

INTRODUCTION

We, the members of the Thirty-Fifth Statewide Investigating Grand Jury, having received and reviewed evidence regarding allegations of violations of the Pennsylvania Crimes Code, Pennsylvania Ethics Act, and related laws occurring in Montgomery County, Philadelphia County, and Dauphin County, Pennsylvania, pursuant to Notice of Submission of Investigation No. 76, do hereby make the following findings of fact and recommendation of charges:

FINDINGS OF FACT

As the result of the courage of current and former employees of Pennsylvania **SENATOR LEANNA M. WASHINGTON**, the Grand Jury has uncovered evidence that, from 2005 through and including 2013, **WASHINGTON**, a public official and public employee, used the authority and resources of her Senate office to further her own pecuniary and political interests. The Grand Jury uncovered evidence that **SENATOR WASHINGTON** directed and facilitated Senate staff employees to conduct and further **SENATOR WASHINGTON'S** personal political campaign activities during legislative work hours. **SENATOR WASHINGTON** did so by utilizing state-paid employees and state office equipment to organize campaign fundraisers for herself that included, but were not limited to, maintaining databases for fundraising invitations and events, creating campaign fundraiser invitations, printing thousands of campaign fundraiser invitations, stuffing and stamping the envelopes for campaign fundraisers, and listing campaign contributions and expenditures to send to her Campaign Treasurer.

In furtherance of its investigation, the Thirty-Fifth Statewide Investigating Grand Jury has reviewed documentary evidence and considered testimony from current and former Senate employees, agents from the Office of Attorney General, and other pertinent witnesses and evidence.

As the result of its investigation, this Thirty-Fifth Statewide Investigating Grand Jury finds that Pennsylvania **SENATOR LEANNA M. WASHINGTON** and others known and unknown to the Grand Jury, individually and/or through each other, committed numerous crimes in violation of Pennsylvania law.

I. History of LeAnna M. Washington

LEANNA M. WASHINGTON was born on July 28, 1945, and began her political career in 1993 when she won a special election seat in the Pennsylvania House of Representatives, serving the 200th District. She served in the Pennsylvania House of Representatives for 12 years before winning a special election on May 17, 2005, for the Pennsylvania Senator serving the 4th Senatorial District. The 4th Senatorial District includes Abington Township, Cheltenham Township, Jenkintown, Springfield (Montgomery County), Rockledge, and part of Philadelphia (Wards 50, 10, 9, 22, 59, 12, 17, and 49).

SENATOR WASHINGTON maintains a district office in Montgomery County, located at 1168 Easton Road, Roslyn, as well as in Philadelphia at 1555-A Wadsworth Avenue. She also has an office in Harrisburg, Dauphin County.

The Pennsylvania Election Code requires all candidates or committees, on behalf of candidates, who raise money for campaign purposes to register their committee and file Campaign Finance Reports at intervals enumerated by Pennsylvania Department of State pursuant to the Election Code. A campaign committee for the benefit of **SENATOR WASHINGTON** was registered as "Friends of LeAnna M. Washington" with **SENATOR WASHINGTON'S** approval with the Pennsylvania Department of State in 1993 and provided an address of P.O. Box 27013, Philadelphia, PA 19118. **SENATOR WASHINGTON'S** political committee has been in existence since that time and maintains the same post office box. In 2005, **SENATOR WASHINGTON** amended her committee's registration to appoint Thane Martin, CPA, as Treasurer.

The Friends of LeAnna Washington Committee also established a bank account. Since January 17, 2007, **SENATOR WASHINGTON'S** campaign bank account for "Friends of LeAnna M. Washington" was held at Citizens bank. Authorized signers on the account were Denise Savage and Thane Martin. The address listed for the bank account and on checks from the account is 1528 Walnut Street, Suite 210, Philadelphia, Pa 19102, which is the office address of Thane Martin.

II. Employees of Senator Washington

Current and former employees of **SENATOR WASHINGTON'S** Senate staff testified before the Grand Jury. Each testified about the heavy-handed, micro-managing style of **SENATOR WASHINGTON** for the legislative work and constituent services conducted in her Senate District Offices. They testified that **SENATOR WASHINGTON** used the same

management style when instructing her Senate staff to organize and prepare—during state work hours and using state equipment in Senate leased offices— **SENATOR WASHINGTON'S** annual political campaign birthday fundraiser to raise money for her campaign coffers.

Because of **SENATOR WASHINGTON'S** heavy-handed management style and her Senate employees' concern to keep their jobs, they felt they could not say no when asked by **WASHINGTON** to perform campaign work - even though they knew it was not permitted to do this and that they had an obligation to report such events.

These employees heard repeatedly from **SENATOR WASHINGTON** that if they did not like their jobs, they could go elsewhere. It was not uncommon for **SENATOR WASHINGTON** to fire employees, cut their salaries, or reduce their work hours. Personnel records of employees support this testimony and the former Chief Clerk of the Senate noted the unusual high occurrences of such employment actions when he provided the records to the Grand Jury.

A. SEAN McCRAY

Sean McCray began his employment in June 2010 as **SENATOR WASHINGTON'S** Executive Director of the Aging and Youth Committee. In the summer of 2012, McCray was promoted to Chief of Staff. In the end, McCray was one of many people fired by **SENATOR WASHINGTON**.

At the beginning of his employment, McCray worked in **SENATOR WASHINGTON'S** Senate Office in Montgomery County. McCray moved to **SENATOR WASHINGTON'S** Senate Office in Philadelphia when he became Chief of Staff. McCray became concerned about political campaign birthday fundraiser tasks being conducted by Senate employees during the state workday. McCray sat through the required Senate ethics training and knew it was not permitted. McCray described how Jamila Hall, a paid intern, was assigned to help then-Chief of Staff Denise Savage with the political campaign birthday fundraiser.

When McCray became Chief of Staff, he confronted **SENATOR WASHINGTON** about the political campaign birthday fundraiser tasks accomplished during the state workday. **SENATOR WASHINGTON** told him she would change that. However, it did not change. What did change was **SENATOR WASHINGTON'S** relationship with McCray. Suddenly, **SENATOR WASHINGTON** began to find fault with McCray and their relationship became

very strained. About a month after pointing out the improper activity, **SENATOR WASHINGTON** cut McCray's salary by \$10,000.

In 2012, McCray observed Jamila Hall handle many tasks for the political campaign birthday fundraiser in the legislative office and utilize the summer interns to get out the invitations. McCray felt it was a breaking point for him "to see it so out in the open," invitations literally out in the middle of the office. McCray testified that **SENATOR WASHINGTON** directed it all.

McCray again confronted **SENATOR WASHINGTON** about the political campaign fundraising activity during the state workdays in approximately early October 2012. McCray reminded **SENATOR WASHINGTON** that she said she was going to change the practice of the campaign activity being conducted from the Senate offices. McCray testified that he knew he was done when **SENATOR WASHINGTON** responded:

I am the f _ _ _ ing senator, I do what the f _ _ _ I want, how I want, and ain't nobody going to change me. I have been doing it like this for 17 years. So stop trying to change me.

Thereafter, McCray met with Montgomery County law enforcement officials and provided information concerning **SENATOR WASHINGTON'S** campaign conduct during the state workdays. On January 15, 2013, a Detective was assigned to the investigation and McCray continued to provide information. McCray was fired by **SENATOR WASHINGTON** on February 7, 2013.

B. JAMILA HALL

Jamila Hall was a paid intern for five years at the Senate Offices of Pennsylvania **SENATOR LEANNA M. WASHINGTON** during the summers of 2007 through and including 2011. While she attended college, Hall also worked as an intern during winter breaks from school. In August 2011, Hall accepted a full-time position as a Legislative Assistant for **SENATOR WASHINGTON**. Hall resigned her position in October 2012.

As an intern, Hall reported directly to then-Chief of Staff Denise Savage. Hall testified that her primary duty as a paid Senate intern was to assist Denise Savage in preparing for **SENATOR WASHINGTON'S** political campaign birthday fundraising event each year.

As an intern, Hall arrived home from college in May and began her internship. Hall described her job responsibilities and the timeline of the organization of the political campaign birthday fundraiser to the Grand Jury:

So May, June, we would update mailing lists, confirm the supporters. And the supporters were people who gave Senator Washington a minimum of \$1,000. We would prepare the mailing lists, which were broken down into different price ranges, anywhere from \$300 to complimentary, like some of the city and state elected officials would receive complimentary invitations.

We would also list the supporters on the invitation during this time, and provide a list of guests to the Senator to edit and to add or delete people.

June and July we would create the actual invite for the Senator's approval, shop for paper, purchase stamps. The Senator would review and edit the layout and wording. Once she was satisfied, we would run the labels and begin sending the invitations.

We would also meet with caterers, decorators, photographers, regarding the menu and the theme and her vision for the party. All orders were placed, like party items, ice sculpture, bubble machine, chairs, balloons, tents, linen, tables. Checks would also begin to come in via Post Office box, and also, hand delivered. The Senator would bring them into the office, or people would drop them off to the office.

Then pretty much in August, the thank yous were prepared and distributed. And if there were any outstanding bills, they were paid for during that time.

Hall testified that she accomplished all the above tasks during her state working day and using state office equipment. Hall testified that she performed all of the tasks under **SENATOR WASHINGTON'S** direction. When asked "What direction did she give you?" Hall replied: "Get it done." Hall also testified that **SENATOR WASHINGTON** attended every meeting, such as with the caterers. **SENATOR WASHINGTON** would meet with Hall during the workday in the Philadelphia District Office to discuss the tasks, such as the invitations.

Hall testified further concerning **SENATOR WASHINGTON'S** involvement, describing how the invitee list was generated each year. Hall testified that lists of potential invitees were printed from previous lists kept on the Senate computers and given to **SENATOR WASHINGTON** to review and mark up. **SENATOR WASHINGTON** would say yes or no to the individual and decided what dollar amount would be on that individual's invitation. Hall indicated that the Senate office has access to a voter information system (VIS) and could verify names and addresses. Hall described **SENATOR WASHINGTON** combing through the list

while sitting at a table in her district office during the workday and commenting out loud about the people on this list.

SENATOR WASHINGTON selected a theme each year for the political campaign birthday fundraiser, and the food and decorations would tie into the theme. Hall or Savage would print a draft invitation from the template used the previous year with changes for the theme and date. The draft invitation was given to **SENATOR WASHINGTON** when she came to the office and **SENATOR WASHINGTON** would direct what changes to make and then give her final approval.

The invitations were printed using the Senate office equipment during the workday. Hall estimated between 1,000 and 1,500 invitations would be printed. During Hall's tenure, the printing of the invitations went from use of regular Senate office copy paper to purchased stock paper and, likewise, from printed envelopes to printed labels for the envelopes. Hall also noted that, in her early years, they would use the Senate Office post meter but in 2010 they started buying stamps for the invitations.

The RSVPs and campaign contribution checks for the political campaign birthday fundraiser would be sent to P.O. Box 27013, Philadelphia, as instructed on the invitation. **SENATOR WASHINGTON** would retrieve the items from the Post Office box and bring them to Hall in the Senate Office. During her workday, Hall would process the campaign contribution checks by making a copy of each utilizing the Senate office equipment and placing the name, address, and check amount onto an Excel spreadsheet, using a Senate computer. Hall would fill out a deposit ticket and she, Savage, or **SENATOR WASHINGTON** would take the checks to the bank to deposit into the "Friends of LeAnna Washington" account. A binder of the incoming and outgoing checks for the campaign account "Friends of LeAnna Washington" was kept in the Senate office. All of this was done during her state workday and using the state office equipment.

Hall testified that she spent most of her workdays between May and July working on the political campaign birthday fundraiser.

Later in her tenure, after Savage resigned, Hall took over the in-office responsibilities for **SENATOR WASHINGTON'S** political campaign birthday fundraiser and was responsible for transmitting the campaign contribution information to the Campaign Treasurer for the Campaign Finance Report.

When Savage left the employ of the Senate, many of the documents necessary to organize the political campaign birthday fundraiser and campaign spreadsheets were removed from Senate computers and saved to thumb drives. During Hall's winter break from college in 2010, **SENATOR WASHINGTON** met with Hall and asked her to take over the political campaign birthday fundraiser duties since Savage had resigned from the office. Savage gave Hall the thumb drive containing birthday documents and also explained how to process the campaign checks and receipts to send to Thane Martin's office. **SENATOR WASHINGTON** instructed Hall to call Savage with questions.

Hall later received an additional thumb drive from Savage when working on the political campaign birthday fundraiser. Hall used the state computers and the documents on the thumb drives. Hall also used the thumb drives when preparing the spreadsheets to send to Thane Martin's office. Hall sent the information from the Senate computers to Thane Martin's Office and **SENATOR WASHINGTON** via her personal e-mail because **SENATOR WASHINGTON** thought that people could tap into the state e-mail. All campaign checks and receipts that **SENATOR WASHINGTON** gave Hall to include in the campaign report information were retained in a binder in the Senate office.

Hall stated that Denise Savage remained involved in assisting in the political campaign birthday fundraiser planning after she left the employ of the Senate, and Hall communicated with Savage via email or phone throughout the days in preparation for the political campaign birthday fundraiser. The Grand Jury received phone records of Jamila Hall, which show Hall called Savage 52 times during business hours between June 16, 2011, and August 15, 2011.

Hall became a full time employee in August 2011 and oversaw the summer interns' work on the political campaign birthday fundraiser in 2012. Hall stated that in addition to her and Denise Savage, paid Senate interns were hired and assisted in the preparation for the political campaign birthday fundraiser. Hall also stated that other staff members assisted with the political campaign birthday fundraiser preparation during their regular work hours. Records reveal that, in 2012, Hall called Savage 37 times during business hours between May 16 and August 15. Savage called Hall 16 times during business hours in that same time period.

Hall related that, during her tenure, she was warned by **SENATOR WASHINGTON** to be discreet while doing the political campaign birthday fundraising activities at the Senate office, not to discuss anything with people from outside of the Senator's offices, not to leave invitations

on the copier or desks, and to work in a rear office that was out of sight. **SENATOR WASHINGTON** instructed Hall not to let specific people see campaign activity in the Senate office. Hall knew that the people mentioned by **SENATOR WASHINGTON** had law degrees and objected to such activities because they knew it was not permissible.

Hall testified that the political campaign birthday fundraising activities were done at both the Philadelphia and Montgomery County Senate District Offices until Sean McCray, the Chief-of-Staff after Denise Savage, expressed his concern to the Senator. After this occurred, Hall was instructed by **SENATOR WASHINGTON** to work mainly out of the Montgomery County Office, where there were fewer staff members working. Hall added that, if a staff member questioned the Senator about conducting the activities on Commonwealth time, they would "be out the door."

Like many of the employees, Hall described a difficult work environment in which **SENATOR WASHINGTON** was verbally abusive to the employees. Hall saw a high turnover rate of employees on **SENATOR WASHINGTON'S** staff as **SENATOR WASHINGTON** often fired employees or employees left quickly.

Hall herself left in October 2012 when she felt she could no longer take **SENATOR WASHINGTON'S** verbal abuse. When she left, Hall handed **SENATOR WASHINGTON** the binder of the campaign finance report checks and receipts and the thumbs drives with the campaign birthday fundraiser documents.

When approached by Agents of the Office of Attorney General during the investigation, Hall consented to Agents recording a telephone call between herself and **SENATOR WASHINGTON**. Hall placed a call to **SENATOR WASHINGTON'S** cell phone. During the call, Hall explained to **SENATOR WASHINGTON** that Agents from the Attorney General's Office wanted to speak to her about the Senate office.

HALL: So if they ask me you know when I'm talking to them if stuff happened in the office I mean what am I able to say to them.

WASHINGTON: Well you can say we didn't do any campaign work in the office. If they ask you about the birthday party say I don't know what you say, say at one time we just stuffed some envelopes after work or whatever I don't know.

HALL: But what if, what if they know that it did happen?

WASHINGTON: How will they know?

HALL: I don't know if you're saying like Sean maybe did reach out to them. I mean how do, we know that he didn't have any documents or anything or

WASHINGTON: How would he have any documents. He couldn't, he couldn't tape anything without your permission without people knowing that he was taping anything. I mean he did some things too. You know what I'm saying?

....

HALL: So you know here's my question to you and then you know I kind of just don't know where to go from there um, kind of knowing what kind of work we did in the office and copier and using the different machines is it wrong to say yea or nay. Was that supposed to not happen at all?

WASHINGTON: Well it wasn't supposed to happen that's why Denise had you doing what she had you doing.

HALL: Mm, hmm, ok so um I don't know.

WASHINGTON: I don't know either. You know I'm so angry because um, um I don't know. It's just a bad place to be so I'll probably have to resign.

As an intern, Hall was paid \$10.00 to \$11.00 an hour. In 2011, when Hall became a full-time Senate employee, her salary was \$25,000 and was increased to \$30,000 before her resignation.

C. DENISE SAVAGE

Denise Savage worked for **SENATOR WASHINGTON** as the Chief of Staff from May 2005 to December 2010. Savage resigned her employment at a salary of \$73,000. Savage had no prior political experience (she had worked previously in the social work field). Savage described her Chief of Staff role as the overseer of the day-to-day operations of **SENATOR WASHINGTON'S** Philadelphia and Montgomery County Senatorial District Offices. Savage testified that she had no decision-making power and that all decisions were made by **SENATOR WASHINGTON**. As an example, Savage testified that, if an employee was late for work, she had to discuss this with the Senator before saying anything to the employee. Savage described **SENATOR WASHINGTON** as very "hands-on" in the office, making every decision and ruling with an "iron fist." **SENATOR WASHINGTON** openly reprimanded employees in front of staff.

Each year, Savage, at the instruction of **SENATOR WASHINGTON**, was responsible for the organization of **SENATOR WASHINGTON'S** political campaign birthday fundraiser. **SENATOR WASHINGTON'S** birthday is July 28, and **SENATOR WASHINGTON** would hold a large-scale campaign fundraiser to celebrate. In most years, it was the only campaign fundraiser held by **SENATOR WASHINGTON** to fill her campaign chest. Savage testified that **SENATOR WASHINGTON** was very involved in the organization of the political campaign birthday fundraiser.

Each year around February, **SENATOR WASHINGTON** would instruct Savage to secure the date for the political campaign birthday fundraiser. Since 2008, the fundraiser has been held at the Belmont Mansion in Philadelphia. Savage would call the Belmont for available dates and provide them to **SENATOR WASHINGTON** to select the date. Savage would then call the Belmont with the selected date. In late April or early May, **SENATOR WASHINGTON** would instruct Savage to secure the caterer. Since 2008, the caterer has been David Smith of MEN AT WORK CATERING. In May, **SENATOR WASHINGTON** and Savage would meet with the representative of the Belmont Mansion and caterer. Savage testified that **SENATOR WASHINGTON** would instruct her to "set the meeting up with the mansion, and make sure you're available to go. You'll be with me." The meetings occurred during the workday.

Although Denise Savage was tasked with organizing **SENATOR WASHINGTON'S** political campaign birthday fundraiser, **SENATOR WASHINGTON** made all decisions regarding the event from the theme to the color of the napkins. Savage discussed the event openly with **SENATOR WASHINGTON** during the workday in the Senate office. Savage testified that from May until the fundraiser occurred at the end of July, her priority in the office was the political campaign birthday fundraiser.

In May, Savage would begin the process of developing the invitation. Savage would give the draft invitation to **SENATOR WASHINGTON** during the workday and **SENATOR WASHINGTON** would return it to her with changes. Savage would make the changes at her desk and return it to **SENATOR WASHINGTON** again. Savage testified that it could take five or six drafts before **SENATOR WASHINGTON** approved the invitation for the political campaign birthday fundraiser.

Under the instructions of **SENATOR WASHINGTON**, Savage utilized Senate employees and Senate office equipment to accomplish the tasks related to **SENATOR WASHINGTON'S** political campaign birthday fundraiser during the Senate workday. Senate employee Paulette Bailey maintained lists on her Senate computer of potential campaign birthday invitees. In May, Bailey would print the lists for **WASHINGTON'S** approval. **SENATOR WASHINGTON** would review the list in the Senate office and decided which individuals would get an invitation and the required contribution amount for each invitee. Savage recalled that there were as many as four to six different lists that **SENATOR WASHINGTON** reviewed. Bailey made corrections, additions, and deletions per **SENATOR WASHINGTON'S** instructions. Once **SENATOR WASHINGTON** approved all invitees and contributions amounts, **SENATOR WASHINGTON** gave the lists to Savage for invitations with instructions to get the invitations out quickly. Savage testified that "the bulk" of the invitations were printed in the office utilizing the Senate equipment. Savage estimated that 500 to 700 invitations were printed.

Besides witnessing the printing of the invitations at times, **SENATOR WASHINGTON** would inquire about the invitations, asking Savage "are you guys getting this done today" or "Denise are you getting invitations out?"

The mailing labels also were printed using Senate equipment. Savage recalled different employees, including herself, Paulette Bailey, or Jamila Hall, printing the labels.

Jamila Hall was a paid college intern who would arrive in May each year. Savage used Jamila Hall to work on the political campaign birthday fundraiser. Savage recalls telling Hall, "We have to get done quickly; we're not supposed to be doing this."

When all invitations and mailing labels were printed, Savage would separate the piles according to required donation amounts on the invitations. Savage would gather four to five Senate employees in the back room of the Philadelphia Senate District Office and all would stuff envelopes during the workday until the task was completed.

Once the invitations went out, **SENATOR WASHINGTON** would wait for the contributions checks to arrive. The checks responsive to the political campaign birthday fundraiser were sent to **SENATOR WASHINGTON'S** campaign Post Office Box. Only **SENATOR WASHINGTON** had a key to the mailbox. **SENATOR WASHINGTON** would retrieve the checks from the mailbox, bring them to her Philadelphia Senatorial District Office,

and give them to Savage. **SENATOR WASHINGTON** required Savage to copy the checks and record them in an Excel spreadsheet, which she did during her Senate workday. Savage would deposit the checks and at the appropriate times provide the Excel spreadsheet to **SENATOR WASHINGTON'S** accountant for the Campaign Finance Report.

Savage described the political campaign birthday fundraiser as a "grand, gala event" for **SENATOR WASHINGTON**. Each year, **SENATOR WASHINGTON** selected a song to make her grand entrance. **SENATOR WASHINGTON** would select a DJ each year and provided playlists because she loved to dance.

After the event, **SENATOR WASHINGTON** would approve the payment of invoices and Savage would write the checks. From the Excel spreadsheet of contribution checks, thank-you notes would be generated and sent. Savage performed these functions during her Senate workday while utilizing the Senate office equipment.

Although Savage had signatory authority for the "Friends of LeAnna Washington" campaign account, before writing any check, Savage had to secure **SENATOR WASHINGTON'S** approval by providing invoices and receipts, which were then retained by **SENATOR WASHINGTON**. When Savage was the Chief of Staff, the campaign checkbook was kept in a cabinet in her Senate office. When Savage left the employ of the Senate, the checkbook and all supporting documents remained in **SENATOR WASHINGTON'S** Philadelphia Senate District Office. Because Savage remained signatory on the bank account, she would sign a number of blank checks and leave them with **SENATOR WASHINGTON**.

Savage estimated that, if she added up the tasks ^{completed} ~~completed~~, some taking minutes, some hours, she spent ten full workdays organizing **SENATOR WASHINGTON'S** political campaign birthday fundraiser. Savages estimated similar time for Hall and a couple of days work from other Senate employees in addition to using Senate equipment.

When Savage left the employ of the Senate, Jamila Hall took over the internal duties related to **SENATOR WASHINGTON'S** political campaign birthday fundraiser. Savage stated that Hall would call her endlessly with questions. Savage continued to help and returned to the Senate district office during printing and envelope stuffing days. When Hall left the employ of the Senate in the fall of 2012, **SENATOR WASHINGTON** asked Savage to again take responsibility for the political campaign birthday fundraiser in 2013. Savage met **SENATOR**

WASHINGTON in the Philadelphia Senate district office, where **SENATOR WASHINGTON** gave Savage the thumb drives Hall previously had left with her.

Savage testified that, in 2013, the draft of the invitation went back and forth with **SENATOR WASHINGTON** so many times that Savage was late in getting the invitation out. Savage had a planned vacation. **SENATOR WASHINGTON** told her to come to the Senate office and two interns would help her complete the tasks. Savage asked **SENATOR WASHINGTON** if there was anyone that Savage needed to be concerned about while performing these functions for the campaign birthday fundraiser at the Senate District Office. In response, **SENATOR WASHINGTON** identified her current Chief of Staff but assured her that she would take care of it. When Savage arrived at the Philadelphia Senate office, the Chief of Staff was conveniently in Harrisburg that day, and the next day was assigned to the Roslyn District Office. Savage printed the invitations and labels on the Senate equipment and utilized the two interns to help her stuff the envelopes.

Savage testified that, during her employment with the Senate, she knew that no campaign or fundraising tasks were permitted during the Senate workday. She also knew that a Senate employee could not be forced to participate in campaign work. During her employment with the Senate, Savage noted that a few Senate employees—those with legal degrees—objected to the campaign work. **SENATOR WASHINGTON** always warned Savage about those around whom she needed to be discreet regarding her campaign activity during the workday.

Since the day she began her employment in 2005, Savage was loyal to **SENATOR WASHINGTON**. She worked tirelessly, doing anything **SENATOR WASHINGTON** asked without hesitation. Savage admitted that from the start of her employment—whenever asked by **SENATOR WASHINGTON** to do so—she participated in campaign work during her Senate workdays.

D. PAULETTE BAILEY

Paulette Bailey has worked for **SENATOR WASHINGTON** since 2001, first in the House of Representative^s and then following her to the Senate. Bailey works out of **SENATOR WASHINGTON'S** Philadelphia District Office at a salary is \$41,000.

Bailey testified that the political campaign birthday fundraiser is an annual event. Bailey confirmed that, when Denise Savage was Chief of Staff, Savage coordinated the political

campaign birthday fundraiser during the state workday and utilized the state office equipment to do so.

Each year, **SENATOR WASHINGTON** would ask Bailey to print the list of individuals for **SENATOR WASHINGTON** to review for the political campaign birthday fundraiser invites. Bailey could see and hear **SENATOR WASHINGTON** review the list and make additions and deletions. Bailey testified that the political campaign birthday fundraiser coordination was done openly in the Senate office each year. Bailey knew it was not permitted but did not object because she did not want to lose her Senate job.

The Grand Jury saw an example of this process in a memorandum from Bailey to Denise Savage dated May 1, 2009, with the subject, "birthday Invite Info." The memo started, "Per Senator Washington, please include the following for the birthday mailing list. They are as follows....." The memo concluded with, "I will forward the mailing addresses to you soon."

The invitations for the political campaign birthday fundraiser were printed on the state computers and Bailey and other staff members would stuff the envelopes in the back room of the Philadelphia District Office. Sometimes Bailey would stuff at her desk. All was accomplished during the state workday.

When Savage left the employ of the Senate, Savage would continue to assist in the coordination of the political campaign birthday fundraiser and return to the office each year when the invitations were printed. Jamila Hall took over coordination in the office.

Bailey described the same tasks each year for the political campaign birthday fundraiser. Bailey knew it was wrong, but felt she did not have a choice but to do what **SENATOR WASHINGTON** asked of her. Bailey recalled a few times making requests to the Senate Graphic Design Department in Harrisburg to print the happy birthday posters for the political campaign birthday fundraiser. In 2013, **SENATOR WASHINGTON** asked her directly to make the request to the Senate Graphic Design department for the happy birthday posters.

E. JADA STEWARD

Jada Steward worked as a summer intern for **SENATOR WASHINGTON** in 2011 and 2012, three days a week, at a rate of \$11.00 per hour. Steward testified that, as an intern, she did what she was told. Each year, Jamila Hall assigned her to help stuff, stamp, and place address labels on the invitations for the political campaign birthday fundraiser. Steward did this during her state workday. Steward explained that they (she and other staff) would do it in the

Philadelphia Office with instructions from Hall not to let Sean McCray see them doing it. Hall told Steward that Sean McCray was not supposed to know what they were doing in the office. At times, Hall drove Steward and another employee to the Montgomery County Office to complete the tasks. Steward testified that, during her first summer, she and another employee spent two days to complete their tasks. The other employee told her that they were not supposed to be doing this.

In 2012, Steward returned as a summer intern and Hall again assigned to tasks related to the political campaign birthday fundraiser. Steward testified that she worked on the political campaign birthday fundraiser event for two weeks in 2012 out of both the Philadelphia and Montgomery County offices.

Steward recalled that **SENATOR WASHINGTON** once walked into the Philadelphia Office while she was stuffing the birthday invitations and asked how she was doing. **SENATOR WASHINGTON** then asked Steward and the other employee to step out of the room so that she could speak with Jamila Hall. When **SENATOR WASHINGTON** was finished with Hall, Hall told them they would complete the tasks in the Montgomery County Office. Again, Hall instructed that Sean McCray was not supposed to know what they were doing.

F. MATT MYLES

Matthew Myles was employed by **SENATOR WASHINGTON** for Constituency Relations but also acted as **SENATOR WASHINGTON'S** driver. Myles joined **SENATOR WASHINGTON'S** staff in January 2009 and remains employed. Myles took a hiatus between July 2009 and July 2010.

Myles testified that the birthday event was no secret in the office and confirmed that it was discussed at staff meetings. Myles recalled hearing that the invitations must be sent out timely and heard logistics regarding the political campaign birthday fundraiser. Myles drove **SENATOR WASHINGTON** to meetings with the Belmont Mansion and caterers. One year at the political campaign birthday fundraiser, staff forgot boxes, which were back in the Philadelphia Office. Myles, having a key to the office, was asked by a staff member to go the office to get the boxes. Inside the boxes were the happy birthday posters for the political campaign birthday fundraiser.

In 2012, Myles was cleaning out part of the back room in the Philadelphia Office and found an open box. The box contained a binder and checks for the "Friends of LeAnna

Washington" account. Myles informed **SENATOR WASHINGTON**, who instructed him to put the box in her car.

Myles testified regarding the tumultuous relationship between Sean McCray and **SENATOR WASHINGTON** including yelling and profanity uttered by both. Myles heard McCray object to other staff about the political campaign birthday fundraiser tasks being conducted during the state workday.

G. DAPHNE OLIVER

Daphne Oliver worked for the Senate for 18 years. Oliver stayed in the Office when **SENATOR WASHINGTON** took over in 2005 from the previous Senator. Oliver worked out of **SENATOR WASHINGTON'S** Montgomery County Senate District Office.

Oliver testified that she learned about the annual political campaign birthday fundraiser immediately when **SENATOR WASHINGTON** became Senator. The fundraiser was originally held at **SENATOR WASHINGTON'S** home until it became too large and moved to the Belmont Mansion. **SENATOR WASHINGTON** discussed the event at staff meetings as if it was a Senate event. According to Oliver, Staff was expected to help. Oliver explained the difference between a Senate event and a campaign event. A Senate event is an event that benefits the constituents in the legislative district. A political campaign event is intended to raise funds for the elected official to use in running for office. The birthday event benefited **SENATOR WASHINGTON** and money went to her "Friends of LeAnna Washington" account.

Oliver saved some of the Agendas from the staff meetings and shared them with the Grand Jury. On the agenda for the January 21, 2010, staff meeting, one item was the yearly calendar of events. A calendar titled "Tentative 2010 Yearly Calendar Events for the 4th Senatorial District" was attached. On the calendar, July 31 was marked "birthday event."

On a paper with the seal and titled "STAFF RETREAT February 19, 2008 AGENDA," an agenda items listed events on the "4th Senatorial Event Calendar." Number 4 on the list was "birthday fundraiser July 26, 2008." Oliver noted that the Staff Retreat is a paid workday.

On a paper titled "Senator Washington – Staff Meeting Friday, October 12, 2007" and agenda items read: "Future Goals: Fundraising – meeting with lobbyist."

Oliver testified that **SENATOR WASHINGTON** conducted each of the meetings.

Oliver worked from **SENATOR WASHINGTON'S** Montgomery County Senate District Office. Oliver received an invitation to the political campaign birthday fundraiser each

year. In 2010, she noted that her invitation was post-metered from **SENATOR WASHINGTON'S** Montgomery County Senate District Office. Oliver, knowing that campaign work in the office and use of Senate equipment for campaign work was not permitted, brought this to **SENATOR WASHINGTON'S** attention. Oliver reported that **SENATOR WASHINGTON** did not seem surprised and offered no explanation.

Oliver described **SENATOR WASHINGTON** as "very, very controlling" and someone who had no problem embarrassing staff in staff meetings. Oliver said it was a "very difficult, very awkward environment in which to work."

H. BELMONT MANSION and MEN AT WORK CATERING

Since 2008, **SENATOR WASHINGTON'S** political campaign birthday fundraiser has been held at the Belmont Mansion in Philadelphia and catered by MEN AT WORK.

The CEO of the Belmont Mansion recalls meeting with **SENATOR WASHINGTON** each year to discuss the use of the Belmont Mansion facility and that **SENATOR WASHINGTON** "made the decision about everything else, like the entertainment and food." The CEO of the Belmont Mansion recalled that **SENATOR WASHINGTON** would come during a weekday and her driver, a Senate employee, waited outside. The CEO recalled another individual, whom the CEO assumed was a volunteer, "because it was the Senator making all of the decisions about the party." The CEO did not recall Denise Savage attending the meetings.

Each year until 2012, **SENATOR WASHINGTON** would negotiate for and accept the use of the Belmont Mansion facility as a "donation."

Although the CEO of the Belmont Mansion signed a written statement to an Agent of the Attorney General's Office that the rental price of the facility for such an event ordinarily would have been \$2,500.00, the use of the facility was "offered to **WASHINGTON** as a contribution because of her constant support." The CEO stated:

Since 2008 up until this year, we didn't charge Senator Washington for use of the Belmont Mansion because she has always been supportive for the Underground Railroad Museum (which is part of the Belmont Mansion). We have a new building currently going up, and Senator Washington recommended the project for grant money.

Certified campaign finance records of **SENATOR WASHINGTON** received from the Pennsylvania Department of State, and reviewed by Agents of the Attorney General's Office and the Grand Jury, reveal that **SENATOR WASHINGTON** did not report as an in-kind

contribution the "donated" use of the Belmont Mansion facility for her campaign event in any year from 2008 through and including 2013. Candidates are required to report in-kind contributions, along with all money received to their campaigns.

The records reveal that **SENATOR WASHINGTON** has reported other in-kind contributions, demonstrating her awareness of the reporting requirement. Records do reveal that in 2012 **SENATOR WASHINGTON** donated from her campaign account \$200 to the American Women's Heritage Society, which is a non-profit organization associated with the historic Belmont Mansion. In 2013, **SENATOR WASHINGTON** donated \$1000.00 to the American Women's Heritage society.

Each year, a company called MEN AT WORK catered the political campaign birthday fundraiser. The owner of MEN AT WORK ("Owner") recalled meeting at the Belmont Mansion with **SENATOR WASHINGTON** and usually Denise Savage, together with the owner of the Belmont Mansion, each year (except in 2013) to discuss the political campaign birthday fundraiser. Owner recalled that, in 2013, **SENATOR WASHINGTON** and Savage came to his office. Owner recalled one year going to **SENATOR WASHINGTON'S** Philadelphia Senatorial District Office to discuss something about the political campaign birthday fundraiser with Denise Savage.

Owner would provide requested party related items for the event. One year, **SENATOR WASHINGTON** wanted an ice sculpture and a bubble machine another year. Owner or his office would contact Denise Savage and later Jamila Hall regarding the political campaign birthday fundraiser planning.

Each year, **SENATOR WASHINGTON** would provide Owner the theme for the political campaign birthday fundraiser to correlate with the menu. **SENATOR WASHINGTON** insisted on a reduction of costs. As a result, Owner "denoted" a portion of the catering costs.

Owner provided documents for the Grand Jury to review. Correspondence, such as proposed menus, from MEN AT WORK was addressed through Savage and later to employee Jamila Hall. For instance, in 2008, 2009, and 2010, the working catering menu proposal was addressed to **SENATOR WASHINGTON'S** Philadelphia district office as follows:

Senator LeAnna M. Washington
Attn: Denise Savage
Phone: (215) 242-0472
E-mail: dsavage@paSenate.com

The phone number above is to **SENATOR'S WASHINGTON'S** Philadelphia District Office and the e-mail is Savage's Senate work e-mail. At the end of 2010, Savage left the employ of the Senate, so, in 2011, the working catering menu proposal did not include Savage's e-mail but added instead the fax number to **SENATOR WASHINGTON'S** Philadelphia Senatorial District Office, that is, (215) 753-4538.

In 2012, the working catering menu proposal was addressed to "Jamelah," identifying as in previous years the phone number and fax number of **SENATOR WASHINGTON'S** Philadelphia District Office and including a personal e-mail account for "JChall." Jamila Hall left the employ of the Senate in the fall of 2012, so, in 2013, for the first time, the working catering menu proposal was not addressed to the Senate Office but rather to the personal contact information of Denise Savage.

In 2013, as payment for the \$3,500.00 catering costs for **SENATOR WASHINGTON'S** political campaign birthday fundraiser that year, Owner received three checks from three different political action committees (referred to as "PACs"), all located at the same address. The Grand Jury reviewed the checks contained in Owner's files, as well as **SENATOR WASHINGTON'S** Campaign Finance Reports. No report of the \$3,500.00, either as contributions or in-kind contributions, was found in **SENATOR WASHINGTON'S** Campaign Finance Reports. The checks produced were as follows:

DATE	PAC	Address	Amount	Payable to
7-29-2013	SWR & A PAC	200 S Broad St. Ste 850 Philadelphia, PA 19102-3823	\$1,000.00	Men at Work Caterers
7-29-2013	PHILA PAC	The Bellevue Ste 850 200. S Broad St Ste 850 Philadelphia, PA 19102-3823	\$1,000.00	Men at Work Caterers
7-29-2013	H-TECH PAC	The Bellevue, Suite 850 200 S. Broad St Philadelphia, PA 19102	\$1,500.00	Men at Work Caterers

Denise Savage explained to the Grand Jury that **SENATOR WASHINGTON** arranged for the PACs to pay for the caterer.

I. SENATE GRAPHIC DESIGN DEPARTMENT

Dawn Smith is the Director of Graphic Services for the Democratic Caucus of the Pennsylvania Senate. Smith's salary of \$85,000 is paid by the Pennsylvania taxpayers. Smith's office is in the capitol complex in Harrisburg.

Smith provided the Grand Jury with graphic items produced at the request of **SENATOR WASHINGTON'S** office. Admittedly, Smith did not retain all requests nor is she required to do so. Smith produced to the Grand Jury the posters and/or signs she made in the Senate Graphic Department for **SENATOR WASHINGTON'S** political campaign birthday fundraiser for years 2008 and 2013 and believed she fulfilled similar requests for other years. In 2008, Smith, at the request of **SENATOR WASHINGTON'S** office, produced three 20x30-inch posters on foam boards. The first poster contained a small graphic of a crescent moon and stars with the following words: "Celebration Under the Stars," "Birthday Celebration for Pennsylvania State Senator LeANNA M. WASHINGTON," "Belmont Mansion 2000 Belmont Drive Philadelphia, Pennsylvania 19131," "Invitation Only," "Make Right Turn." The second poster contained the same design and the words: "Celebration Under the Stars" "Birthday Celebration for Pennsylvania State Senator LeANNA M WASHINGTON," "Belmont Mansion 2000 Belmont Mansion Drive Philadelphia, Pennsylvania 19131." The third poster contained the same graphic design and the words "Celebration Under the Stars," "Host Committee," and a list of thirty-eight names. Smith stated that she created the posters on July 23, 2008.

In 2013, Smith was contacted by Paulette Bailey of **SENATOR WASHINGTON'S** office and requested seven 8½x11-inch designed signs in frames with stands that read, "Table Reserved Family Only." Bailey also requested four 20x30-inch posters on foam boards that read "Happy Birthday," "State Senator LeANNA M. WASHINGTON," "Belmont Mansion Invitation Only." Smith processed the request on July 24, 2013, and delivered the final versions to **SENATOR WASHINGTON'S** Harrisburg office. Smith has no budget for mailing and all requests are delivered to the Senator's office in Harrisburg.

Smith testified that, when she receives a request from a Senator, she produces a draft and sends it back to the Senator's office, usually in an e-mail, for approval before final printing. The

Senate Graphic Design Department is permitted to fulfill any request by a Senator that has a legislative purpose.

The Grand Jury reviewed the disk of documents provided by Smith and questioned the legislative purpose for some of **SENATOR WASHINGTON'S** requests for the Senate Graphics Services, such as the 2009 ad that pictured a pink ballerina with the words "Congratulations Bella" and the name of **SENATOR WASHINGTON's** granddaughter inserted, "Celebrating 10 years of Dance!" "Mom Mom Loves You," "State Senator LeANNA M. WASHINGTON." In 2010, a similar ad was prepared, reading, "Congratulations on your Graduation and your 11th Dance Recital. Keep Reaching for the Stars! Love, Mom-Mom State Senator LeANNA M. WASHINGTON."

SENATOR WASHINGTON also utilized the graphic design department to print a few hundred holiday cards each year for her. Smith testified that **SENATOR WASHINGTON** is one of two or three Senators that make that request.

J. Campaign Finance Reports

The Pennsylvania Election Code requires all candidates or committees, on behalf of candidates, who raise money for campaign purposes to file Campaign Finance Reports at intervals enumerated by Pennsylvania Department of State pursuant to the Election Code. As stated, **SENATOR WASHINGTON'S** campaign fund was "Friends of LeAnna Washington." On each of **SENATOR WASHINGTON'S** political campaign birthday fundraiser invitations reviewed by the Grand Jury, guests were instructed to make their contribution check payable to "Friends of LeAnna Washington P.O. Box 27013, Philadelphia, PA 19118."

Thane Martin was **SENATOR WASHINGTON'S** Campaign Treasurer and provided accounting services to **SENATOR WASHINGTON** for her to file her Campaign Finance Reports. Martin provided his files regarding **SENATOR WASHINGTON'S** Campaign Finance Reports for the Grand Jury to review. Martin advised an Agent of the Attorney General's Office that he would prepare the Campaign Finance Reports based upon the data and information he was provided from **SENATOR WASHINGTON'S** office. Martin explained that the information would come in the form of a spreadsheet and indicate what contributions were received and what expenditures were made. Martin would receive the spreadsheet in his office, either through e-mail or hand-delivered by one of **SENATOR WASHINGTON'S** Senate employees. Martin stated that he corresponded with **SENATOR WASHINGTON** normally by

cell phone. Martin would call **SENATOR WASHINGTON** and let her know when the Campaign Finance Report was complete for her review and signature. **SENATOR WASHINGTON** would come to Martin's office, briefly look at the report and sign it. The signature was notarized. Martin would file a report electronically and **SENATOR WASHINGTON** would take two copies.

Martin was adamant that he only provided accounting services to complete the report and was not knowledgeable regarding campaign finance rules. Martin was unaware of the in-kind contributions discussed in this Presentment and he did not question any campaign expenses.

Martin's records reviewed by the Grand Jury included many prepared spreadsheets by Jamila Hall and Denise Savage, as well as a few e-mails showing how he received the campaign information.

DATE	SENDER	SUBJECT	ATTACHMENT	Description
Wednesday April 11, 2012 3:33 p.m.	Jamila Hall (personal e-mail account)	Report – April 2012	LWApril.xlsx	Spreadsheet of expenditures and contributions
Friday January 27, 2012 2:50 p.m.	Jamila Hall (personal e-mail account)	Fwd: Scanned Document from the Office of Senator Washington	Img: 127151924- 001.pdf	Spreadsheet Outgoing and Incoming
Wednesday October 24, 2007 3:02 p.m.	Denise Savage Signed Denise Savage MHS Chief of Staff Office of State Senator LeAnna Washington	Please see attached	birthday payment amt. 2007 xls	Spreadsheet birthday contributions 2007 checks received
Wednesday May 13, 2009 9:01 am	Denise Savage Signed Denise Savage MHS Chief of Staff	Check #1256		Information regarding payee and amount on check

	Office of State Senator LeAnna Washington			

K. THE PENNSYLVANIA ELECTION CODE

The Election Code reporting requirements carry out the evident legislative intent that campaign accounts of candidates for public office be subject to the closest scrutiny. The Election Code defines contributions and expenditures so that the political candidate clearly understands what is permissible. The Election Code defines contribution as:

any payment, gift, subscription, assessment, contract, payment for services, dues, loan, forbearance, advance or deposit of money or any valuable thing, to a candidate or political committee made for the purpose of influencing any election in this Commonwealth or for paying debts incurred by or for a candidate or committee before or after any election. Contribution shall also include the purchase of tickets for events such as dinners, luncheons, rallies, and all other fund-raising events; the granting of discounts or rebates by televisions and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments provided for the benefit of any candidate, including any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or a person whose expenditures the candidate or committee must report under this act. The word contribution includes any receipt or use of anything of value received by a political committee from another political committee and also includes any return on investments by a political committee.

The Election Code further defines "valuable thing" so as to provide complete transparency regarding the identification of valuable benefits received by political candidates. A "valuable thing" means:

all securities, goods, facilities, equipment, supplies, personnel, advertising, services, membership lists commonly offered or used commercially, or other in-kind contributions provided without compensation, or at compensation which is below the usual and normal charge for goods or services at the time of the contribution and the amount charged the candidate or political committee...

As discussed above, **SENATOR WASHINGTON** did not report the "donated" Belmont Mansions facility for use of a political campaign birthday fundraiser as an in-kind benefit provided to her each year. Nor did **SENATOR WASHINGTON** report the benefit of the \$3,500 payment from the three political action committees for her catering costs for her 2013

political campaign birthday fundraiser. The Grand Jury found these failures to be violations of the Election Code.

The purpose of a candidate's campaign fund is to support the outcome of elections; as such, expenditures are permitted for this purpose. Per the Election Code, campaign funds may be expended for:

- (1) the payment, distribution, loan or advancement of money or any valuable thing by a candidate, political committee or other person for the purpose of influencing the outcome of an election;
- (2) the payment, distribution, loan, advance or transfer of money or other valuable thing between or among political committees;
- (3) the providing of a service or other valuable thing for the purpose of influencing the outcome for a nomination or election of any person to any public office to be voted for in this Commonwealth; or
- (4) the payment or providing of money or other valuable thing by any person other than a candidate or political committee, to compensate any person for services rendered to a candidate or political committee.

Through an Agent of the Attorney General's Office, the Grand jury reviewed the campaign expenditures listed by **SENATOR WASHINGTON** in her Campaign Finance Reports along with many invoices or receipts supporting her campaign expenditures for the period of 2008 through 2013.

The Grand Jury found a violation in one of the first expenditures it reviewed. In January 2008, the Commonwealth at the expense of its taxpayers provided **SENATOR WASHINGTON** a car, a 2006 Chrysler 300, for her Senate travel. **SENATOR WASHINGTON'S** Commonwealth-issued car was involved in an auto accident. **SENATOR WASHINGTON** used her campaign funds to pay \$1571.00 for the car repair. The Grand Jury found that the payment for the car repair with campaign funds did not qualify as a permissible expenditure under the Election Code.

Further review of **SENATOR WASHINGTON'S** campaign expenditures revealed more evidence that **SENATOR WASHINGTON** simply and systematically took advantage of her elected office and staff to perform campaign activity. On at least fifty occasions, **SENATOR WASHINGTON** utilized the Senate Graphic Design Department to create advertisements for which she then paid with her campaign funds to place the ad in various community event programs. The Grand Jury compared the disk of documents created for **SENATOR**

WASHINGTON by the Senate Graphics Design Department as provided by Dawn Smith with the invoices and supporting documents provided for the campaign expenditures.

The Grand Jury was troubled by the amount of advertisements prepared by the Senate Graphic Design Department and paid for by **SENATOR WASHINGTON'S** campaign funds. As noted above, Dawn Smith testified that the Senate Graphic Design Department is permitted to fulfill any request by a Senator that has a legislative purpose. The Grand Jury found that the fact the advertisements carried a cost to be placed into the community event's program evidenced that there was no legislative purpose behind the advertisement and it only sought to promote good-will for **SENATOR WASHINGTON'S** political purposes. If there were truly a legislative intent behind the advertisements, the Senate would have paid for their inclusion.

Besides utilizing the state resources of the Senate Graphic Design Department, the Grand Jury saw further evidence in the supporting documentation of **SENATOR WASHINGTON'S** campaign expenditures that **WASHINGTON** regularly used her Senate staff, Senate equipment, and Senate contact information, including her district office addresses, senate e-mail, phone, and fax numbers to respond to campaign requests and provide checks from her campaign account.

L. SENATOR WASHINGTON—SPONSOR OF THE ETHICAL CONDUCT RULES OF THE SENATE

SENATOR WASHINGTON has been a member of the Pennsylvania House of Representatives or Senate for almost twenty years. She has witnessed fellow Pennsylvania Senators and Representatives' criminal convictions for conducting campaign activities using their staff and state office equipment. Still, she not only failed to heed to the very public lessons of her colleagues; she ironically trumpeted Ethical Conduct Rules for the Senate that detailed prohibited campaign activities by Senate employees during the workday.

The Grand Jury heard from both Russell Faber, Chief Clerk for the Pennsylvania Senate, and Megan Consedine, Secretary/Parliamentarian of the Senate. Both Faber and Consedine hold nonpartisan positions in the Senate. Faber and Consedine described the history and workings of the Senate as well as permissible activities of a Senator and Senate employees.

Faber spent two stints as the Chief Clerk of the Senate from 1981 to 1986 and 1993 through 2013. Faber reviewed the history of Pennsylvania legislators convicted for using state personnel and/or resources for campaign purposes.

In 2007, the Pennsylvania Superior Court upheld the conviction of former Pennsylvania Representative Jeff Habay and in doing so set forth in no uncertain terms notice to all Pennsylvania legislators that using state employees to work on campaign activities and using state office equipment for campaign activities is criminal conduct. The Superior Court stated in the Habay decision:

Appellant [Habay] had fair notice and could easily predict that, in his capacity as an elected representative, he was not allowed to direct state-paid employees under his authority to conduct campaign and/or fundraising-related work, during state-paid time, for his personal benefit. Through his actions, Appellant secured a private monetary advantage for himself because, by having state employees work for him on his campaign and/or fundraising tasks while they were being paid by the state, he obtained the benefit of free campaign work funded by the taxpayers. In this same vein, Appellant, by virtue of using state employees, did not have to spend his own money to pay workers involved in such matters. The words of the statute surely allowed Appellant to understand that such conduct was prohibited by the law. He could have easily gauged his contemplated actions and predicted they were unlawful.

Commonwealth v. Habay, 934 A.2d 732, 738 (Pa. Super. 2007).

In 2007, Pennsylvania Senator Vincent Fumo was charged with using Senate employees for personal gain. He was convicted in 2009.

In 2008 and 2009, multiple members of the Pennsylvania General Assembly and their staff were arrested for utilizing state employees for campaign purposes. The prosecution was called "Bonusgate" and was well publicized. Thereafter came the prosecution of Pennsylvania State Senator Jane Orie, charged in April 2010 for using Senate employees and equipment to conduct campaign activities, and a prosecution of Pennsylvania State Senator Robert Mellow in 2012 for similar activity.

In 2010, as a response to the criminal convictions of other Pennsylvania legislators, the Senate passed a Resolution regarding rules for their own ethical conduct.

Consedine, as Secretary/Parliamentarian, keeps the official records for the Senate proceedings. Consedine, reviewing the official Senate record, testified that **SENATOR WASHINGTON**, in fact, was one of the sponsors of the Senate Ethics Code Resolution. Senate Resolution No. 228, introduced on January 19, 2010, and passed on June 14, 2010, provided for the adoption of the Ethical Conduct Rules of the Senate. In doing so, the Senate mirrored the

Pennsylvania laws. Consedine reviewed Resolution 228 with the Grand Jury. Notably, Resolution 228 provided:

1. No campaign activity may be conducted by Senate employee on Senate work time.
2. No campaign activity may be conducted by a Senator or a Senate employee in a Senate office or with Senate resources.
3. The solicitation or receipt of campaign contributions on Senate work time or with Senate resources is prohibited.
4. No Senate employee may be required to perform any campaign activity or make any campaign contribution.
5. Official Senate mailing lists shall be used solely for legislative purposes.
6. No Senate employee may be required to perform any nonwork-related task.

Resolution 228 defined "campaign activity" as

An activity on behalf of a political party, candidate, political committee or campaign, which is intended to advance the interests of a specific party, candidate, political committee or campaign for elective office, including any of the following:

- (1) Organizing a ... campaign event, including a fund-raiser where campaign contributions are solicited or received.
- (2) ...
- (3) Preparing a campaign finance report.

Resolution 228 also defined:

Official mailing lists—Any list containing individuals, companies or vendors, including names, addresses, telephone numbers or e-mail addresses that are procured, compiled, maintained or produced with Senate funds.

Senate resources—Senate-owned or Senate-leased equipment including telephones, computer hardware or software, copiers, scanners, fax machines, file cabinet or other office furniture, cell phones, personal digital assistants or similar electronic devices, and office supplies.

Senate work time—Publicly paid work time consisting in the aggregate of 75 hours every two weeks for full-time employees and a lesser amount of publicly paid hours every two weeks for part-time employees.

At the same time that **SENATOR WASHINGTON** acted as a sponsor of the Ethical Conduct Rules of the Senate, she and her employees—at her direction and under her supervision—were violating the very criminal laws the policy was based upon.

Faber also testified that the Pennsylvania taxpayers pay for Senators to lease space for their District Offices and fill the offices with furniture and office equipment. The lease space and equipment are for the sole purpose of performing legislative functions. According to Faber,

the Committee of Management Operations (COMO), The Pennsylvania Ethics Act, and the Financial Operating Rules of the Senate all provide guidance to Senators and their staffs regarding what types of activities are permissible and appropriate for a Senate employee. Faber also in his position would field questions from Senators and their staff. Faber does not recall receiving any calls from **SENATOR WASHINGTON** or her staff. Employees are also provided information regarding legislative work versus non-legislative work in orientation. Since 2010, employees have been required to acknowledge that they understand the Ethics rule and permissible activities.

Faber's office oversees the office expenses for Senators. Faber produced the leases for **SENATOR WASHINGTON'S** Philadelphia and Montgomery County district offices as well as its office equipment. Faber verified the lease amounts and payments for **SENATOR WASHINGTON'S** Philadelphia and Montgomery County district offices for 2008 through 2013. Below is the lease amount for July for the period of 2008 through 2013.

Month/Yr	Philadelphia Lease	Montgomery County Lease
July 2008	\$3,486.58	\$1,155.38
July 2009	\$3,434.27	\$1,188.02
July 2010	\$3,816.15	\$1,188.02
July 2011	\$3,546.07	\$1,207.87
July 2012	\$3,619.05	\$1,244.11
July 2013	\$3,442.61	

Faber also provided information regarding **SENATOR WASHINGTON'S** leased copy machines since 2005.

	Roslyn Office		Wadsworth Office	
	Current Copier	Prior Copier	Current Copier	Prior Copier
Install Date	5/28/2008	8/26/2005	5/28/2008	1/31/2006
Removal Date	N/A	5/28/2008	N/A	5/28/2008
Monthly Cost	\$ 282.80	\$ 329.00	\$ 286.82	\$ 390.00

The District Offices also provide computers for the employees.

Faber testified that a Senator cannot use a district office for political campaign or fundraising activity or for any means to gain monetary benefit for themselves.

M. Bank Records—Pecuniary benefit for LeANNA WASHINGTON

The Grand Jury reviewed the bank records provided by Citizen's bank for the Friends of LeAnna Washington account as well as the Campaign Finance Reports filed by **SENATOR WASHINGTON** and certified by the Pennsylvania Department of State. A review of these records confirms that **SENATOR WASHINGTON** benefited each year by using Senate employees and Senate equipment for her campaign purposes. The Grand Jury noted that **SENATOR WASHINGTON** opened a separate campaign office for approximately two months between March and May 18, 2010, when she was running for re-election. After winning the primary election on May 18, 2010, **SENATOR WASHINGTON** closed her campaign office. Records reflect that **SENATOR WASHINGTON** collected \$92,096.00 between March and May 2010 when her re-election campaign office was open.

YEAR	Opening Balance	Closing Balance	Gain for July / Aug	B-Day Party
2008	\$64,212.64	\$83,077.81	\$ 29,817.25	July 26
2009	\$83,077.81	\$95,430.49	\$ 26,100.00	July 27
2010	\$95,430.49	\$66,545.88	\$ 11,250.00	Aug 7
2011	\$66,545.88	\$58,823.30	\$ 18,715.00	Aug 6
2012	\$58,823.30	\$38,733.51	\$ 10,105.00	July 28
2013	\$38,733.51		\$ 11,885.00	July 27
			\$107,872.25	

SENATOR WASHINGTON should have used personal space and equipment paid for by her campaign funds to organize and prepare her political campaign birthday fundraiser.

N. Financial Impact

Based on the evidence presented of the misuse of Commonwealth employees and resources, the monetary loss to the Commonwealth ranges from a low of approximately \$30,000

to in excess of \$100,000. Ultimately, the true financial impact to the Commonwealth is not easily calculated.

The Grand Jury easily determined when witnesses were reluctant in their testimony. But for the use of immunity to witnesses who participated in time-consuming political campaign fundraising work during their workday while receiving a state salary, the information regarding the scope of **SENATOR WASHINGTON'S** crimes would have remained untold.

CONCLUSION

The testimony and evidence presented to the Grand Jury demonstrate that **SENATOR LEANNA M. WASHINGTON**, in her official capacity as a state legislator, directed state employees to conduct extensive and time-consuming political work, including substantial fundraising efforts, in Senate offices and by using Senate equipment—all for her personal and political benefit and financial gain. **SENATOR WASHINGTON** derived the benefit of a very considerable number of hours of labor—over an eight-year period of time—for which she otherwise would have needed to have paid from her campaign bank account or private funds, or would have needed to have found individuals to provide the labor voluntarily outside of the legislative workday. This she chose not to do. She instead simply and systematically took advantage of her elected office and during her entire tenure in the Senate stole the labor of Senate employees who were paid by the taxpayers to perform work for the constituents – and not a political campaign and not for a personal benefit of an elected official.