Collier had Hays pick up his prescription pills and keep them for him.

██████████ stated, "He told me before that he takes Ambien because he can't sleep. He sent me an email once one night that was so long, and didn't make sense, and by the time I got to the end of the message it was jumbled stuff, not even words."

██████████ stated, "He got in his moods where he's just saying stuff that doesn't make sense, and you just ignore it because you're like, what the freak are you on and you just need to go back to bed and sleep this one off. Because I mean, over the past three years, he has had insane conversations from calling me at six in the morning...so, he says ludicrous things all the time, and you just have to write it off." ██████████ acknowledged at least on one (1) occasion Collier exhibited obvious slurred speech and illogical reasoning.

She stated, "And press conference wise, I knew we were in bad shape as far as different speaking engagements go. We were in Mobile, I don't know if this was last year or the year before and I was like, what the hell did I get myself into because he was up there at the microphone...so he goes off on this random thing and I'm like, oh my God, I hope no one is taping this, because he said he was the Governor's legal advisor. He forgot what the heck he was doing."

██████████ stated she feared revealing information about Collier due to retaliation from him. She stated he was powerful and influential throughout the state of Alabama, and would ensure she would not be hired at any other agency. She stated she feared Collier and his wife would attack her reputation because she has too much knowledge of Collier's indiscretions. She reported Collier and his wife had sent text message communications to her addressing her disloyalty during Collier's period of medical leave.

Bickhaus entered the referenced text message communications from Collier and his wife, Melissa, to Wiggins, ██████████ and Richardson as exhibit number fifty one (51) in the case file. ██████████ provided Bickhaus with a copy of her calendar reflecting Collier's cancelled events for the past six (6) months. Bickhaus entered the documentation into the case file as exhibit number fifty two (52). Additionally, Bickhaus entered a disk containing

Collier's calendar from his Outlook account and emails into the case file as exhibit number fifty six (56), which is included in the manila envelope on the left side of the case file.

She continued, stating, "I didn't respond to him when he emailed me to take him off my contacts list because I knew whenever he gets in those moods where he is angry like that and you say one word back to him, that's your whole night. So, that's your whole night and God knows how much of the next day; it would absolutely consume your life. So, I didn't think it was appropriate for me to respond to him because that was ugly and I have done nothing that I felt was disloyal to him for him to insinuate that. I don't know if he thought that I needed to quit my job. I mean, he was supportive of me helping and making sure everything transitioned well in the three months so why all the sudden because I didn't get fired that I was disloyal to him? It was really a slap in the face, if that makes sense."

██████████ described an incident when Collier had told her to text his wife. She stated, "I texted Melissa one time about three months earlier when she got the job at the Governor's Office. Spencer told me to text her, and let her know Jay Howell was coming to pick her up, so I texted a congratulations to her, too." ██████████ acknowledged Collier would have Howell or Barber transport his wife in the state vehicle without Collier being present.

██████████ described her perceptions of morale at ALEA and preferential treatment. She stated she worked under constant pressure and stress from Collier's mood swings. She explained, "So, I was supposed to get a raise in January 2015, and that didn't happen. So, then he's like, okay, and this was like last July or August when he said okay...he tells me every month it will be on your December pay check; it will be on this check; it will be on the next one. Yeah, never happened...so, you know, there were constant lies. You had people in the fishbowl promoted, and nobody else was. That alone created so much bad blood that people were negative."

She stated, "So, the PIO's were, you know, brought, he brought me in and said, you know, okay, initially, you know, I was hired to do this job, and I'm going to train these guys, and he said I can run it however, and then we worked with Personnel, we had this whole career path drawn up, we had applications. I had 35-40 people sign up for this. We go through this three day process of doing all these different tests, things like that...he said, okay that's fine. We'll be able to promote from within because whenever you tried out you could be a Corporal or a Trooper and try out and be a PIO in any region, and so we had this whole career path set out, and then, you know, we hit a brick wall with JT. No one from Marine Police made it, but. And, I had one girl from the Governor's office come over, and that way she, you know, I had different people come in and judge them so it would be like we judged these people. They were rated and they just didn't cut it. And, so no none from Marine Patrol made it and that made them mad. JT, I mean, I did not pick these scores out myself. It was fair...we never did it ourselves, so, we had different people from outside come in and do it. And, so then you're promised those whole new

career path, and then, nope, not happening anymore, so they can't be promoted. They have to leave now. You have to leave the whole PIO division in order to be promoted."

█ reported morale at the agency suffered when Collier appointed Camila Gibson into a position in Homeland Security about one (1) year ago. She stated, "I don't know what the heck she was hired to do because one of the reporters called me and I filter this through Stan and the Governor's office, and all that, but the guy never did a story on it. He wanted to know her background. I don't know her background. She came from the Department of Education, but I do know that she lived across the street from him when he lived in East Montgomery and she watched his kids every Friday night for football games, I don't know what Camila did. I don't know much about her background. I know she came from Department of Education. She lived across the street from him when he lived in East Montgomery, and she watched his kids for him while he went to football games. I was responsible for ordering business cards, but she could never tell me her title, so I never ordered any for her. She used to leave work early in the afternoons to pick up his kids from school for him. I know they were close before she was hired."

█ stated she suspected Collier has been contacting reporters and bloggers about the internal changes and activities at ALEA following his departure for medical leave on February 18, 2016. She explained Collier had contacted Bill Britt in the past, and "leaked" sensitive information. She stated, "I know for a fact whenever we were investigating, I believe, Senator Phil Williams, and it had something to do with ethic charges, and him owning a business, and things along those lines. I know Spencer had told Bill Britt part of that, and the reason I know, so that day he called me and I was standing on the bridge, and I just had to step away from everybody because he told me. He's like, hey, Bill Britt's about to call you about the Senator Williams investigation. He had told him some stuff. I do not know what he told him about it, but we were investigating it, but he didn't want me to confirm or deny anything. So, he was sending it to him at that point to reply with our standard we do not discuss, you know, open investigations type thing, no additional information is available, the standard stuff that we do. I was like, okay. I was like, oh my God, he freaking told him about a case and then I guess, I don't know at what point he gave him too much information, that Bill Britt was like, hey I want to do the story on it, then Spencer wants to pull back, and say, no I'm not giving you anything else. I am sending you to our PR person who's going to tell you we can't even talk about it."

█ revealed a complaint of sexual harassment involving Collier. The revelation was following the official, recorded interview, with the expectation if the ALEA leadership enforced the protection of her identity, she would provide a written statement detailing the complaint. Bickhaus documented the details provided by █ in her notes, and advised █ she would consult with Robinson. █ advised she was contemplating filing a complaint with Equal Employment Opportunity Commission (EEOC). Bickhaus entered her notes of the complaint into the case file as exhibit number ninety five (95).

█ stated her state issued cellular telephone number is █ █ denied knowledge of all of Collier's phone numbers, but stated she had stored his most recent

state issued phone number in her state issued phone under his name in her contacts. She stated he changed his number often, and had changed his number since the aforementioned incident. She denied knowing if Collier had changed state issued devices when he requested a change of telephone number.

In an effort to better substantiate the allegations ██████ revealed during the interview, Bickhaus recovered ██████ state issued cellular phone to download the content. ██████ reported recently experiencing technological trouble with her state issued cellular phone, and she reset the phone following instruction from an IT employee. Bickhaus submitted ██████ state issued cellular phone to Mike Trotter, Special Investigator with the Fusion Center to download and recover any deleted content from the phone. She requested he generate a forensics report documenting his efforts. Trotter reported the phone had been reset in a manner likely consistent with relieving the phone's data overload. He stated the reset resulted in the content being compromised and irretrievable. Bickhaus entered the report into the case file as exhibit number fifty three (53). Bickhaus entered the data content from ██████ phone, which was extracted with Cellebrite, onto a disk in a manila envelope on the left side of the case file for the Reviewer's discretion, although Bickhaus did not recover any correspondences of evidentiary value.

Bickhaus consulted with Robinson regarding the complaint of sexual harassment. Bickhaus advised Robinson the complainant had requested anonymity through the course of the investigation, and had agreed to provide a statement regarding the harassment if the ALEA leadership would ensure confidentiality. The interview with ██████ had proceeded into the night, and the ALEA Personnel Manager was unavailable upon Bickhaus's reception of the complaint. Robinson advised Bickhaus to refrain from reporting the complaint to the ALEA Personnel Manager, per ALEA policy and procedures, due to the egregious nature of the complaint, the sensitive parameters of the administrative case, and the request of anonymity from the complainant. Robinson advised he would report the complaint to the State of Alabama Personnel Department, but conceal ██████ identity. Robinson advised there was no further need to notify Goolsby, as Collier and the complainant were already separated due to Collier's status on medical leave. Robinson advised Bickhaus that ██████ revelation of a sexual harassment incident required reporting. He stated ALEA was legally bound through Title VII of the Civil Rights Act of 1964 to report the incident and ensure no further harassment would follow. Robinson stated supervisors are the primary means of exposing and communicating the incidents through the proper chain of command. Bickhaus entered references for Title VII of the Civil Rights Act of 1964 into the case file as exhibit number ninety five (95).

██████ and her husband, ██████, met with Bickhaus, Wright, Robinson, and Stabler following Bickhaus's consultation with Robinson. ██████ stated she had been contacted by Chuck Dean, and had been pointedly questioned regarding her involvement in a sexual harassment claim against Collier. She sought explanation as to how Dean would know to question her. Robinson advised ██████ that he had reported the sexual harassment claim to Alabama State Personnel Department. He advised ██████ that he was legally obligated to ensure the complaint was addressed. He speculated that

personnel familiar with ██████ and Collier at Alabama State Personnel Department had pieced the report together, and leaked the information. He denied knowing any other methods of information sharing. He reported revealing the existence of a sexual harassment claim to Murray and others present during a meeting at AGO, but denied revealing the identity of the complainant. Bickhaus denied revealing the information; Wright denied revealing the information; and Stabler denied revealing the information. ██████ advised she had not confirmed any of Dean's directed questions. No details of the complaint were discussed at the meeting.

Following the meeting, Robinson advised ██████ had approached him prior to Bickhaus's report, and had alluded to being sexually harassed by Collier. He stated ██████ had not provided details, but had told him Collier would not allow her to take time off and was demanding of her personal time. Bickhaus notified Robinson, Wright, and Stabler that she needed a statement or a documented correspondence from ██████ regarding the claim to supplement the investigation and case file. She reported her intention to contact ██████ and request the information. Robinson authorized Bickhaus to request the investigative statement from ██████.

Bickhaus attempted to contact ██████ through phone calls and email multiple times over the course of approximately three (3) weeks, but was unable to make contact. Bickhaus appealed to Robinson to enforce the request, as ██████ was compromising an administrative investigation and failing to cooperate with investigative requests. Robinson scheduled a meeting in his office between himself, Bickhaus, and ██████ on June 15, 2016 at 9:00 AM. During the meeting Robinson ordered ██████ to provide a statement detailing her claims of sexual harassment. ██████ stated she was uncomfortable with providing a statement because her identity had been revealed as the complainant, and she feared retaliation from Collier. She stated she had already suffered undue accusations and harassment from Collier and his wife in response to blogs and print press releases. She provided Bickhaus with copies of comments from guturfactstraight, which she alleged was a username utilized by Collier and his wife. Bickhaus entered the comments into the case file as exhibit number ninety five (95).

██████ refused to provide a statement, and refused to document any information regarding the sexual harassment allegation on an audio recording. She stated Collier only gave her compliments. Bickhaus questioned the truthfulness of ██████'s allegations of sexual harassment. ██████ stated she did feel as though she was being sexually harassed by Collier, and she stated the harassment was unwanted. She stated she was withdrawing her initial complaint, as no official complaint of sexual harassment was documented. She stated she no longer wished to follow through with the report of sexual harassment because she feared further retaliation from Collier and his wife.

Bickhaus and Robinson consulted following the meeting. Bickhaus advised Robinson she would document the events in the report. Robinson advised he would consult with the chain of command to determine a recommendation, if any, of progressive discipline for ██████'s actions.

Bickhaus conducted an interview with Daniel Urquhart, ALEA IT Manager II of IB. Urquhart stated Jenkins had approached him prior to Collier taking medical leave, and had requested he change Collier's state issued cellular phone number. He stated Jenkins did not give him a reason for the request. He stated Collier has requested several phone replacements in the past year, but was unable to provide a number. He did not believe Collier turned any working state issued cellular phones in to him when he received his replacement phones. He denied knowledge of the locations of any replacement state issued phones or damaged state issued phones belonging to Collier. He stated any working state issued cellular phones Collier turned into him would have been reset, thereby destroying the content, and subsequently reissued. Urquhart reported Collier's phone numbers are as follows: [REDACTED] and [REDACTED]. [REDACTED] Bickhaus entered email correspondences between Urquhart, Fuqua, and herself into the case file as exhibit number ninety four (94).

Bentley terminated Collier from his appointed position as Secretary of ALEA on March 22, 2016. On March 29, 2016, Wayne Mackey, ABC Enforcement Agent assigned to Law Enforcement Support Services collected Collier's state issued equipment and secured the equipment in the Integrity Unit office. Bickhaus additionally requested Mackey to deliver any state issued electronic devices assigned to Hays, Jenkins, Gibson, and Howell. Mackey provided Bickhaus with an inventory list of equipment items assigned to or purchased by or for Collier, which were not returned. Bickhaus entered the list as exhibit number fifty four (54) in the case file. Mackey reported the weapons and most of the electronics were returned. Bickhaus completed a chain of custody for the items recovered from Mackey and included it in exhibit number fifty four (54).

On April 05, 2016, Bickhaus submitted the electronics to Trotter through a chain of custody, and requested he image each item onto two (2) separate hard drives, per Robinson. Bickhaus additionally requested Trotter to download the content of the items, if possible, and generate a forensics report for each download. Bickhaus entered the reports into the case file as exhibit number fifty five (55). Trotter advised some of the electronics provided were inaccessible to his extraction equipment due to the lack of a provided passcode. He advised the inaccessible equipment were Apple products, which contain a self-destruction concept when given a compromised password. He advised refraining from any further attempts at extraction to better accommodate any criminal investigative attempts for extraction. He advised any time a piece of electronic equipment is attached to extraction equipment, the potential to compromise the electronic equipment exists. He advised the Samsung Galaxy S5 assigned to Collier contained very little extracted content. He reported it was probable that Collier had reset the phone prior to returning it to the agency. Bickhaus requested Trotter attempt to determine the date and time the phone was reset. Bickhaus will update the report to include the information once it is received.

Bickhaus did recover text message communications between Collier and Howell through the data content extraction of Howell's state issued cellular phone, which demonstrate Collier directing Howell to transport his children to and from school and ballgames to home during work hours or through a work expectation. The majority of the

correspondences reflect Collier's interest in attending collegiate football games. The text message correspondences also reflect the "JSU games". On December 06, 2015, Howell deleted a text message, which states, "I agree, no one else needs to talk about the JSU game around". The compromised content data did not reveal the messenger's number included in the correspondence.

Bickhaus contacted Daniel Urquhart, ALEA IT Manager II with IB, and requested a preservation of email correspondences for the last three (3) months for Jenkins, Howell, Hays, Rigby, Archer, Taylor, [REDACTED] and Collier. The content was preserved in disks, which Bickhaus entered into the case file as exhibit number fifty six (56).

Bickhaus recovered an email correspondence between Collier and [REDACTED] dated Thursday, May 07, 2015 at 3:18 AM. In the email correspondence, Collier writes, "[REDACTED] Unfortunately, insomnia is a fairly serious diagnosis that hampers one's cellular recovery, it dulls ones senses and can be oftentimes uncomfortable and, well, let's face it; it can be lonely. Not lonely in the theoretical text and a general description of ones psyche, but lonely in the sense that you really do not have anyone to talk to. The world exists for insomnia suffers to ponder job related tasked and an insomniac episodes can at times provide conduit for productive fodder for work." Collier continues for a length of approximately two (2) pages of text to address his perception of a work related issue. The email was entered into the case file as exhibit number fifty six (56).

Bickhaus contacted Formby, and requested copies of Collier's leave balances prior to being placed on medical leave. Bickhaus requested copies of Collier's time sheets from September 2015 through March 2016. The time sheets and leave balances reflect Collier had not taken one (1) hour of annual leave or sick leave during that period, prior to taking medical leave beginning on February 18, 2016. On each time sheet, Collier had claimed an eight (8) hour work day for each day of the work week, and claimed subsistence for each day. The time sheet submitted for February 16, 2016 depicts handwritten corrections to reflect February 18, 2016 through February 29, 2016 recorded as sick leave. Formby confirmed she had made the corrections at Goolsby's direction. Goolsby provided a statement through email correspondence dated March 04, 2016, which reflects, "ALEA personnel received the attached time sheet from Collier for the pay period covering February 16-29. It was our understanding that he was placed on medical leave beginning Feb 18th (confirmed by the Governor's Office). The timesheet shows that he worked eight hours on 2/18, 2/19, 2/22, 2/23, 2/24, and 2/25 and claimed 10 days of subsistence....I have also included in the attachment a copy of an email from JT indicating that Collier would be performing special projects for the Governor. Based on the directive from the Governor's Office, we are going to charge leave beginning 2/18 and thereafter until notified otherwise. Moreover, we are only going to pay for 2 days of subsistence (2/16 and 2/17)." Bickhaus entered the copies of leave balances, time sheets, and Goolsby's documentation into the case file as exhibit number fifty seven (57).

A recovered text message from Howell's state issued cellular phone reflects Collier at home on December 08, 2015 at 3:07 PM. Collier's time sheet for that day reflects him in the office for eight (8) hours with law enforcement subsistence.

Additionally, a recovered text message from Richardson's state issued cellular phone reflects Collier at home on February 17, 2016 at 9:59 AM. The message states, "I am not gonna make it in this morn. I have hurt my back this morn." The timesheet submitted for Collier reflects Collier in the office for eight (8) hours with law enforcement subsistence.

Bickhaus conducted an interview with Ashley Cook, ALEA Planning and Economic Development Specialist, regarding Collier's alleged substance use. She reported having knowledge of Collier's substance use in the office, and his negligence in addressing [REDACTED] substance use in the office. She reported approximately one (1) and one-half (1/2) years ago, when she worked on the third floor of the RSA building, she had observed [REDACTED] "passed out" at her desk. She reported [REDACTED] desk was directly outside Collier's office, and was visible to the wing of the office. She stated she rushed to [REDACTED] and attempted to rouse her. She stated she dragged [REDACTED] to Collier's office at the time, which was empty. She stated Collier was not in the office, and no other employees were visible, except Sunny Daugherty, Wiggins's ASA. She stated Daugherty assisted her with moving [REDACTED] to Collier's office. She stated after several minutes [REDACTED] awakened, and referred to the incident as an "episode". She stated [REDACTED] indicated she had taken the wrong pills, and had rummaged through a large Ziploc bag containing various pill bottles until she selected and swallowed a pill. She stated about thirty (30) minutes later, [REDACTED] was functional.

She stated she had observed [REDACTED] on several occasions in incoherent stupors at her desk. She stated she was not aware of any medical conditions [REDACTED] suffered from, although [REDACTED] had mentioned having back pain recently. She stated she had observed [REDACTED] take medication in a pill form contained in a pill bottle on multiple occasions. She stated [REDACTED] confided in her that she shared medication with Collier because they were prescribed the same medication. Cook denied knowing the name of the medication, or the reason it was prescribed.

She stated she had reported the incidents to her supervisor at the time, Ray Lewis. She stated sometime around March 30, 2015, Lewis reported the incidents of [REDACTED] and prescription use within ALEA to Bentley. She stated Bentley then confronted Collier about his knowledge of the substance use and expressed he expected Collier to address the issue.

Cook stated a few days later Collier moved [REDACTED] across the street to the Legal Division. Cook was unclear if the reassignment was Collier's way of addressing the substance use, but speculated that it was another incident between Collier and [REDACTED] that spurned the transfer. She reported, "For some reason [REDACTED] felt like she could talk to me, and really, I just wanted to run the opposite direction, but unfortunately there were some instances where I got stuck. She would tell me things about the Secretary that I didn't feel comfortable hearing. One instance, his wife was in the office, and she had some paperwork, some documents about some property in Mobile, and it had to be notarized, I guess. It had not been notarized, but was signed by all the parties, but it was dated a year prior to when this occurred, and they were asking [REDACTED] to sign it, and notarize it, and

██████████ refused. Later, ██████████ told me the reason she got moved, one of the reasons she got moved was because she embarrassed him in front of his wife. ██████████ was well aware that there may have been a file going on at the AG's Office, and well aware of other stuff going on involving the Secretary, so, she was kind of being cautious herself. She later confirmed to me that she was told of a file that was being compiled on the Secretary at the AG's Office. She used to work there, and I think she said that somebody she used to work with told her about it. It was, I think, more like an investigating file. She did state to me that she, when she found out, she went to the Secretary, and it did not go over well with him. He freaked out on her, but she was just, she said she was just trying to give him a heads up."

Cook stated during the period that ██████████ was assigned to the Legal Division, ██████████ disclosed several of Collier's indiscretions to her. She stated that ██████████ confirmed that Collier had an illegitimate child living around Mobile. She stated ██████████ confirmed she and Collier would share her medications.

Cook reported knowledge of other indiscretions involving Collier. She stated she was privy to the information through Lewis. She stated, "I feel like the further it got, or close towards the end of 2014, maybe December-ish of 2014, things between Ray and the Secretary was strained. Ray was being asked to do some stuff he was not willing to do. He was being asked to delete certain things, and get rid of certain things, mansion logs and different things. Ray said he would not do it. He also said Mrs. Bentley was aware of the logs and that it, and her lawyer was, and that it would not be in the best interest for anybody to do that. He tried to handle everything very professionally, but he was basically pushed out in the end. I think he just got to a point where he no longer, the stress was no longer worth it. And he has morals, and character, and integrity, and he just wasn't willing to do what they were asking him to do anymore. Spencer had asked him to cover who was at the mansion, and who wasn't, and the times that they were there."

Cook denied knowledge of Bentley's role in the orders. She stated she was aware of Collier's directives, but was unsure if he was operating in anticipation on his own, or through orders given by Bentley.

Cook reported experiencing retaliation from Collier, secondary to her knowledge of his indiscretions and other incidents involving her supervision of employees to whom he expressed preferential treatment. She stated she had reported the details to Roberts, and he had advised her to document the incidents. She stated Taylor and Roberts confronted her one (1) day, following the admissions from ██████████. She stated, "They said that the Secretary had heard that I was making up rumors or spreading rumors about him, and the one specific rumor they brought up was the fact that he had an illegitimate child, and that he was not happy with that, and so at that point I had to get out. I explained to Hal that there were notes on all this, that I had gone to my supervisor, which I thought was the right thing to do, and told him that ██████████ was, you know, feeding me all of this information. I personally was scared ever to repeat it because I never wanted that to be said about me. And I never did repeat it. The way I understood it, they walked back across the street and got on the phone with Spencer. Spencer yelled at both of them, and

told them that they were going to move me. And, basically, they were told not to ever deal with that again, or the [REDACTED] or [REDACTED] issue, and from the way I understand it, they were really yelled at. And, basically, the next day, I was moved, I think. I never did it.”

Cook reported meeting with one (1) of her friends, an ALEA employee, outside the office. She stated her friend, Donyelle Marshall, ASA PIO/Legislative Affairs, had disclosed to her that [REDACTED] had expressed remorse to her for having her moved. She disclosed to Cook that [REDACTED] revealed she was no longer allowed to speak with Cook. She stated Marshall was uncomfortable speaking with her at work, and asked her to communicate with her only outside work, for fear of retaliation through the relationship between Collier and [REDACTED].

Cook continued to divulge an additional incident involving Collier’s improper treatment of ALEA employees. She reported Lori Cook (L. Cook), a former ALEA ASA who worked on the third floor with Collier, had made an “innocent mistake”. She stated Collier was showing Andy Hughes around the office, and had attempted to access a locked conference room. She reported L. Cook had access to the room, but the room had been established as an evidence room with a chain of custody. She stated L. Cook had been advised by [REDACTED] not to let anyone into the room except himself or Chico Mercado, SAS with Homeland Security. She stated the room was being utilized by Homeland Security investigators to review evidence. She stated, “He was mad and he went back down the hall, and then he came back, and at that time I know Gene was with them. He basically screamed at her. I never seen him so mad. That time it was really bad. She was crying, and, anyways, I think she just didn’t know any better. She was just doing what she was told. He was supposed to have a meeting right afterwards with someone. But he actually had to take twenty minutes to calm down before he could have his meeting. It was a little extreme, but I think what escalated it, too, was the fact that it was that guy’s first day, and so, maybe he felt embarrassed that he was asking for something, and being told no in front of him. She did get moved, but so did Avery.” Cook reported shortly following the incident, L. Cook resigned and transferred to the Alabama Department of Corrections.

Bickhaus conducted an interview with Daugherty. Daugherty corroborated Cook’s information regarding the incident with [REDACTED] and her suspected substance abuse in the office. Daugherty explained it did not appear that [REDACTED] had simply fallen asleep. She stated she had shook [REDACTED] for several minutes, to no avail. She stated [REDACTED] was incoherent, nonfunctional, could not stand or walk, and had admitted she must have taken the wrong pills. Daugherty described observing drastic behavior changes in [REDACTED] throughout the course of a day, such as [REDACTED] becoming more vocal and talkative at times, rambling through tangents and delineation, to slurred speech, fractured conceptualizing and repetitive talk. She stated [REDACTED] physical appearance also fluctuated. She stated [REDACTED] complained about several medical problems ranging from depression to female issues. She stated after Collier had one (1) of his back surgeries, [REDACTED] began complaining about her back hurting. She stated [REDACTED] disclosed to her that she was taking medication for her back pain and scheduling spinal blocks to manage the pain. She denied ever overhearing [REDACTED] complain about back pain prior to Collier’s surgery. She denied having

any direct knowledge of Collier's alleged substance use in the office. Bickhaus entered the email correspondence with Daugherty into the case file as exhibit number ninety eight (98).

During the packing of Collier's personal items from his office, Stabler provided Bickhaus with an envelope containing a prescription for Nucynta 50 mg tablets written for Collier by David Herrick from the East Center for Pain, 432 Saint Lukes Drive, Montgomery, AL. The prescription was written on March 26, 2014. Collier's address was written as [REDACTED]. His date of birth was written as [REDACTED]. An Accurint Advanced People Search for Collier reveals a date of birth of March 27, 1973, but there was no record of an address of [REDACTED]. A google search of the address reveals a location in Prattville, AL, but that location was also not associated with Collier in his Accurint Advanced People Search. Bickhaus entered the address into an Accurint Advanced People Search, and the results reveal the address active in 2014 for five (5) residents: Ayana Rasboro, Tranita Gallman, Gerald Gallman Jr, Shawn Nyembwe, and Anthony Jones. Melissa Collier was associated with the address in 2013. Bickhaus entered the results of the searches into the case file as exhibit number ninety one (91).

Bickhaus reported the information gleaned from Cook, of Collier requesting Lewis to alter government logs, to Robinson. Bickhaus requested the information be referred to the appropriate criminal investigative agency. Robinson advised he would relay the information accordingly.

Bickhaus reviewed L. Cook's personnel file for any documentation of progressive discipline reflecting her transfer and verbal counsel from Collier. No such documentation was recovered in the file. Bickhaus reviewed IATrack, a database for ALEA internal disciplinary records, for any disciplinary action for L. Cook, with no results.

Wiggins corroborated Cook's report of the verbal confrontation between Collier and L. Cook. He stated, "The incident I recall with former Secretary Collier and Ms. Cook was an incident when Secretary Collier tried to gain entrance to what I called the secret room. I believe agents had evidence stored in this room at the time of this incident. I do not recall why Mr. Collier needed access, but remembered he became very agitated. Mr. Collier would become very upset when he thought his authority or his position was not being recognized." Wiggins agreed Collier's verbal accosting seemed inappropriate and excessive. Wiggins denied knowledge of any proper employment of progressive discipline to document the disciplinary action administered.

Bickhaus conducted an interview with Mark Barber, ALEA SAS of SBI. Barber admitted he and Howell drove Collier to work related events and personal events. He stated Howell drove more often for Collier, but he had been assigned about one (1) year ago to assist Howell. He stated Collier appeared to work by sending communications on his cell phone or reviewing notes while he drove. He admitted he transported Collier's children from their home to their school, and from school to extracurricular events, and then returned them home most days of the week. He stated he drove Collier's wife to and from

work at the Governor's Office. He stated he drove Collier and his family members to work related functions, such as the 2015 Inauguration and the Christmas Parade. He stated he drove Collier and his family in his state issued vehicle, which is a Tahoe with vehicle number 084264. He stated he fueled his vehicle for the transports with the state issued Wright Express fuel card assigned to his vehicle. Bickhaus contacted Mackey, and requested copies of Barber's fuel records from January 2015 through January 2016. Bickhaus entered the documentation into the case file as exhibit number fifty eight (58).

Barber reported one (1) incident in 2015 during a bowl football game at Jacksonville State University. He stated Collier had intended to travel to the game on the state plane, and then he would transport Collier back to his residence in the state vehicle. He stated it had seemed to him that all the planning and arrangements for Collier to attend the game had been put into motion. He stated he had been in route to the destination, about half of the distance, to collect Collier, when he had received a call advising him the trip had been cancelled. He stated he was told Collier's back was hurting, which resulted in the cancelled event. Barber denied having any knowledge of any other instances of Collier's use of the state plane for personal trips. He denied knowledge of Collier transporting any of his family members in the state plane.

Bickhaus conducted an interview with Lee Hamilton, ALEA Chief Pilot 1. Hamilton confirmed Collier had scheduled to use the ALEA helicopter for transportation to the Jacksonville State University football game in 2015. He stated to his knowledge, the event was not related to his work or role as Secretary of ALEA. Hamilton qualified the event as personal use. He reported he had cancelled the flight due to inclement weather, but clarified the helicopter had already been prepared for flight for Collier's trip. He denied knowledge of any other personal travel through use of any ALEA aircraft. He denied knowledge of Collier utilizing the ALEA aircrafts for partial travel. He denied knowledge of any other unnecessary instances of partial travel in a state issued aircraft, returning the plane empty to the hangar, and assuming vehicular transportation in a state issued vehicle, thereby unreasonably utilizing dual modes of transportation. He stated, "I don't believe that ever happened. I only remember round trips for him." Hamilton reported Collier rescheduled or cancelled flights more often than following through with the commitments. He stated it was a running joke in the unit, and employees often offered to work Collier's schedule because they expected to have the day off. Hamilton provided Bickhaus with copies of Collier's flight schedules from January 2015 through January 2016. Bickhaus entered the documentation into the case file as exhibit number forty nine (49).

Taylor had reported knowledge of Collier utilizing the state issued aircraft for transportation to Prichard or Mobile, AL to conduct business, while having his drivers respond to the site in their state issued vehicles. Taylor reported when Collier finished conducting business, he would send the state plane back to the hangar empty, stay the weekend or several days in Prichard and Mobile, utilizing the ALEA agents to transport him to personal matters in their state issued vehicles with their state issued fuel cards. He stated the drivers would return Collier to Montgomery as directed. Taylor stated Collier performed the aforementioned process the week of Thanksgiving in 2015. He stated

Collier claimed per diem and subsistence while he was celebrating Thanksgiving with his family. Barber's report of his responding to the Jacksonville State University for the football game in his state issued vehicle in expectation of transporting Collier once Collier arrived on the state issued plane is consistent with Taylor's described process of utilizing dual modes of transportation through state issued equipment and personnel.

Bickhaus reviewed Jenkins's personnel file. A letter of appointment authored by Bentley reflects Jenkins was appointed Deputy Director of ALDHS beginning June 01, 2011. A letter of appointment authored by Collier reflects Jenkins was appointed a state law enforcement officer of ALDHS on June 16, 2011 through Immigration Act 2011-535-22 (a). A Recommendation for Personnel Action reflects Jenkins retired from his appointed position number 86105E with ALDHS on November 30, 2011. State of Alabama Personnel Department cites that the Retired State Employee, Law Enforcement Option's maximum salary may reflect the hourly equivalent of salary at the time of retirement. Prior to retirement, Jenkins's salary was set at one hundred seven thousand eight hundred eighty (107,880) dollars. The ALEA Personnel database depicts an active new hire date of July 09, 2012 for Jenkins, which was approximately eight (8) months following his retirement from ALDHS. He was hired by DPS as a retired employee under the appointed position code 3891217, Assistant Director. On July 01, 2015, at Collier's approval, Jenkins was transferred from ALEA DPS to ALEA Homeland Security as Assistant Director.

Wright reported Collier had approached him when he was the Assistant Director of DPS, and had discussed Jenkins's resume and professional background with him. Wright believed Collier had wanted Jenkins to work for DPS. He stated he had been eager to hire Jenkins because he had needed the assistance. Wright stated within days of hiring Jenkins, Jenkins began reporting directly to Collier at ALDHS headquarters to work on legislative matters and agency consolidation matters. He stated Collier advised him Jenkins was working on projects for him, but he would have Jenkins assist Wright in whatever he requested. Wright stated Jenkins did assist DPS minimally for about two (2) weeks, while continuing to assist Collier with legislative and consolidation matters. Wright stated Collier contacted him and "indicated that he needed JT to focus all his attention on consolidation legislation and not DPS matters. JT did not report to me after that." Bickhaus entered Wright's statement into the case file as exhibit number ninety two (92).

Code of Alabama (1975), Revolving Door, Section 36-25-13 (c) and (d) cites, "No public official, director, assistant director, department or division chief, purchasing or procurement agent having the authority to make purchases, or any person who participates in the negotiation or approval of contracts, grants, or awards shall enter into, solicit, or negotiate a contract, grant, or award with the governmental agency of which the person was a member or employee for a period of two years after he or she leaves the membership or employment of such governmental agency. No public official or public employee who personally participates in the direct regulation, audit, or investigation of a private business, corporation, partnership, or individual shall within two years of his or her departure from such employment solicit or accept employment with such private

business, corporation, partnership, or individual.” Bickhaus entered the reference into the case file as exhibit number fifty nine (59).

The personnel documentation reflects Jenkins’s base location as Choctaw County. The original base location entered into the forms reflects Montgomery County, which is crossed out with a writing instrument, with “Choctaw” handwritten in above the original entry. The personnel documentation reflects Jenkins reported to the Office of the Secretary to perform his work duties. Collier authorized the changes on July 08, 2015.

Bickhaus contacted Tara Hetzel with the State of Alabama Personnel Department. Hetzel stated base locations are defined and established through the work locations. She stated the location where the employee reports or conducts the majority of his or her work-related responsibilities should be the location reported as the base location. She explained an employee who is assigned to the Office of the Secretary, whose office is located in Montgomery, AL, should have his base location in the personnel database reflect Montgomery, AL. She stated the manipulation of base location would not be at a supervisor’s discretion, and would not be a negotiable factor of compensation through salary. She stated if an employee is stationed at a location incurring regular per diem for a period following two (2) consecutive months, the per diem amount is reduced. She provided Bickhaus with references from the State of Alabama Finance Department handbook. Bickhaus entered the documentation into the case file, along with Jenkins’s personnel documentation, as exhibit number fifty nine (59). She also provided Bickhaus with opinions generated from the AGO regarding base locations and per diem. Bickhaus included the AGO opinions in the case file in exhibit number fifty nine (59).

An Accurant People Search for Jenkins reveals Jenkins had maintained an apartment and mailing address in Montgomery, AL from July 2008 through July 2011. The dates are consistent with the dates Jenkins operated as Assistant Director of ALDHS. The search results also reveal Jenkins maintained a residence in Choctaw County from December 1993 through March 2016. Bickhaus included the reference in the case file as exhibit number fifty nine (59).

Bickhaus contacted Frost, and requested copies of per diem claims filed by Jenkins from October 2015 through March 2016. The claims reveal Jenkins had claimed approximately four thousand eight hundred (4,800) dollars through in state travel per diem over the course of six (6) months. Each record of per diem reflects Jenkins returning to Butler/Choctaw from Montgomery/Montgomery. Each record of per diem depicts Jenkins resides in Butler, AL. Bickhaus entered the per diem records into the case file as exhibit number sixty (60).

Bickhaus contacted Mackey, and requested copies of fuel receipts and Wright Express Card activity for Jenkins from January 2015 through March 2016. The fuel records reflect Jenkins purchased approximately nine hundred eighty four dollars and forty nine cents (984.49) in fuel using his Wright Express fuel card (card number 1409) in Butler, AL over one (1) year. The calculation did not include the amount of fuel purchased in

Montgomery, AL, or other cities, to return to Butler, AL. Bickhaus included the records in the case file as exhibit number sixty (60).

Bickhaus contacted Holman, and requested copies of Jenkins's time sheets from January 01, 2015 through February 29, 2016. The time sheets reflected Jenkins's unit/post as Butler/Choctaw. On the time period beginning on October 01, 2015 and ending October 15, 2015, Jenkins reported a total work week of twenty (20) hours, with approximately one (1) or two (2) hours only per work day. Jenkins's in state travel per diem record for the same period reflects Jenkins claimed seventy five (75) dollars approximately each day. Bickhaus included the time sheets in the case file as exhibit number sixty (60).

Jenkins had accumulated a significant amount of leave, which was paid to him upon his retirement in 2011. Jenkins's annual leave balance at the end of 2011 was six hundred ninety three point twenty five (693.25); his sick leave balance was one thousand three hundred four point zero (1304.0). In an email correspondence dated November 17, 2011 between Collier, Frost, Melissa Bailey, and Joshua Easton, Collier approved to apply Jenkins's leave pay-out using a half payment through the general fund and a half payment through the federal fund. Jenkins was only compensated for four hundred eighty (480) hours of annual leave and six hundred (600) hours of sick leave. Bickhaus entered the leave records and the email correspondence into the case file as exhibit number sixty one (61).

State of Alabama Personnel Procedures Manual cites, "Retiring employees who have held permanent positions are eligible to receive payment for accumulated annual leave up to 480 hours and one-half of their accumulated sick leave up to 600 hours." Bickhaus entered the documentation into the case file as exhibit number sixty one (61).

Bickhaus reviewed Howell's personnel file. On July 25, 2011, Collier authored a letter to David Perry, Director of Finance, requesting to fill the position of Retired State Employee, Professional Option through Howell. The letter reports Howell will fill the "newly created position effective August 16, 2011." The letter cites, "Mr. Howell has extensive law enforcement experience and will be utilized to help enhance our public outreach and education efforts with other state and local law enforcement agencies, enhance our fusion center liaison program for local law enforcement agencies, and fulfill the priorities required of our agency by the U.S. Department of Homeland Security... This position is primarily federally funded, but a portion of his salary will be charged to the general fund under certain circumstances." The letter also establishes Howell's salary was set at twenty one dollars and eighty eight cents (21.88) an hour, and Collier ensured Howell would not earn more than twenty two thousand (22,000) dollars per year. Bickhaus entered a copy of the letter into the case file as exhibit number sixty two (62).

On August 02, 2011, a Request for Certification of Candidates from State of Alabama Personnel Department was completed for Howell. The documentation reflects the County of Employment as Montgomery, and depicts the location of the position as Montgomery. Collier's signature is present on the form. On August 16, 2011, a Recommendation for Personnel Action completed for Howell reflects a change in base location from

Montgomery County to Cherokee County. The documentation reflects the “position will be based in Cherokee County.” Collier’s signature is depicted on the documentation. Howell’s Recommendation for Personnel Action dated November 01, 2014 reflects his Class Title/Code as Retired State Employee receiving twenty one dollars and eighty eight cents (21.88) per hour as a part-time employee. The Division/Code is listed as Office of the Secretary and the County of Employment Code is listed as Cherokee County. Collier authorized the base location changes on October 31, 2014. There is no personnel record of an Office of the Secretary option offered in Cherokee County. The Office of the Secretary is housed in headquarters at 201 South Union Street, Montgomery, AL. Additionally, an Application for Examination dated February 10, 2016, reflects Howell had listed the address of his employer as 201 South Union Street, Montgomery, AL. Bickhaus included the aforementioned documentation in the case file as exhibit number sixty two (62).

An Accurant Advanced Person Search for Howell reveals a Post Office box in Montgomery, AL assigned to Howell from April 2005 through November 2015. The results of the search reveal an active address in Centre, AL from 1983 through 2016. Howell’s driver license depicts a residential address in Centre, AL. Centre, AL is located in Cherokee County. Bickhaus included the documentation in the case file as exhibit number sixty two (62).

Bickhaus reviewed per diem claims Howell submitted from October 2015 through January 2016. The records reveal Howell had claimed per diem totaling approximately two thousand three hundred twenty five (2,325) dollars in the four (4) month period. The claims reveal Howell’s points of travel were strictly within Montgomery/Montgomery and Centre/Cherokee. A handwritten or typed note included on each claim depicts “traveler resides in Centre, AL” or “150 County Road 421 Centre, AL 35960”. Bickhaus included the per diem claims in the case file as exhibit number sixty three (63).

Bickhaus reviewed the fuel reports for Howell from January 2015 through January 2016. The fuel reports reveal Howell purchased fuel in Centre, AL totaling approximately one thousand two hundred forty six dollars and seventy two cents (1, 246.72) over the course of one (1) year. The calculation did not include the cost of fuel purchased in Montgomery, AL, or other cities in Alabama, to return to Centre, AL. Bickhaus included the fuel records for Howell in the case file as exhibit number sixty three (63).

Bickhaus reviewed Gibson’s personnel file. A Recommendation for Personnel Action from State of Alabama Personnel Department, dated September 09, 2014, reveals Gibson transferred from the Department of Education as an Education Specialist in the Teaching/Learning Division to ALEA as the Assistant Director of Homeland Security effective October 01, 2014, with an annual salary of eighty four thousand two hundred seventy six (84, 276) dollars. A letter authored by Collier to Graham with State Personnel Department dated September 24, 2014, cites, “As Secretary of the Alabama Law Enforcement Agency and pursuant to Act 2013-67, I would like to appoint Camilla Franklin Gibson as an Assistant Director.”

Two (2) resumes for Gibson were included in the personnel file. Neither resume reflects any law enforcement training or experience, exposure to the training model under Alabama application for school safety, or any certificate or record of attendance of management of hostile crisis interventions or security implementation. The resumes reference Gibson's knowledge of the school system, special education policies and procedures, Code of Federal Regulations for education, and mediation, but provided no supplemental documentation, such as copies of certificates or flyers pertaining to trainings or seminars directed at Homeland Security functions. Additionally, in one (1) of the resumes, Gibson referred to ALDHS as "the U.S. Department of Homeland Security", which is a separate, federal agency. Bickhaus included the resumes in the case file, as well as a reference outlining the function and mission of ALDHS as exhibit number sixty four (64).

Roberts, who was formerly appointed Assistant Director of ALDHS and is currently appointed Director of ALEA Homeland Security, reported he had no direct knowledge of the hiring process involving Gibson. He stated Collier notified him sometime in September that he had hired Gibson. He stated she reported to work on October 01, 2014. He stated Collier advised him Gibson was his Assistant Director, and she would report to him. He stated Collier did not review her qualifications, intended projects, or job responsibilities with him. He stated Collier advised him to review new employee paperwork and rules with Gibson. Roberts reported Gibson had inquired about her salary and state issued vehicle. Roberts stated, "I told her I didn't have anything to do with that, that she needed to take that stuff up with whoever had offered her the job. I told her she wouldn't get a state car through me, but she could take it up with who offered it to her. She said she was told her salary would be a lot higher, and I told her the same thing, to take it up with who offered her the job. She also asked when her position would be a merit position, and I told her I didn't know anything about that." Roberts reported he notified Jenkins of Gibson's questions following the meeting. He denied knowing if Jenkins accommodated Gibson's requests.

Roberts stated, "We didn't need an Assistant Director of Homeland Security. We've been recognized nationally for what we were doing. Our school safety program was running very well. It was a good partnership with the Department of Education. I did not see a need to bring this person in." Roberts explained at the time there were employees who worked for ALDHS who would have been qualified to operate as an Assistant Director, if he had seen a need. He stated, "But I couldn't see a need, and this was a program I was intimately familiar with." Roberts reported he did not feel Gibson was qualified to serve as a representative of ALDHS, and was more qualified to be a liaison between ALDHS and Department of Education from the latter side. He stated, "We didn't really have a position for her at the time because our school safety program we did in conjunction with the Education Department. She was already at Education then. I felt that if she felt strongly about it, then go there and work at Education. They got a school safety office."

Roberts stated he suspected Collier had appointed Gibson to the position because of a personal relationship. He stated he discovered through one (1) of his employees, who was returning Collier's state vehicle to his residence, that Gibson lived across the street from

Collier. He stated Chico Mercado told him he knew Gibson because they attended the same church, and she had approached him when he was at Collier's residence returning the vehicle. Roberts stated Mercado had resigned from his position in ALEA Homeland Security and transferred to Alabama Department of Corrections (ADOC) following Gibson's appointment. Roberts stated he had heard from other employees that Gibson was Collier's babysitter on Friday nights when he attended football games. Roberts denied any knowledge of Gibson babysitting for Collier during the work day.

Bickhaus reviewed the Accurint Advanced People search she had conducted on Collier. The search reveals an address for Collier, 6413 Diane Court, Montgomery, AL, was active from October 2013 through October 2014. Gibson's address included in her personnel documentation and on the resumes extracted from her personnel file is [REDACTED] AL. Bickhaus entered the addresses into Google Maps, and the results reveal the addresses are approximately eighty two (82) feet apart. Bickhaus entered the map into the case file as exhibit number sixty four (64).

Roberts reported shortly after Gibson was appointed Assistant Director, he began addressing administrative issues with her. He stated his ASA, Cook, had advised him that Gibson was not reporting to work regularly from 8:00 AM to 5:00 PM. He stated Cook's office was beside Gibson's office. He stated the United Nations had contacted him because Gibson had communicated with personnel regarding school safety matters. Roberts stated he had no knowledge or awareness of the communication. He stated Gibson failed repeatedly to communicate through the chain of command. He stated, "It seems to me, I picked up on that she was communicating directly with Secretary Collier. And I didn't quite understand the dynamics and how all that was going on, what it is that she had a direct line to him. So, when I found out that information, I was like, ok, now I see how she has a direct line to the Secretary, uh, outside the chain of command, and it was still inappropriate for work. And, it, uh, uh, confirmed to me how she came aboard with us; how she got hired. Uh, I talked to the youngest girl, you know, was she going to see her brother play football; she said, 'no, I stay with Miss Camilla on Friday nights.' So I know at least on, at least on Friday nights, that's, I have knowledge of, that she would keep their child. That instance, the specific instance that I knew of, uh, it was pertained to last fall."

Roberts reported he met with Gibson on April 03, 2015, and reviewed the expectations and projects he had assigned her on her first day of work. He stated she had accomplished about one (1) project out of about seven (7) projects that he had assigned her. He stated sometime in January 2016, Jenkins approached him and asked him to keep her busy. He stated, "I said, JT, I gave her some projects. I shared with him my initial counseling with her and some of the projects; I mean, these will keep you busy, getting all of the school bus routes all over the state. I said, I don't understand, you know, where is this coming from? She's not busy? Well, she lets the Secretary know she doesn't feel like she's busy. I'm like, well, I've given her the work to do, but, I mean, I would think it was enough; she would be busy. In January, I got this email from Jenkins." Roberts provided Bickhaus with a copy of the email correspondence from Jenkins.

The message, dated January 12, 2015, expresses that Jenkins had been prompted by Collier to develop special projects and assignments for Gibson. One (1) of the projects included generating a Corrections Proposal. Jenkins conveyed frustration in managing Gibson. He wrote, "I told her we would try this on a trial basis, that if she works with us she must follow my directions, that I am the ultimate decision maker, and people that work with this group must prove to be an asset to stay in the group."

Roberts stated he had been relieved to reassign Gibson to Jenkins. He stated he received another email correspondence from Jenkins on January 14, 2015, which stated, "Your employee and I are having a communication problem." He stated the email included forwarded correspondences with Gibson regarding the Corrections Proposal. The communications relayed Gibson had failed to notify her chain of command prior to releasing the generated material. Gibson expressed intentions of having Collier approve the development of the proposal, prior to having it vetted by her supervisors.

Roberts provided Bickhaus with an additional email correspondence with Jenkins dated January 16, 2015. The email expressly conveys Jenkins's frustration with managing Gibson. Jenkins wrote, "I am thankful for you and Phillip developing and continuing to refine a plan of action to find her some tasks and duties that can make her helpful to our organization....All that being said I think I need to speak bluntly since she seems to ignore anything that is not in directive format...That she does not get anywhere by alienating those she interacts with or trying to go around people working on projects...Legislature is a place where if things are not done correctly you can lose more than we gain and that is why all activity there is handled by the Secretary and John Hamm. Even you and I do not do anything over there if not approved by those two. I plan to tell her she is working at Executive level because we understand her strengths in Education, developing training plans, and other such strengths...Additionally, I probably should tell her if I am involved it means we are running out of possible workable solutions and on many of my projects we are giving it a final review and see if any solution is possible. We want her to be successful and will try to find how she can make ALEA successful. We just need to find where she can help us best and she needs to learn and follow process, rules, lanes, and make sure we are helping and not hindering people and tasks."

In conclusion, Jenkins wrote, "Shirrell, I just want to be able to tell the Secretary we did all we could before we give up." Bickhaus included the email correspondences in the case file as exhibit number sixty five (65).

Roberts stated Collier had given him a list of initiatives Gibson wanted to pursue through ALDHS. He stated Collier expected him to facilitate Gibson's participation in the initiatives. He stated he felt Gibson was not qualified to lead the majority of the initiatives on the list, and explained that ALDHS already had procedures in place to address most of the initiatives. Roberts provided Bickhaus with a copy of the list of initiatives Gibson had compiled. Bickhaus included the list in the case file. Additionally, Bickhaus entered a copy of an Employee Acknowledgement Form from the ALEA Personnel Policies and Procedures Manual. The form, dated October 22, 2014, depicting

Gibson's signature, acknowledges Gibson has read and has familiarized herself with the ALEA Manual, which covers time, attendance, punctuality, and insubordination. The aforementioned documentation was entered into the case file as exhibit number sixty five (65).

Roberts stated, "I felt as though I could not supervise that employee as I did others that were in my section. Uh, some, I felt as though there would be some type of negative repercussions to me, either verbally, at least verbally, at a minimum. Uh, I had an incident like that with another employee, uh, that was, uh, had a direct pipeline, too, so. Uh, I did get, you know, verbally, a verbal reprimand from Secretary Collier."

Roberts explained Gibson was reassigned to the Fusion Center on December 01, 2015. He stated Brooke Walker, Supervisory Special Agent (SSA) of the Internet Crimes Against Children (ICAC) Unit became her direct supervisor. He stated her salary was funded through federal ALDHS grant funds and an Education Trust Fund prior to and following the transfer. He stated about two (2) weeks following the reassignment, he received email messages from Jay Moseley, Director of the Fusion Center, and Walker regarding disciplinary issues with Gibson.

Bickhaus conducted an interview with Walker. Walker stated, "We were given free rein to just give her responsibilities to the ICAC Unit. There was no direction for what she was supposed to be doing. There was no open position when she came. As a civilian, there wasn't a fit for her. We were just told to see if we could find some duties for her for the ICAC Unit. I didn't ask her what her status was. I knew she was an appointed employee because she didn't fill one of those merit slots. I did not have a special spot for her. I actually did not even know what her title was until we tried to handle things upon her departure, and then realized she was a Deputy Director under Homeland Security."

Walker reported she discovered Gibson was conducting active shooter response trainings in schools in Montgomery. She stated she confronted Gibson with the information, and requested Gibson explain her certifications or trainings in the field. She stated she knew Steve Johnson, SAS of ALEA Homeland Security, conducted trainings of similar material, and she believed the presentation was better supported from Johnson. She stated, "She said she used a school safety app on her phone. I looked at Jay because I was thinking there is no way she is using an app on her phone to go into schools as a representative of ALEA, on how to protect children. She showed me the app, and it was basically something she printed off the app, things about putting children in closets and putting book cases in front of it, and things of that nature. I was very uncomfortable. I told her to tell me which schools she gave the training to, so I could contact them. Fortunately, it was only one school, which was the school her son attended." Walker stated Gibson indicated she had been fulfilling responsibilities directed by Roberts. Walker stated she immediately contacted Roberts for verification, and Roberts denied knowledge of the presentations and denied assigning Gibson any active projects during the transferal process.

Walker described other administrative concerns regarding Gibson. She stated she discovered Gibson was repeatedly late for work, and would leave work between 3:00 PM and 4:00 PM most days of the week. She stated she explained the proper methods for requesting leave and notifying her supervisors of her absence. She stated she had heard from other employees that Gibson was leaving work early to pick up her son and Collier's children from school. She stated she had overheard from employees that Gibson was Collier's former neighbor, and she had babysat his children while he attended football games. Walker denied having any direct knowledge to support the suppositions.

She stated she discovered Gibson was using work justifications to attend school functions for her son. She stated she informed Gibson to ensure she was using personal leave to attend functions as a parent. She stated Gibson had attempted to attend expensive trainings that required extensive travel, and she had addressed the budget restrictions and appropriations with Gibson. Walker provided Bickhaus with an email correspondence dated April 11, 2016, in which Gibson wrote, "I was told that my funding was still through Homeland Security and I was assuming any training that I received would continue to come out of that budget also." Additionally, Walker provided Bickhaus with an email correspondence including Roberts, Moseley, and herself dated December 16, 2015, which covered the concerns she had addressed with Gibson. Most of the issues were previously addressed with Gibson by Roberts and Jenkins. Bickhaus entered the emails into the case file as exhibit number sixty six (66).

Walker agreed she had addressed issues differently with Gibson than any other employee under her supervision because she was aware of the relationship between Collier and Gibson. She stated she is on probation following a recent promotion to SSA, and she did not want to receive any unwanted attention from Collier because she feared her promotion would be compromised. She stated she had knowledge of Collier retaliating against other employees when Collier was displeased with their actions. Walker stated Todd Till, a Lieutenant with Department of Public Safety (DPS) Highway Patrol (HP), had participated in and coordinated the majority of ICAC's search warrants and arrest warrants. She stated Collier had requested he develop a full time tactical team, but Till did not agree with Collier on some of the developmental phases. She stated Collier reassigned Till. She stated the tactical team was disappointed and confused by the punishment. She stated Till had performed exemplary, and had successfully served countless search and arrest warrants for the unit.

In a subsequent interview with Roberts, he described an additional example of preferential treatment by Collier. He reported Collier ensured [REDACTED], who is [REDACTED]'s daughter, was hired into a position in the Photographic Services Division (PSD). He stated [REDACTED]'s negligence ruined an expensive piece of photographic equipment, and the supervisors of PSD had counseled [REDACTED]. He reported shortly following the discipline, [REDACTED] contacted Collier and relayed that she had been targeted and mistreated. He reported that Collier removed [REDACTED] from PSD and reassigned her to [REDACTED] with the Public Information Office (PIO). He stated [REDACTED] approached him with complaints of [REDACTED] being chronically absent from work and tardy from work. He stated, "I told her to document it and address it. Then, shortly after that, uh, she was next

moved, [REDACTED] was next moved to Protective Services. Uh, and it was brought to my attention again by Ashley Cook that those issues, same type of issues, absenteeism, tardiness, what's happened with [REDACTED]. So, I said, I told Ashley the same thing; document it as you would with any other employee. Uh, and then in March, March first of 2015, Ashley and [REDACTED] were transferred directly under me in Homeland Security. I conducted a counseling session with [REDACTED] on April the first where I kinda laid out the parameters of employment for [REDACTED] and what's expected of her." He stated at the time [REDACTED] had only four point four (4.4) hours of annual leave and four point four (4.4) hours of sick leave available for use. He stated she eventually began using a Leave without Pay option.

Roberts stated [REDACTED]'s position at the time she was under his supervision was in a probationary period. He stated he had discussed her performance with Collier and Jenkins, and had recommended her for termination. He stated Collier would not honor the recommendation, so he had requested an extension of her probationary period for an opportunity to monitor her work. He stated [REDACTED] had been absent more than she had been present at work, and there was not an adequate evaluation due to the excessive absences. He stated, "It, there was an unusual circumstance for me. One I've never dealt with, with an employee, uh, in the military, private sector, and the state government. I knew I was dealing with another sensitive situation through this employee, and I had to be careful and just document. She said she would get the doctors' excuses but we never got anything. Uh, and it was a situation which I felt, due to the chronic leave without pay, this was a probationary employee, we could never give an adequate evaluation of her, that the, she should be terminated. Well, what happened was, she just left, just left in some type of limbo status with us. I don't know what it's called. And, uh, then she eventually came off of probationary status and was made a permanent employee. But, my recommendation was not to make this employee permanent while she was under my supervision."

Roberts stated, "During all this time, I was talking to JT on it. Uh, that was my conduit in to the Secretary and I was telling him and showing him these problems that we were having and that she should not be made merit, uh, into the merit system as a permanent employee. His, uh, response from the Secretary, well, he only feels though she made \$8.00 an hour, it's not that big a deal, and just shouldn't worry about it. I didn't feel that same way. I though, you know, this is taxpayer's money, somebody's gonna be here working, we need to be getting something from them." He stated shortly following the discussion with Jenkins, Collier contacted him via phone and verbally reprimanded him. He stated Collier reiterated the same points Jenkins had relayed to him.

In an interview with Cook, she detailed instances of chronic absenteeism and tardiness by [REDACTED]. She provided documentation of the incidents. Bickhaus entered the documentation into the case file as exhibit number sixty seven (67).

Bickhaus requested a copy of [REDACTED]'s personnel file from Goolsby. The documentation in the file reflects [REDACTED] was hired on October 01, 2014, through DPS Service Division, Photographic Services Unit, as a Warehouse Worker. The position required successfully

completing a six (6) month probationary period before being awarded with a permanent, merit slot. On December 02, 2014, ██████ was reassigned from Photographic Services Unit to ALEA Protective Services/Homeland Security through DPS Special Order No. 2014-061. On June 30, 2015, Roberts submitted a letter to ALEA administration requesting an extension of probation for ██████. On July 02, 2015, Collier authored a letter to Graham, requesting the probation extension until October 01, 2015. No documentation pertaining to a transfer from Homeland Security to the Fusion Center was recovered from the personnel file. On February 03, 2016, an Employee Performance Probationary form was completed by Todd Hall, Acting Supervisor of ALEA Fusion Center, and James Moseley, ALEA Fusion Center Director, for ██████. The form reflects ██████ improved in absenteeism, but continued to incur absences. The form reflects ██████ was given permanent employment status. On March 16, 2016, ██████ was transferred following a request from Moseley and Chandler to Law Enforcement Services, General Services and Supply. ██████ was assigned to Booth, who became her direct supervisor. On April 27, 2016, Booth completed an Employee Warning/Reprimand Form with ██████. The form details issues with excessive absences and tardiness. The form was supplemented with text message correspondences between Booth and ██████, which cover the periods of absence.

On May 02, 2016, ██████ authored a letter to Stabler, which alleges harassment and “unfounded scrutiny” from ALEA employees regarding her medical condition. It is noted through administrative interviews, neither Cook, Roberts, Moseley, nor Booth had received any excuses from a medical doctor concerning ██████’s medical treatment during any of her absences, despite the requests being made by supervisors. It is also noted through administrative interviews with ██████’s supervisors, ██████ had never requested any accommodations for a disability through them.

In the letter, ██████ writes, “Since I’ve been at ALEA, I have been scrutinized and harassed by management and they refuse to make some simple accommodations for an employee with a disability. I feel I have been treated unfairly and this has put tremendous and unnecessary stress on me, which has caused me to be so sad because I know I can do my job and do it well with a few accommodations. I have been harassed, moved, and transferred to various divisions at ALEA because my mother, ██████ worked for the former ALEA Secretary Spencer Collier and ALEA’s refusal to make a few accommodations which would give me a chance to perform my duties and become an independent young woman and the ability to take care of myself.”

Booth notified her chain of command on May 02, 2016, May 04, 2016, and May 05, 2016 that ██████ had not reported to work and had not offered a prior notification of reason. On May 05, 2016, Stabler authored a letter to ██████, which states, “I have been informed that you have not reported to work or requested authorization to be absent from work for three (3) consecutive work days (5/3, 5/4, and 5/5). Consequently, I am interpreting your actions as voluntary resignation from state service via job abandonment (ALEA Personnel Policies and Procedures Chapter 11 II. (2) Resignation by Job Abandonment).” On May 12, 2016, ██████ completed a Notification of Resignation.

Bickhaus entered the documentation from [REDACTED]'s personnel file into the case file for review as exhibit number sixty eight (68).

Bickhaus received a call on her state issued cellular phone from Stabler, requesting she report to his office. Bickhaus complied. Stabler, Mark Jenkins (M. Jenkins), Supervisory Special Agent of the Federal Bureau of Investigation (FBI), and Charles Bravata, Sr., Special Agent (SA) of the FBI were present in the room. Stabler directed Bickhaus to report any potential criminal findings regarding Gibson and the use of Homeland Security funds to M. Jenkins and Bravata. Following the disclosure, M. Jenkins reported the potential use of Homeland Security funds invited a federal nexus, and satisfied the FBI's involvement in the investigation. He advised Bravata would be in touch with Bickhaus regarding any additional information. Bickhaus was advised to continue the administrative investigation, as the FBI agents would conduct a separate criminal investigation. On June 26, 2016, Bravata met with Bickhaus and advised he would issue a subpoena for any witnesses' testimony taken following Garrity rights advisements and for a copy of the imaged hard drives. He requested Bickhaus provide him with copies of the contracts between the United States Department of Homeland Security and ALDHS, ALEA Homeland Security, and/or Department of Justice. On July 14, 2016, Bickhaus emailed Roberts and requested the documentation. On July 18, 2016, Bickhaus provided Bravata with the copies of the contracts.

In a subsequent interview with Wiggins, he reported Collier had assigned two (2) special investigators, Jack Wilson, ALEA SAS of SBI Major Crimes Division A, and Randall Lee, ALEA SAS of SBI Alabama Rural Crimes Unit (ARCU), for conducting personal investigations. Wiggins denied being privy to the investigations, and stated both agents reported directly to Jenkins. He stated he had been removed from the agents' chain of command, although the agents were still aligned in SBI.

Wiggins reported Collier had approached him about recruiting Lee from ARCU to conduct "sensitive" investigations at Collier's direction. He stated Collier qualified that Lee would report to the Office of the Secretary, but still function as an SBI agent. Wiggins reported being confused as to the reason Collier required special investigators. He stated, "There was no need for a unit like that. We have an Integrity Unit that can work on anything that's involving administrative issues with the agency, and then you have a criminal side, and, pretty much, that covers everything that you need. It's almost like it's just a micromanagement, really, or a special unit for the purpose of looking into things that you're interested in."

Wiggins denied knowledge of the purpose of the investigations. He reported Wilson and Lee reported directly to Jenkins, and received their assignments from Jenkins. He reported only a few months after Lee worked for Jenkins, he requested to be returned to ARCU. Wiggins stated at that point, Jenkins recruited Wilson. Wiggins stated Lee did not disclose the reason for the requested reassignment.

Bickhaus interviewed Lee. Lee reported he had been recruited by Wiggins for Collier to conduct investigations beginning in September 2015. He stated the first case he had been

assigned involved a threatening letter delivered to Rebekah Mason. He stated he had received notification of the case through a phone call, but could not recall who had placed the call. He stated he thinks he began conducting criminal background searches on the given suspects prior to reporting to the office and viewing the letter. He stated he conducted a routine Law Enforcement Tactical Systems (LETS) search on Donald Watkins and Michael Echols, as they had been named as potential suspects in the investigation. He denied receiving any direction to run any of the alleged suspects through any criminal databases. He stated once he reported to the office and met with Collier, Collier had already ordered the envelope and letter to be fingerprinted. He estimated a week had passed between the time he was notified of the case until the time he met with Collier to review the letter. He stated he conducted his LETS searches prior to reading the letter. He advised the only prints recovered from the letter returned to Mason's husband.

He stated, "Secretary Collier felt like it was criminal. He never articulated, he just kept, you know, kept saying this is harassment." Lee stated once he viewed the letter, he doubted a criminal investigation was warranted. He stated the threat did not seem credible. He stated the letter lacked a clear threat or coercive element. Lee provided Bickhaus with a copy of the letter. Bickhaus entered the documentation into the case file as exhibit number sixty nine (69).

Lee reported he met with Bentley and Collier, and cautioned them in proceeding further with a criminal investigation, as the charges would hold misdemeanor applications at most. He stated SBI agents did not usually work cases resulting in misdemeanor charges. He stated he did not feel comfortable opening a criminal case into the matter. He stated Collier and Bentley had complied.

Lee reported an additional case he had been assigned involved identifying who had recorded a phone conversation between Bentley and Mason, the nature of which was overtly sexual. He stated Collier had been aware of the phone recording prior to assigning him the investigation. He denied knowing approximately how long Collier was aware of the recording, but estimated at least one (1) year. He stated, "It would have been sometime around the election, so, a year and a half. I never heard the recordings. Secretary Collier confirmed, yes, there are recordings. He said the night of the election or the night of the inauguration that he drove over to West Alabama and met with a female staffer or former staffer. I didn't know them. I overheard this, he and the Governor was having a conversation. I was there. He met with the staffer, and he was 100% confident there were recordings, which led me to believe he had heard them."

He stated he had cautioned Collier on the drive to the Governor's Office to discuss the investigation. He stated, "And I said, you know, at this point, I don't know what the details are, but I just want you to understand that there have been politicians, as well as governors that have been prosecuted for using state police for personal reasons. I told him and the Governor, I won't be used as a threat; I won't be used as a harassment tool, that if I open a criminal investigation, then I work it to the end. There is no gray area."

He stated, "I said I would like some more specifics. I need to know. There's been some time since this supposedly was recorded, and you know who recorded it, who planted the device, and who has possession of it are all a mystery at this point. Spencer and the Governor were talking, and I made it clear that a criminal investigation is one thing, but just looking at this trying to find out who got the recordings and for them not to release them, there's a gray area there that we don't need to cross. And after they talked a few minutes, they asked me to step out, and I stepped out, and he came out and said he's good. Everything is good, and so that was all that we did on that."

Lee described several other assignments where he received few details and little direction. He stated for each assignment, he advised Collier he would not be used to "stir the pot". He stated for each assignment, Collier conceded.

Lee reported the assignments he received did not seem to him to qualify as criminal investigations. He reported he became concerned that Collier was assigning him personal investigations, and he did not want to be involved, so he requested to be returned to ARCU. He stated he worked an investigation with Wilson into Phil Williams. He stated he felt the investigation had been exhausted with no further requirement from SBI. He stated he and Wilson had referred the investigation to the AGO, and the AGO had indicated interest in pursuing its own investigation. Lee stated Wilson had seemed to believe the SBI investigation had not been satisfied, but had been willing to present it to the AGO. Lee reported his investigative results had seemed innocuous. Lee provided Bickhaus with documentation from his case files, which she entered into the case file as exhibit number sixty nine (69).

On March 22, 2016, Stabler contacted Bickhaus to report receiving a phone call from Collier on his state issued cellular phone. He stated he did not recall the phone number of the incoming call, but remembered it contained a Montgomery area code. He stated he did not preserve the number on his state issued cell phone. He stated Collier had referenced audio recordings of Bentley and Mason, and advised Stabler he intended to release the recordings to the media to humiliate Bentley. Stabler stated Collier further threatened to release a VHS recording of Stabler on a traffic stop making racial comments. Stabler stated he ended the phone call with Collier, and advised others present in the room of the conversation. Stabler stated [REDACTED] Robinson, and Jennifer Ardis were present. On or around March 23, 2016, the audio recordings of Bentley and Mason were released to the media.

Bickhaus interviewed Wilson. Wilson stated his perception of his role as a special investigator was to directly communicate with Collier regarding his requests. He stated, "J.T. Jenkins said that it would be basically investigations of a sensitive nature that the Secretary wanted. You know, like high visibility on, and then he didn't want, he wanted, just wanted somebody he could trust. Somebody who could keep their mouth shut. Somebody who would do their job and wouldn't cause problems, I guess."

Wilson denied having a personal relationship with Collier prior to the reassignment. Wilson denied opening a case into any administrative matters. He stated, "There was that

type of, like I said before, the McHenry case, I went out on another one, that trooper in, up around Quad Cities. I'm sure you know his name. They sent me up to Quad Cities to kinda observe what the post was doing as far as the post doing an investigation into the internal matter. I think that ended up being more about kinda taking that responsibility away from the post itself and dropping it back on y'all."

Wilson reported some of the investigations he was assigned by Collier warranted criminal investigations. He stated in the Williams case, he had believed there was criminal culpability on Williams's part, which resulted in the referral of the case for further investigation through the AGO. He stated he had been at a natural closing point in the investigation prior to his reassignment into his former SBI field upon Collier's termination. He stated, "I understood. I mean, you know, I was up here at the request of J.T. Jenkins and the Secretary at the time, and it was just my understanding that the new Secretary didn't want anybody working that, special investigations of that nature straight out of his office. No, I didn't feel like it was done as punishment. I didn't feel that at all. I didn't think it was a punishment. I felt like it was, it was them protecting me, you know?"

Wilson reported receiving in state travel per diem when reporting to the Office of the Secretary while operating as an investigator for Collier. He stated his residence was in Daphne, AL during the period he reported to Collier. He stated he responded to the office in Montgomery, AL when he was not pursuing leads in other cities for the cases. He stated he responded to the Office of the Secretary more than any other location during that period. He stated no one from the Office of the Secretary had explained the position title or the personnel process. He stated that he would continue to be assigned to SBI Division A, but report to the Office of the Secretary for work assignments. He stated he claimed per diem those days. He denied being compensated through any other methods. He denied being promised any incentives.

Bickhaus recovered an email from Jenkins to Frost, Holman, and Ratliff where Wilson was named in the subject box. The email, dated November 25, 2015, states, "Jack Wilson will begin working out of the Secretary's Office on December 7. James Rigby will be getting all of his stuff together and will be taking him around to meet all the people up here. He will still be based out of his current location but will be with us. We will not do any official transfers so he will be listed in SBI Major Crimes but he will be part of our team that assists the Secretary. We will start sending his per diem to Jennifer Holman to be processed." Bickhaus entered the email into the case file as exhibit number seventy (70).

Bickhaus reviewed in state travel per diem claims for Wilson from December 2015 through February 2016. The per diem claims totaled approximately two thousand seven hundred ninety (2,790) dollars. The claims reflect Wilson's Official Base Location as Summerdale, AL. The records reflect the majority of travel claimed was between Summerdale and Montgomery. Bickhaus included the claims in the case file as exhibit number seventy (70).

In a subsequent interview with Taylor, he stated Jenkins had coordinated Rigby's promotions. He stated Rigby had been assigned to SBI Major Crimes, Division A following the consolidation. He stated Rigby had been a sergeant with ABC for only a few months before being selected by Jenkins to work special projects for Collier. Taylor explained that Rigby's father and Jenkins were close friends, and had worked together in Marine Police (MP). Taylor stated Rigby was promoted from Sergeant to SSA within a few months. He stated following that promotion, SSA promotions were put on hold, affecting other employees who warranted promotions. Taylor explained Rigby did not supervise any employees in the traditional law enforcement sense. He stated, "James is a smart guy, does a good job. He was sergeant over there, and JT brought him up here. He was in Mobile. He's from Mobile. Moved him up, didn't move him up here, but he would come up here and stay three through four days a week when JT was here and sit in the conference room with him and just did special projects and work for him. Him and Jon Archer who was from Marine Police; JT came from Marine Police and James Rigby came from ABC. And the promotions, it came time for promotion to ASAC in SBI Major Crimes and James interviewed. And he did not, from the interview panel, he was not in the top five or six in the recommendation to take to Secretary for promotion, from the interview panel. And I was told that he was mad, "he" means Spencer was mad, and that JT was mad really mad and that wasn't what Spencer wanted. He wanted James Rigby promoted, and to fix that piece of paper and make it so that James gets promoted. And they did not change that piece of paper. They left it as it was and told the Secretary with all due respect, you are the appointing authority, you have the authority to either pick the ones that are on this paper that the interview panel has chosen or pick somebody else that was interviews. And he picked James."

Wiggins confirmed Rigby had not been selected for promotion to ASAC. He stated Rigby had not performed well during his interview with the panel. He stated the panel was compiled of supervisors from various divisions. He could not recall who all was present on the panel, but stated Rigby's personnel folder should have the results. He stated, "I believe the father of James Rigby and JT, I know they worked together for many years, and pretty much JT brought him to Montgomery to work on consolidation, and to be around. There was a friendship, relationship there with JT Jenkins, and he was promoted along with Jon to a Supervisor Agent, and those postings came out before I even knew it, and they were promoted, and I didn't know about it until pretty much it was done. So, that was handled through Mr. Jenkins and Spencer Collier. So, then, when we promoted the ASAC's, Rigby was a Supervisory Agent, which is the equivalent to Lieutenant. When we promoted the ASAC, Mr. Jenkins was very, very interested in making sure that Rigby got promoted. There was some conversation between us at times, where who could be promoted or whatever, and he pretty much, when they posted ASAC positions he was very, very interested. Actually, he got agitated or upset about the process because he wanted to ensure that Rigby got promoted. And some of these situations, but he's done a good job, did I think he was going to be qualified? I didn't think he was. I thought it was too fast of a move up. I don't know of anybody else in the department that moved that fast. And, actually, on the panel interview, the results were given to me, and he was not selected by the panel. Then Mr. Jenkins had a conversation after the panel interview, and after, he was, you know, he was initially upset over that James had not done well on the

interview, and came in my office and he was upset over it, you know, pretty much he didn't like the process and all. And I forwarded the results, and I talked to the Secretary, and not JT, over the results. The Secretary told me to turn the results in as is, and he was appointing authority, and he makes the final decision. I prepared a letter to give to the Secretary, and when I gave it to the Secretary, whatever, something changed in a meeting between him and JT Jenkins. He brought me the letter back and said that's not what the Secretary wanted. I said well I talked to the Secretary, he said that's what he wanted, and he was, like, well, you know. He got real upset and there was an issue there with that. JT was upset and he said the Secretary is upset with me sending that information to him. So I said let me and the Secretary meet, we'll talk about it. He said that wasn't necessary. So he even kept me from meeting with the Secretary on that issue."

Wiggins denied altering the initial letter he had generated and delivered to Collier. He provided Bickhaus with a copy of the memorandum, which Bickhaus entered into the case file as exhibit number seventy one (71).

Bickhaus interviewed Rigby. Rigby admitted he had a personal friendship with Jenkins outside of work. He admitted his father and Jenkins had a close personal relationship. He stated they had worked together in MP. He stated Jenkins had assigned him to the Office of the Secretary about one (1) year ago for special projects. He stated he had been involved in developing the E-Crimes database and the ALEANet database. He stated he resided in Theodore, AL during the period he had reported to the Office of the Secretary. He stated he had been assigned to SBI Major Crimes, Division A upon the consolidation on January 01, 2015, but Jenkins had advised him to report to the Office of the Secretary. He stated he claimed in state per diem for the days he reported to Montgomery, AL for his assignments. He stated he reported to Jenkins, who was his supervisor. Rigby denied being compensated through any other methods, or being promised any incentives. He denied any knowledge of the process of his promotions.

Bickhaus reviewed per diem records for Rigby from October 2015 through January 21, 2016. Rigby claimed approximately three thousand forty one dollars and twenty five cents (3,041.25) over the course of four (4) months. Bickhaus entered the records into the case file as exhibit number seventy two (72).

Bickhaus interviewed Robert Till, ALEA Lieutenant of Tactical Operations, regarding his recent reassignment. Till advised Collier had approached him and requested he develop a full-time tactical response team sometime in March of 2014. He stated Collier explained he would report to the Office of the Secretary to work on his assignments. Till stated he had been attached to tactical teams with DPS for years. He stated since the agency consolidation, the requests for tactical team participation in serving search warrants and arrests warrants had increased at the DPS posts. He stated the Major Crimes Narcotics Division sent the most requests.

He agreed the development of a full-time tactical team was necessary, and would relieve the posts' work load. He stated the team would also allow coordination throughout the

state of Alabama, and he could better ensure that most every jurisdiction in Alabama would have members available to respond.

He stated he conducted research into the national tactical team's development, and discovered the nationally approved number for tactical team members was eighteen (18). He stated he had wanted to develop the state's tactical team to mirror the national model to avoid litigation disputes. He stated, "What's the minimum number we need for a team? That's in black and white. I mean, you can google that. The National Tactical Officers Association has a standard. Their standard has been vetted through the US Justice Department. Why differentiate from that? We are probably the highest liability office we got. If you can't do eighteen, why do it at all?"

Till reported Collier and Jenkins refused the threshold of an eighteen (18) member team, citing they did not believe there would be enough recruiting interest. He stated he then requested a twelve (12) member team. He stated Collier and Jenkins suggested he make it work with ten (10) members. Bickhaus entered references pertaining to the national standard of development of a national tactical team into the case file as exhibit number seventy four (74).

Till stated once he met with Collier and Jenkins regarding the development of the team, he realized their interest was purely political. He stated neither seemed concerned with the risks the employees were taking or seemed motivated in providing incentives for the team members. He stated he had been promised money for gear and equipment, but never received anything.

He stated he met with Jenkins and Collier to develop the selection phases. He stated they agreed on the try-out phases. He stated his supervisor, Chandler, expressed to him that he did not need to participate in the try-outs. He explained to him that he wanted him to supervise the try-outs and rank them along with Jeremy Lett. He stated, "I asked this question to Scottie Chandler, who was my Division Chief, I asked, do Lett and I need to be prepared to try out. No, ya'll are good. Okay. Makes sense. Me and Lett are running the show. I'm thinking, we're going to get a ten man team and we'll make the best of this thing."

He stated he had developed the try-outs in a point-based system, so each activity would receive a point to better rank the candidates. He stated the ranking system was fair, accurate, and objective. He stated, "We're gonna create a point system because I knew going in, when we had ABC guys and Marine Police guys, we had other people gonna try out, if one of them didn't make it, to preserve my job, I needed to be able to explain why, so we developed a point system. Everything is worth a point in some way, shape, or fashion. That way at the end of the day if you have twenty dudes try out, I can rank you one through twenty." Till stated about two (2) days prior to initiating try-outs, Hughes, his immediate supervisor, called him and advised him he and Lett needed to try out. He stated, "Of course, I was a little bit miffed right there out the gate because I asked that question. I saw where this was going and I was assured we don't have to try out. The answer I got as to why me and Lett had to try out? Because that's what JT said. So, of

course, I'm like, what kind of skin does he got in this game? He ain't never going in a door with anybody. He will never be on a scene with anybody. Why does he care how we are developing a team for try-outs for something he knows nothing about? Things got pretty heated between me and Hughes and Chandler before it was over with because, straight up, I've been lied to. Just being the big boy in the room, I tried out and made it. Lett was the number one guy and I was like number eight out of sixteen. That's exactly the way it should have shook out."

Till stated to his surprise, following the ranked try-outs, Collier and Jenkins began conducting interviews. He stated they had reported they felt it necessary to meet with each candidate. He stated he was given a date and time to report for an interview with Collier. He stated Collier did not attend his mandated interview, due to alleged sickness, but Jenkins did. He stated he met with Jenkins, Wiggins, and Richardson for approximately twelve (12) minutes. He stated the interview was informal and covered approximately three (3) tactical questions. He stated about one (1) week later, he received a phone call from Doug Huntley. He stated Huntley advised him he did not make the tactical team. He stated Collier had appointed him the new team leader to replace him. Till stated Huntley did not give him a justification for removing him from the team. He stated he knew he had been selected through the objective try-out process, so he suspected he had been eliminated through the subjective interview process. He stated he did not feel that his meeting with Jenkins, Wiggins, and Richardson could even be qualified as an interview. He stated he had approached his supervisors and asked them for clarification, but none would respond. He stated he never received notification from Collier or Jenkins addressing the reason he had been eliminated.

Till reported two (2) necessary assets were also eliminated from the team. He stated Adam Ezekiel was the only state certified Emergency Medical Technician (EMT) and Lloyd Smith was a certified sniper. He stated three (3) approved candidates were from the legacy agencies ABC and MP, and one (1) candidate was from HP. He stated the four (4) candidates had not graduated SWAT school. He stated ultimately two (2) of the four candidates failed out of SWAT school. He stated Huntley attempted to recruit Smith to the team to fill the void, but Smith had been "blackballed." He stated, "He wanted Lloyd Smith to replace one of those two guys but Lloyd was blackballed, so that did Doug in as team leader. Apparently, after tryouts, his wife interjected herself and wrote an email or something to Collier, pretty much, she was displeased. He was blackballed. He is still not on the team."

He stated, "If you are trying to grow leaders in an agency, the way they did it is absolutely the wrong way, but, you know, that wasn't nothing about growing leaders or improving the agency. It was a sham from the get-go. The whole thing. Just him being the first ever that created the first full time TAC team and putting some of his buddies' guys on it. I don't know."

He stated Sue Capps with HP had advised him to report to Birmingham Post for further assignment. He stated he had approached his supervisors about the transfer, as well, because prior to working with Collier on developing the tactical team, he had been a

Lieutenant with Highway Patrol (HP) assigned to the Montgomery Post. He stated he was advised that he would not be allowed to return to his original post. Till reported his previous position was still open and active. He stated his residence and family were in Montgomery. He stated, "Sue Capps tells me I'm going to Birmingham. I've done my whole career around here because I'm assigned to a county local to here because that's where the State wanted me to live. I didn't pick to live here. And now you're gonna put me somewhere else? That pissed me off, as it would anybody. She told me she had been told I can't come back to Montgomery. So you blackballed me from an entire area of the state? Why is that? The other guys who didn't make the team went right back to their old duties. My old job was still a vacant position, but I can't come back to Montgomery? That's a big blackball right there."

Till stated, "I can almost understand not picking me. If I ain't going the way you want it to go, okay. At least tell me. Somebody tell me! If somebody, anybody, would have called me in a room and been like, 'Hey, we appreciate everything you've done, but I want it to go a different direction and I don't think you're the one that's gonna get it there.' And treat me like you treated everyone else around here, 'Where do you wanna go?' Ain't nobody told me jack squat. I asked questions. I never got an answer from anybody. Never gave a reason."

On April 19, 2016, Collier filed a civil suit through the Circuit Court of Montgomery, AL against Bentley, Stabler, Mason, Alabama Council for Excellent Government, RCM Communications, INC., Bentley For Governor, INC., Fictitious Defendants "A", "B", and "C" who paid Mason from January 01, 2010 to the present, Fictitious Defendants "D", "E", and "F", the persons, firms, corporations, or other entities who contributed money directly or indirectly to Mason or provided any other benefits to Mason, Fictitious Defendants "G", "H", and "I", the persons, firms, corporations or other entities who were the employers, masters, or principals for Mason from January 01, 2010 to the present, Fictitious Defendants "J", "K", and "L", the persons who conducted and/or participated in the internal investigation, and Fictitious Defendants "M", "N", and "O", the other persons, firms, corporations, or other entities whose wrongful conduct caused harm to the Plaintiff. Collier filed a lawsuit against the aforementioned defendants alleging "wrongful acts and omissions were committed while in the performance in the line and scope of their employment and were willful, malicious, fraudulent, in bad faith and/or beyond their authority." Bickhaus entered a copy of the litigation into the case file as exhibit number seventy three (73).

On June 07, 2016, Robinson requested Bickhaus to inventory items collected from Collier's office. He reported Tarver had put Collier's personal effects from the office into boxes in the basement. Tarver retrieved the boxes, and Bickhaus photographed the items and entered the items on an inventory sheet. Bickhaus entered the photographs and inventory into the case file as exhibit number eighty seven (87). Bickhaus delivered the property to Kenny Mendelsohn at his office on June 14, 2016.

Bickhaus had requested permission from Robinson to interview Bentley, as he was Collier's supervisor, to ascertain knowledge of any alternate work schedules he may have

approved for Collier, and to better determine the explicitness of direction for reporting to work, use of leave, and approved absences. Additionally, Bickhaus sought explanation of any knowledge of Collier's use of prescription pain pills while at work and any copies of written notifications from Collier to Bentley. Robinson advised Bickhaus to provide him with a list of questions for Bentley for his review. He reported he would request Bentley to participate in the interview, or have him respond with a refusal to participate. Bickhaus provided the list of questions to Robinson on two (2) separate occasions. Bickhaus entered the list of questions into the case file as exhibit number ninety six (96). On July 13, 2016, Robinson advised Bickhaus the Governor's Office responded to the request and reported some of the questions covered areas which necessitated a counsel present or privileged communication. Robinson advised the Governor's Office requested additional time to process the request for interview.

On July 08, 2016, Murray contacted Bickhaus to collect one (1) imaged hard drive containing content downloads from the equipment assigned to Collier, Hays, Jenkins, Gibson, and Howell. Murray met with Bickhaus in the IU office and signed a chain of custody for the hard drive. Bickhaus provided him with a memorandum generated by Trotter. Bickhaus notified Robinson that Murray was requesting the hard drive, and Robinson approved the transfer. Bickhaus suggested requiring the AGO to issue a subpoena for the content material, but Robinson overrode the suggestion, and explained the AGO has ownership of all state equipment.

Bickhaus continued to review Immigration Act No. 2011-535 in an attempt to determine if Collier had promoted and furthered the approval of the Act through his position as Director of ALDHS or Cabinet Membership, which resulted in his self-appointment and financial gain from law enforcement subsistence. The Act was proposed through Representatives Hammon, Collins, Patterson, Rich, Nordgren, Merrill, Treadaway, Johnson, Roberts, Roberts, Henry, Bridges, Gaston, Johnson, Chesteen, Sanderford, Williams, McLendon, Wren, Williams, Hubbard, Williams, Baugh, Moore, Long, and Canfield for the Department of Public Safety. Bickhaus consulted with Robinson regarding pursuing further investigative efforts to ascertain Collier's level of involvement in promoting the Act, and Robinson advised Bickhaus to refrain from continuing investigation, as the matter would be more appropriately pursued through a referral to the [REDACTED] for criminal investigation of potential ethics violations.

Additionally, Bickhaus continued to review ALEA Act 2013-67 in an attempt to determine if Collier had promoted and furthered the approval of the Act through his position as Secretary and Cabinet Membership, which resulted in his appointment as a state law enforcement officer by virtue of the office he held; in turn, Collier benefited through financial gain from law enforcement subsistence pay. The Act was represented by Senators Marsh, Brewbaker, Williams, Hotzclaw, Fielding, McGill, Scofield, Bussman, Taylor, Blackwell, Reed, Sandford, Holley, Whatley, Dial, Allen, Ward, Beason, Glover, Waggoner, and Pittman. The Act was approved through President and Presiding Officer of the Senate, Kay Ivey, and Speaker of the House of Representatives Mike Hubbard. Bickhaus presented the information to Robinson, who advised Bickhaus

to refer the matter to the [REDACTED] for further investigation of potential criminal ethics violations.

On August 31, 2016, Bickhaus received notification from Robinson that the administrative investigation of Collier was satisfied at the current status. He advised Bickhaus to refrain from further administrative investigation and to close the case.