

Jerry W. Schrecker

May 3, 2018

John A. Strong
Special Agent in Charge
Federal Bureau of Investigations
7915 Microsoft Way
Charlotte, NC 28273

FORMAL COMPLAINT

Sir,

Please allow me to establish my bonafides.

I served with distinction in the United States Army Military Police Corp and was awarded the Armed Forces Expeditionary Medal for serving in combat for my country. I served with distinction with the Fayetteville Police Department and retired in good standing. I am a registered tax paying voter who lives in Cumberland County, N.C. and as such I believe that I have the appropriate legal standing to make this complaint.

I am writing to you because I am at a loss for where to turn to next for assistance in a matter that is very important to me as a registered voter and tax payer, as well as to many others in my community.

Your website states;

Election Crimes— Election crimes become federal cases when:

The ballot includes one or more federal candidates;

The crime involves an election official abusing his duties;

The crime pertains to fraudulent voter registration;

Voters are not U.S. citizens.

*Federal election crimes fall into three broad categories— **campaign finance crimes**, voter/ballot fraud, and civil rights violations.*

I have been approached by other Cumberland County citizens, retired deputies [see appendix "A"] and active duty Cumberland County deputies, who must remain unnamed to preserve their employment, with what I believe to be violations of the Federal Hatch Act as well as N.C. State laws.



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On October 28th, 2017 Cumberland County Sheriff Ennis Wright, conducted a “*Campaign Motorcycle Ride to Elect Sheriff Ennis Wright*” fundraiser.

It was widely observed and documented [see appendix “B”] that Cumberland County Sheriff Ennis Wright ordered, or allowed, the use of Cumberland County Sheriff’s Office equipment and personnel for the express purpose of facilitating his personal political election campaign fundraiser in apparent violations of the Federal Hatch Act.

Federal Hatch Political Activities Act as Amended: 5 U.S.C. 1501 through 1508

Revision No. 11 Federal Hatch Act Use of official authority; coercion; candidacy; prohibitions

A State or local officer or employee may not -

- a) Use his official authority of influence for the purpose of interfering with or affecting the result of an election or a nomination for office; or
- b) Directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose.**
- c) Be a candidate for elective public office in a partisan election.
- d) Use federal, State or other public funds to support a candidacy**
- e) Use State or local office to support a candidacy, including using official email, stationary, office supplies, or other equipment or resources.**

Signed into law on December 28, 2012, the Hatch Act Modernization Act, certain actions remain prohibited for all local employees including Sheriffs. These prohibited acts include: using federal or any other public funds to support the Sheriff’s candidacy; using the Sheriff’s state or local office to support the candidacy, including using official email, stationery, office supplies, or other equipment or resources; or coercing (whether it’s indirect or direct coercion) subordinates to volunteer for the campaign or contribute to the campaign.

From the Office of Special Council website: <https://osc.gov/pages/hatchact-affectsme.aspx>

Q: *Is it okay for an elected official who is covered by the Hatch Act to ask subordinate employees to help with his [or her] reelection campaign, or for supervisors to invite subordinates to a fundraiser for a partisan candidate or political party or ask their staff to volunteer for the governor’s campaign, or the campaign for any other elected official?*

A: *No. While elected officials are exempt from the candidacy prohibition of the Hatch Act, they are still subject to the other two prohibitions – the prohibitions against using one’s official authority to affect the result of an election and directly or indirectly coercing a state, D.C. or local employee to make a political contribution. Because it is inherently coercive for a supervisor to ask a subordinate employee to contribute to a*



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*political cause, the Hatch Act would **prohibit an elected official from asking subordinate employees to help or contribute to his reelection campaign.***

*As discussed above, it is inherently coercive for a supervisor to ask a subordinate employee to contribute to a political cause. Therefore, the Hatch Act would **prohibit a supervisor from asking subordinates to volunteer** for any partisan political campaign, political party, etc.*

***Inviting subordinate employees to a political fundraiser would violate two provisions of the Hatch Act.** First, inviting subordinate state or local employees to a political fundraiser would violate the Act's prohibition against directly or indirectly coercing, attempting to coerce, or advising other employees to make a political contribution, even if the supervisory employee does not expressly ask the individuals to contribute money. Second, inviting subordinate employees to any political event would violate the Act's prohibition against using one's official influence or authority to affect the result of an election. Such conduct is inherently coercive, and violates the Act even if the supervisory employee does not threaten to penalize subordinates who do not attend or promise to reward those who do attend.*

The Cumberland County Sheriff's Office received \$34,414.00 in a Federal Byrne Grant and \$79,036.00 in a NC Crime Commission Grant (federal money) which along with other federal monies listed in their 2017 adopted budget [appendix "D"] appears to make them quite subject to the Hatch Act.

In my research I noted that the North Carolina State Bureau of Investigation will initiate an investigation into such matters **only** at the request of a District Attorney or a U.S. Attorney.

Upon a valid request from a district attorney or United States attorney, the SBI conducts investigations into public corruption and government official misconduct involving public officials, public agencies and higher ranking law enforcement agency officials. These officials may include state legislators, U.S. congressmen, elected members of the Council of State, judges, district attorneys, sheriffs and police chiefs.

I have tried other avenues to bring about an appropriate response to this issue but feel that due to what can only be described as viciously protective partisan preferential treatment in this area that my requests for a fair and impartial investigation into this matter goes unheeded.

I contacted the Cumberland County District Attorney's office on November 14th, 2017 and asked to speak with Cumberland County DA William West about the issue. I was transferred to Sharon Pennica's voice mail. I left a message.

Later that day I received a call from Sharon Pennica, legal assistant to DA William West. I told Ms. Pennica of my concerns and she suggested that Sheriff Wright's use of the deputies and equipment may have been a "safety" issue. This immediate attempt on the part of Ms.



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Pennica to make excuses for Sheriff Ennis Wright's actions struck me as odd and certainly not an act of an impartial arbiter of law as a District Attorney's office should be.

Ms. Pennica said she would take my concerns to DA William West. I asked to be notified of his decision either way regarding requesting a NCSBI investigation into this matter so that I may seek other options if necessary.

On November 17th, 2017, I received a call from the District Attorney's office, Assistant District Attorney Baxter Worth Paschal, who informed me that he had contacted DA William West who was currently out of town at a conference and discussed my complaint.

ADA Paschal said that he had contacted several attorneys and an attorney's association and that they had determined that Sheriff Ennis Wright's actions were no different than someone requesting a funeral escort and that his actions were permissible.

ADA Paschal went on to say that an opposing sheriff's candidate could request and receive such an escort. I was uncertain how two political parties illegally using public tax dollars to facilitate their election campaigns equated to lawful acts in the mind of ADA Paschal. Two wrongs don't make a right. I told Paschal that I had information from the Office of Special Council that differed with his determination. I told Paschal that his determinations were unacceptable and that I was giving him and the District Attorney's office one more chance to do the right thing.

I told ADA Paschal that they were ignoring the fact that using tax dollars like that is illegal under N.C.G.S. § 153A-99 and the Federal Hatch Act, that we are tired of the state statute and Federal law being unethically repeatedly violated by the Cumberland County Sheriff's Office. ADA Paschal attempted the tired tactic of trying to put words in my mouth by saying "Are you telling me..." but I interrupted and told him that what I'm telling him is that their attempt to make a decision without a proper investigation is an unethical cover-up and that we were not tolerating it any longer.

I informed ADA Paschal that I would include the DA office in my complaint if necessary. He said that he would get back up with DA West but that he didn't think that he would change his mind.

I do not believe that Sheriff Ennis Wright's creation of a campaign fundraiser event that features a law enforcement escorted motorcycle pleasure ride in the country justifies his use of Cumberland County deputies and equipment to "keep it safe". Many are the times I've seen motorcycle convoys without a law enforcement escort enjoying the highways in safety. In fact, no law enforcement escort is the rule, not the exception.

Escorting a political campaign fundraiser motorcycle fun ride is simply not the equivalent of a socially acceptable solemn funeral escort to respect the deceased and is not in any logical sense an excusable ethical use of the tax dollars of Cumberland County residents. A funeral escort is an act that is conducted completely without favoritism towards political affiliation



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and does not benefit a living person while Sheriff Ennis Wright's acts are completely partisan and personally beneficial to him, the living.

Sheriff Ennis Wright created the alleged safety issue, if it's even arguable that there was a safety issue in the first place. The activity should never have been conducted if it required use of our tax dollars for **any** reason. Also notable was the excessive use of numerous county vehicles in comparison to the average funeral escort in Cumberland County.

I, and others, do not consider this an ethical or legal use of our tax dollars to be wastefully grandstanding and abusively using the authority and equipment of the Cumberland County Sheriff's Office to interfere with the commutes and lives of citizens for "Look at me!" personal election campaign reasons. Revision No. 11 Federal Hatch Act Use of official authority; coercion; candidacy; prohibitions, a State or local officer or employee may not – **Use federal, State or other public funds to support a candidacy or use a State or local (County) office to support a candidacy, including using official email, stationary, office supplies, or other equipment or resources.** That's firm. There's no "wiggle room". There is no alternate "interpretation".

This is not the first time in Cumberland County that this kind of wasteful activity with our tax dollars has been observed. It is my experience that our District Attorney, William West, will not investigate, or request investigations of, either the previous Sheriff, or the current Sheriff over violations of N.C.G.S. § 153A-99 and the Hatch Act. There is a particular partisan "clique" here that believes that they are excluded from our Federal and state's laws.

See: <http://tptn.fayettevilleforum.net/index.php/2017/04/01/sheriff-moose-butler-unlawfully-allows-deputies-to-appear-in-political-democrat-advertisement/> for an example of a similar past occurrence in which a complaint was rendered that was ignored by DA William West where uniformed Cumberland County deputies and vehicles were used in a political advertisement.

I also contacted Josh Lawson, JD/LLM – General Counsel of the N.C. State Board of Elections & Ethics Enforcement November 14th, 2017 requesting to know if there were violations in this matter and who would be the best authority to file a complaint with. I was advised that no opinion could be made and that he would take my information and I would be contacted about the matter. As of November 22nd, 2017, I have yet to receive a return call.

I simply can't understand how these people can be so weak of character, integrity and mind that they find it so easy to violate their oaths of office swearing to uphold the U.S. and N.C. Constitutions and the laws of the State of North Carolina.

I contacted the Office of the United States Attorney, Eastern District of North Carolina and spoke to an attorney there who stated that the correct place to file a complaint was with the FBI. Based on this information I'm now tendering my complaint to you.



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I respectfully ask that you open and conduct an investigation into **Sheriff Ennis Wright and any other Cumberland County Sheriff's department employee** who willfully and illegally participated in this matter because it appears to me that sufficient probable cause exists to support my complaint of violations of the Federal Hatch Act.

I respectfully ask that you open and conduct an investigation into **District Attorney William West, Assistant District Attorney Baxter Worth Paschal, and any other Cumberland County District Attorney employee** who willfully engaged in malfeasance and participated in attempts to cover up Sheriff Ennis Wright's violations of the Federal Hatch Act and N.C. State Laws.

I also respectfully request that someone from your office contact me and help me understand the proper process for violations of the Hatch Act in addition to advising me what action, if any, will be taken in this matter.

In summary; there is photographic evidence that Sheriff Ennis Wright ordered, or allowed, the use of county property in his personal election campaign when he knew, or reasonably should have known, that doing so was in violation of N.C.G.S. § 153A-99; County employee political activity, **and the Federal Hatch Act**. Such property being Cumberland County Sheriff's Office;

- Motorcycles
- Other motor vehicles
- Uniforms
- Assigned weapons
- Assigned LE radios
- Gasoline
- Departmental bull horn
- Departmental camera(s)

There is photographic evidence that Sheriff Ennis Wright ordered, or allowed, the use of uniformed Cumberland County Deputies to exercise traffic control and block traffic along a route through Cumberland County and Bladen County for the express and singular purpose of benefiting an election campaign fundraiser for his personal election campaign for sheriff.

There is photographic evidence that Sheriff Ennis Wright directly or indirectly coerced Cumberland County Sheriff's Office employees to make political contributions to his election campaign in the form of their time in assisting with the *"Campaign Motorcycle Ride to Elect Sheriff Ennis Wright"* fundraiser or their monetary contributions by inherently coercive expectations that they purchase raffle tickets as they would have been look upon unfavorably had they not made such purchases.

There is also a question of if, and if so how many, tax payer dollars were expended to pay the uniformed Deputies to perform traffic control services, in addition to the expensive fuel consumption, along a route from Gates Four, N.C. to White Oak, N.C. and back for the *"Campaign Motorcycle Ride to Elect Sheriff Ennis Wright"* fundraiser.

Also questioned is by what authority did the Cumberland County motorcycle patrol stop or block traffic in the County of Bladen where they hold no jurisdiction?

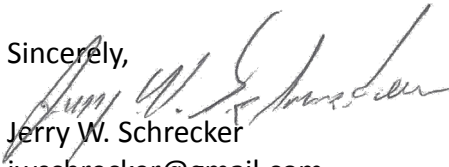


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This has gotten completely out of hand and we desperately need your assistance. Please help us in Cumberland County. Thank you very much for your attention and assistance in this matter.

Sincerely,



Jerry W. Schrecker

jwschrecker@gmail.com

910 309-9928

CC:

President Donald J. Trump
The White House
1600 Pennsylvania Ave., NW.
Washington, DC 20050

Hatch Act Unit
Office of Special Counsel
1730 M Street, N.W. (Suite 218)
Washington, DC 20036-4505

Dan Forest
Lt Governor
North Carolina Governor's Office
20401 Mail Service Center
Raleigh, NC 27699-0401



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Appendix "A"

We respectfully ask that you open and conduct an investigation into **Sheriff Ennis Wright and any other Cumberland County Sheriff's department employee** who willingly participated in this matter because it appears to us that sufficient probable cause exists to support our complaint of violations the Federal Hatch Act.

We respectfully ask that you open and conduct an investigation into **District Attorney William West, Assistant District Attorney Baxter Worth Paschal, and any other Cumberland County District Attorney employee** who willfully engaged in malfeasance and participated in attempts to cover up Sheriff Ennis Wright's violations of the Federal Hatch Act.



<u>Name</u>	<u>Email</u>	<u>Telephone#</u>
D [REDACTED] r	d[REDACTED]@gmail.com	910 3 [REDACTED] 8
M [REDACTED] r	M[REDACTED]@hotmail.com	910-6 [REDACTED] 6
L [REDACTED] e	t[REDACTED]@nc.rr.com	910 6 [REDACTED] 6
S [REDACTED] e	S[REDACTED]@aol.com	910 4 [REDACTED] 0
C [REDACTED] e	S[REDACTED]@aol.com	919-6 [REDACTED] 2
M [REDACTED] e	s[REDACTED]@aol.com	919-6 [REDACTED] 2
C [REDACTED] t	b[REDACTED]@yahoo.com	910-6 [REDACTED] 1
S [REDACTED] m	3[REDACTED]@gmail.com	910-9 [REDACTED] 9
S [REDACTED] m	3[REDACTED]@gmail.com	910-4 [REDACTED] 4
D [REDACTED] s	d[REDACTED]@aol.com	910-2 [REDACTED] 1
M [REDACTED] n	j[REDACTED]@aol.com	910-2 [REDACTED] 1
S [REDACTED] t	R[REDACTED]@aol.com	910-3 [REDACTED] 1
A [REDACTED] m	a[REDACTED]@aol.com	910-9 [REDACTED] 1
R [REDACTED] m	3[REDACTED]@gmail.com	910-3 [REDACTED] 3
L [REDACTED] s	j[REDACTED]@aol.com	910-2 [REDACTED] 6

We respectfully ask that you open and conduct an investigation into **Sheriff Ennis Wright and any other Cumberland County Sheriff's department employee** who willingly participated in this matter because it appears to us that sufficient probable cause exists to support our complaint of violations the Federal Hatch Act.



We respectfully ask that you open and conduct an investigation into **District Attorney William West, Assistant District Attorney Baxter Worth Paschal, and any other Cumberland County District Attorney employee** who willfully engaged in malfeasance and participated in attempts to cover up Sheriff Ennis Wright's violations of the Federal Hatch Act.

A [REDACTED] n	3 [REDACTED] @gmail.com	910-6 [REDACTED] 0
V [REDACTED] t	B [REDACTED] @yahoo.com	910-6 [REDACTED] 9
E [REDACTED]	[REDACTED] @hotmail.com	513-6 [REDACTED] 3
M [REDACTED] r	[REDACTED] @hotmail.com	812-6 [REDACTED] 2
D [REDACTED] r	[REDACTED] @hotmail.com	812-6 [REDACTED] 2
M [REDACTED] r	3 [REDACTED] @gmail.com	910-9 [REDACTED] 9



Appendix "B"

The following violations were photographically documented. All photographs were downloaded from: <https://www.facebook.com/Vote-Wright-2018-2017433661811843/>

	<p>Campaign advertisement depicting the "Campaign Motorcycle Ride to Elect Sheriff Ennis Wright".</p> <p>Denotes existence, date and time of the event.</p>
	<p>Banner depicting that the event was for the express purpose of fundraising for money to spend on the election of Sheriff Ennis Wright.</p>



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Photograph depicting five (5) Cumberland County Motorcycle Patrol Deputies blocking traffic for the *“Campaign Motorcycle Ride to Elect Sheriff Ennis Wright”* motorcycle convoy to traverse a roadway intersection unhindered. Cumberland County taxpayer dollars were unethically used in the form of deputy uniforms, uniform wear and tear, county motorcycles used and motorcycle wear and tear and gasoline used.



Photograph depicting Cumberland County motor vehicles and motorcycles escorting the *“Campaign Motorcycle Ride to Elect Sheriff Ennis Wright”* motorcycle convoy in violation of **the Federal Hatch Act.**



Photograph depicting a Cumberland County motor vehicle and motorcycles escorting the *“Campaign Motorcycle Ride to Elect Sheriff Ennis Wright”* motorcycle convoy in apparent violation of **the Federal Hatch Act.** Noted too is the excessive number of county vehicles in comparison to the average funeral procession.



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Cumberland County Motorcycle Patrol Deputy blocking traffic for the *“Campaign Motorcycle Ride to Elect Sheriff Ennis Wright”* motorcycle convoy to traverse a roadway intersection unhindered and unethically disrupting the commutes and lives of citizens for personal political campaign reasons.



Photograph depicting Sheriff Ennis Wright using Cumberland County Sheriff’s Office property (Bull Horn) to conduct personal campaign business at the *“Campaign Motorcycle Ride to Elect Sheriff Ennis Wright”*.



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Photograph depicting a Cumberland County Deputy using Cumberland County Sheriff's Office property (bull horn, uniform, assigned weapon, LE radio, badge) to conduct personal campaign business at the "*Campaign Motorcycle Ride to Elect Sheriff Ennis Wright*".

This is in violation of **the Federal Hatch Act.**

That's firm. There's no "wiggle room". There is no alternate "interpretation". The excuse that it was like a "funeral escort" does not relieve the escort of lawfully having to meet the elements of the Hatch Act that *public funds are not used for political or partisan activities.*



Photographic evidence that Sheriff Ennis Wright directly or indirectly coerced Cumberland County Sheriff's Office employees to make political contributions to his election campaign in the form of their time in assisting with the "*Campaign Motorcycle Ride to Elect Sheriff Ennis Wright*" fundraiser or their monetary contributions by inherently coercive expectations that they purchase raffle tickets in that they would have been look upon unfavorably had they not made such purchases.

It is also alleged that the camera(s) used to take these pictures at the "*Campaign Motorcycle Ride to Elect Sheriff Ennis Wright*" that were posted to Sheriff Ennis Wright's personal campaign Facebook account for his personal benefit were Cumberland County Sheriff's Office camera(s).



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Appendix "C"

N.C.G.S. § 153A-99. County employee political activity.

(a) Purpose. The purpose of this section is to ensure that county employees are not subjected to political or partisan coercion while performing their job duties, to ensure that employees are not restricted from political activities while off duty, **and to ensure that public funds are not used for political or partisan activities.**

It is not the purpose of this section to allow infringement upon the rights of employees to engage in free speech and free association. Every county employee has a civic responsibility to support good government by every available means and in every appropriate manner. Employees shall not be restricted from affiliating with civic organizations of a partisan or political nature, nor shall employees, **while off duty**, be restricted from attending political meetings, or advocating and supporting the principles or policies of civic or political organizations, or supporting partisan or nonpartisan candidates of their choice in accordance with the Constitution and laws of the State and the Constitution and laws of the United States of America.

(b) Definitions. For the purposes of this section:

- (1) "County employee" or "employee" means any person employed by a county or any department or program thereof that is supported, in whole or in part, by county funds;
- (2) **"On duty" means that time period when an employee is engaged in the duties of his or her employment;** and
- (3) "Workplace" means any place where an employee engages in his or her job duties.

(c) No employee while on duty or in the workplace may:

- (1) Use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for political office; or
 - (2) Coerce, solicit, or compel contributions for political or partisan purposes by another employee.
- (d) No employee may be required as a duty or condition of employment, promotion, or tenure of office to contribute funds for political or partisan purposes.
- (e) **No employee may use county funds, supplies, or equipment for partisan purposes, or for political purposes except where such political uses are otherwise permitted by law.**
- (f) To the extent that this section conflicts with the provisions of any local act, local ordinance, resolution, or policy, this section prevails to the extent of the conflict.
- (1991, c. 619, s. 1; 1993, c. 298, s. 1.)



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Appendix "D"

http://www.co.cumberland.nc.us/docs/default-source/county-manager-documents/budget/fy2017-adopted-budget.pdf?sfvrsn=519b97e_8



Cumberland County

North Carolina

FY 2017 Adopted Annual Budget

Revenue #	Description	Amount
433671	Governor's Highway Safety Program	35,000
433673	NC Crime Commission Grant	79,036
433681	NC Preparedness Grant	62,500
433685	NC Predisaster Grant Program	16,500

Revenue by Source

Department	Federal/State	Taxes & Licenses	Charges & Services	Capital & Grants	Enterprise	Misc General	Other	Total
General Fund								
422-Law Enforcement Sheriff	322,600		1,737,000			500		2,060,100
Jail	210,000		36,000					246,000
Roxie Crisis Intervention Center							321,282	321,282
Sheriff's Grants	34,414							34,414
School Law Enforcement - Local			2,100,000					2,100,000
Total Sheriff	567,014		3,873,000			500	321,282	4,761,796



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