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## Addendum

At the time this report was submitted to Council Attorney Drew Rees this investigator had not yet received a response to questions posed of Carol Poole with the Department of Justice. During the evening of June 17, 2010, this investigator received an e-mail response from Carol Poole, the Acting Deputy Director of Programs with the Department of Justice as it relates to this investigation.

Mrs. Poole stated that she became aware on February 19, 2010 that the City of Tulsa had submitted a request for change in the Recovery Act and FY 2009 JAG funds. She advised that the requested changes were approved and that she notified City of Tulsa personnel and did subsequently receive a telephone call from Chief of Staff Terry Simonson thanking her for her assistance.

Mrs. Poole also indicated that she learned that the City of Tulsa's Bureau of Justice Assistance Grant Manager had been working with the grant's point of contact in Tulsa since early fall to answer questions and explain what information and documentation would be needed to request the grant changes.

Mrs. Poole went on to explain that she received an e-mail from Chief of Staff Terry Simonson on March 5, 2010, requesting clarification, and that it appeared to her that there had been some confusion over the use of the funds. She also indicated that she made it clear that documentation had to be maintained and that the funds could be used for retaining jobs as well as restoring or creating new jobs.

Further, Mrs. Poole explained that she cited examples of documentation necessary for retaining jobs in a potential layoff situation, and indicated that she realizes that this clarification could not change the decision made by the local government prior to the March 5<sup>th</sup> inquiry.

Additionally, Mrs. Poole stated that she responded to Mayor Bartlett's inquiry regarding concerns about the management of the grant but that she did not discuss with the Mayor his intended use of her letter in response to his request. She went on to state federal law governs the disclosure of correspondence and did not offer any further information. (See exhibit # 57)

Also, on or about June 17, 2010 this investigator learned of an e-mail that was submitted by News Channel eight reporter Burt Mummolo to Sarah Matz and Kara McCarthy with the U.S. Department of Justice as it relates to the use of JAG funds being used to avoid layoffs.

In this e-mail response, Sara Matz and/or Kara McCarthy responded to questions posed of them by Burt Mummolo, indicating that the City of Tulsa was never instructed that police officers had to first be laid off before the JAG grant could be used, further indicating that the JAG money could have been used before the layoffs actually occurred. (See exhibit # 58)

# Index of Exhibits

Exhibit #	Document
1	Recovery Act Information-Example #3
2	Tom Dapice email, Subject: 'FY 10 December Budget Reductions Advice', dated 12/11/09
3	Stuart McCalman email, Subject: 'Council', dated 12/10/09
4	Daryl Webster email, Subject: 'Meeting Reference FOP Concession Proposal', dated 10/12/09
5	TPD Budget Reductions Report FY 09/10, dated 12/18/09
6	Ron Palmer email, Subject 'FYI', dated 12/29/09
7	Mayor's Memo to Phil Evans, 'Issues Regarding TPD', dated 12/29/09
8	Terry Simonson email, (no subject) dated 1/1/10
9	Tulsa World: 'Chief: Tulsa Police Supervisor Demotions Possible', dated 1/5/10
10	Ron Palmer's Memo to Mayor, 'TPD Staff Reduction-Proposal #2', dated 1/10/10
11	Daryl Webster email, Subject: 'Byrne', dated 1/25/10
12	Daryl Webster Memo to Chief Chuck Jordan, 'Concerns Re DOJ Grant Funds', dated 2/19/10
13	Carol Poole email, Subject: 'JAG Grant', dated 3/5/10
14	Deputy Chiefs' Memo to Interim Chief Chuck Jordan, 'Concerns Re Grant Comments', dated 3/15/10
15A	City Charter, Chapter 5 of Title 25 and section 500: 'Communication With City Council on Certain Matters'
15B	City Charter, Title 27-Penal Code Section 310: 'False Statements to the City Council'
15C	City of Tulsa Personnel Policies and Procedures, Section 411.3 R-9 to R-24
16	Chuck Jordan email, Subject: 'Grant Memo.doc', dated 2/19/10
17	Memorandum of Understanding, Amending the FY 2009-2010 Collective Bargaining Agreement, not dated
18	Timeline of Contacts between FOP and Mayor's Office, not dated
19	Arthur Surratt email, Subject: 'ARRA JAG Reporting Requirements', dated 10/16/09
20	James Moore letter, 'Re: Proposed Concessions in FOP Contract', dated 1/13/10
21	City of Tulsa FY10 – Budget Reductions Analysis, not dated
22A	Memorandum of Understanding, Amending the FY 2009-2010 Collective Bargaining Agreement, stamped 1/26/10
22B	Memorandum of Understanding Between Fraternal Order of Police 93 and City of Tulsa, OK, signed by FOP 12/29/09 and by the City 1/28/10
22C	Memorandum of Understanding Between the City of Tulsa and Fraternal Order of Police Lodge 93, signed by FOP 12/29/09 and by the City 1/28/10
23	House Bill No. 2654, dated 2/10/10
24	IAFF Membership Update, not dated
25	Wall Street Journal: 'In Lean Times, Police Cuts Spark Debate Over Safety', dated 4/26/10
26	Stuart McCalman email, Subject: 'clarification', dated 3/8/10
27A	Stuart McCalman email, Subject: 'JAG Grant', dated 1/22/10
27B	Stuart McCalman email, Subject: 'JAG Grant', dated 2/8/10
27C	Stuart McCalman email, Subject: 'JAG Grant', dated 2/24/10
27D	Stuart McCalman email, Subject: 'JAG Council agenda Item', dated 3/8/2010
27E	Stuart McCalman email, Subject: 'JAG Grant', dated 3/19/10

27F	Stuart McCalman email, Subject: 'few things...', dated 3/25/10
28	City of Tulsa FY10 – Budget Reductions Analysis, includes use of JAG funds to save sworn employees
29	Cathy Criswell email, Subject: 'JAG – Collective Bargaining', dated 3/8/10
30	Terry Simonson email, Subject: 'statement and question', dated 2/26/10
31	Stan May email, no subject, dated 2/9/10
32	Terry Simonson email, Subject: 'JAG grant requests', dated 2/18/10
33	Terry Simonson email, Subject: 'Are you in today?', dated 12/21/09
34	Ron Palmer email, Subject: 'Jag', dated 1/21/10
35	Stuart McCalman email, Subject: 'JAG Grant', dated 1/11/10
36	Stuart McCalman email, Subject: 'JAG Grant', dated 1/29/10
37	Skipped in numbering-no exhibit
38	Carol Poole letter, 'Re Grants #2009-DJ-BX-1222 & 2009-SB-B9-3102', dated 5/24/2010
39	Skipped in numbering – no exhibit
40	KRMG Morning News with Denver Foxx and Rick Couri, dated 1/26/10
41	KRMG Morning News with Joe Kelly, dated 2/10/10
42	KRMG Morning News with Joe Kelly and Rick Couri, dated 2/22/10
43	KRMG Morning News with Joe Kelly, dated 3/10/10
44	KFAQ Pat Campbell Show, dated 3/22/10 (Mayor interview)
45	KFAQ Pat Campbell Show, dated 3/22/10 (Terry Simonson interview)
46	Tulsa World: 'Tulsa Mayor Offers Hope for Laid-off Officers', dated 2/3/10
47	Deirdre Dexter/Robert Garner Memo, 'Legal Department-Notice of Recusal', dated 4/14/10
48	Tulsa World: 'Officers' Payouts to be \$1.2 million', dated 1/29/10
49	Miscellaneous KRMG news stories re: layoffs
50	Dave O'Meilia response in brief. (Attorney for Terry Simonson)
51	Public Works Committee Meeting (excerpts), Agenda Item #15, 1/5/10
52	Public Works Committee Meeting (excerpts), Agenda Item #7, 1/12/10
53	Urban and Economic Development Committee Meeting (excerpts), Agenda Item #8, 1/26/10
54	Urban and Economic Development Committee Meeting (excerpts), Agenda Item #6, 2/9/10
55	Urban and Economic Development Committee Meeting (excerpts), Agenda Items #15, #23, #24, 2/23/10
56	Urban and Economic Development Committee Meeting (excerpts), Agenda Items #8 & #9, 3/9/10
57	Carol Poole email, Subject: 'Investigation', dated 6/17/10
58	Burt Mummolo email, Subject: 'DOJ Confirmation', dated 6/28/10

**Subject: RE: Investigation**

Sender: Poole, Carol <Carol.Poole@usdoj.gov>

Recipient: terry@lafinpi.com <terry@lafinpi.com>

Date: 17.06.2010 19:54



Dear Mr. Laflin,

Thank you for providing your questions in your June 8, 2010 e-mail. As an initial matter, I must clarify that federal law governs the public disclosure of correspondence; therefore, this is an area that is not within my discretion.

After reviewing your questions, I am providing the following response based upon my recollection of my interactions with Mayor Bartlett's staff:

On February 19, 2010, I became aware that the City of Tulsa, Oklahoma had submitted to their BJA grant manager a request for a change in the use of both their Recovery Act and FY 2009 JAG funds. In the grant manager's absence, I arranged for BJA staff to carefully review the requested changes to the JAG grants that afternoon. I then left several messages with City of Tulsa personnel to inform them that the two requests had been approved. Chief of Staff Terry Simonson returned my call and thanked me for our assistance. I subsequently learned that the City of Tulsa's BJA grant manager had been working with the grants' point of contact in Tulsa since early fall to answer questions and explain what information and documentation would be needed to request the grant changes.

As federal grant administrators, the Department of Justice does not become involved in local decision-making. However, from our understanding of the facts at this time, the decision made by the City of Tulsa to lay off officers did not constitute a violation of federal funding rules. Guidance concerning use of JAG funds and Recovery Act JAG funds for personnel purposes, including the use of funds for retention (i.e., avoiding layoffs) and rehiring, has been publicly and consistently available on the Office of Justice Programs (OJP) Recovery Act website ([www.ojp.gov/recovery](http://www.ojp.gov/recovery)) since the passage of the Act. OJP's Bureau of Justice Assistance (BJA) had been responding to general questions from the Tulsa Police Department grant personnel on this issue since the early Fall of 2009. To my knowledge, no BJA personnel indicated any guidance that differed from that available on the BJA website.

On March 5, 2010, Terry Simonson emailed me to request clarification concerning Recovery Act JAG funds. In the email it appeared there might be some confusion over the use of the funds. In a response later that afternoon, I tried to make it clear that documentation must be maintained for federal purposes and that the funds may be used for retaining jobs as well as restoring or creating new jobs. For retained jobs, documentation of the potential layoff situation may include city council minutes or memos between the Mayor and human resources or anything showing the certainty of the layoff. However, I realized that this clarification could not change the decisions made by the local government prior to the March 5th inquiry. Again, as federal grant administrators we are sensitive to state and local control. OJP assistance to law enforcement emphasizes local decision-making and is rooted in the belief that federal dollars should support initiatives that work and meet the needs of the communities they serve.

The Mayor of Tulsa is the authorized official for City of Tulsa JAG grants. I responded to Mayor Bartlett's inquiry regarding any concerns about the management of the grant. We did not discuss the use of copies of the letter. Once again, I must clarify that federal law governs the public disclosure of correspondence; therefore, this is an area that is not within my discretion.

The impressions and opinions formed by other OJP staff are not reflected in my comments above. Therefore, I must stress that the above comments represent my impressions alone.

I should also mention that OJP conducts audits and other oversight activities on a regular basis with grant recipients. In fact, OJP will be scheduling several routine site visits with grantees in Oklahoma for September of this year, and Tulsa will be among those grantees to be visited.

Sincerely,  
Carol C. Poole  
Acting Deputy Director for Programs  
Bureau of Justice Assistance  
810 7th Street, NW  
Washington, DC 20531  
Phone: 202-353-8641

-----Original Message-----

From: [terry@laflinpi.com](mailto:terry@laflinpi.com) [mailto:[terry@laflinpi.com](mailto:terry@laflinpi.com)]  
Sent: Tuesday, June 08, 2010 5:53 PM  
To: Poole, Carol  
Subject: Re: Investigation

Dear Carol,

Thanks for returning my call. As indicated, I am a private investigator retained by the Chief Legal Counsel of the Tulsa City Council. I have been asked to conduct an investigation into whether Terry Simonson or any member of the Mayoral staff have made false statements to the U.S. Department of Justice and/or the Tulsa City Council as it relates to JAG Grant funds and its uses or limitations. Specifically, I am referencing JAG Grant numbers 2009-DJ-BX-1222 and 2009-SB-B9-3102.

As requested, I am putting my questions relating to this investigation in writing, so that you may respond. I would appreciate that our communication not be shared with Terry Simonson, Mayor Dewey Bartlett or any other member of the City of Tulsa Mayoral staff at this time.

Here are the questions that I would be interested in getting answers to at this point, if I may please.

- 1) - When was your first contact with anyone from the City of Tulsa's Mayoral staff, from December 2009 to present, to include Terry Simonson and Mayor Dewey Bartlett, as it relates to the reprogramming of JAG funds for salaries and when the request for reprogramming could have been submitted. With whom? What was discussed? Dates of contact?, e-mail or telephonic?
- 2) - Have you or any member of your staff ever advised Chief of Staff Terry Simonson, Mayor Dewey Bartlett or any other staff member that police officers "had to be laid off" before JAG Grant funding could be reprogrammed for rehiring of officers and if so, when?
- 3) - Have you or any member of your staff ever advised Chief of Staff Terry Simonson, Mayor Dewey Bartlett or any other staff member that JAG Grant funds could be used to "retain" officers and if so, when?
- 4) - Did Chief of Staff Terry Simonson, Mayor Dewey Bartlett or anyone from their staff ever contact you or a member of your staff and enquire as to when JAG Grant reprogramming for salaries could be applied for to either retain or re-hire officers?
- 5) - Specifically, did you or any other member of your staff have a telephonic conversation with Chief of Staff Terry Simonson or Mayor Dewey Bartlett wherein they would have been advised that, "the certainty of

layoffs had to first occur" before a request for reprogramming of JAG funds could occur. If so, with whom would this verbal discussion have occurred and when?

6) - Specifically, did you or any other member of your staff have any written or e-mail communication with Chief of Staff Terry Simonson or Mayor Dewey Bartlett wherein they would have been told that, "the certainty of layoffs had to first occur" or that layoffs had to be imminent before a request for reprogramming of JAG funds could occur. If so, with whom would this communication have occurred and when?

7) - Has there been any e-mail communication from your office with Chief of Staff Terry Simonson or Mayor Dewey Bartlett or other Mayoral staff member wherein they would have been advised that even though layoff notices had been issued to Tulsa Police officers, the layoff notices in and of themselves would not be considered "imminent" because there was not the "certainty" that is required for reprogramming of JAG funds?

8) - On or about January 22, 2010 did Chief of Staff Terry Simonson, Mayor Dewey Bartlett or any other Mayoral staff member verbally contact you or someone from your office and enquire as to if or when the reprogramming of the JAG Grant could occur as it relates to the layoff of police personnel?

9) - Did Jill Young, Shauna Connally, Zephyr Fraser or Gerardo Velazquez from your office ever communicate with Chief of Staff Terry Simonson, Mayor Dewey Bartlett or any Mayoral staff member, verbally or electronically as it relates to the City of Tulsa and the use or reprogramming of JAG Grant funds?

10) - Could you state the reason given by Mayor Dewey Bartlett for requested letter dated 5/24/10 from you as it relates to any misrepresentations, concerns, supplanting issues, i.e purpose for the letter, who he was going to give a copy of the letter to etc.

Also, if you would please describe any other communications not specifically listed herein.

I know that some of these questions may sound a bit odd but I have specific reasons for asking. I do appreciate your time and assistance and await your response.

Respectfully,

Terry L. Laflin

**Subject: RE: DOJ Confirmation**

**Sender:** Cannon, Don <dcannon@tulsacouncil.org>

**Recipients:** District1 <dist1@tulsacouncil.org>, District2 <dist2@tulsacouncil.org>, District3 <dist3@tulsacouncil.org>, District4 <dist4@tulsacouncil.org>, District5 <dist5@tulsacouncil.org>, District7 <dist7@tulsacouncil.org>, District8 <dist8@tulsacouncil.org>, District9 <dist9@tulsacouncil.org>, District6 <dist6@tulsacouncil.org>, Bill Christiansen <bill@christiansenaviation.com>, G. T. Bynum <gt.bynum@gmail.com>, Jack Henderson <ladyd2@cox.net>, jbmaut@cox.net <jbmaut@cox.net>, John Eagleton <eagletonlaw@tulsacoxmail.com>, John Eagleton (home) (jmeagleton@cox.net) <jmeagleton@cox.net>, Maria Barnes <m.veliz@sbcglobal.net>, Rick Westcott <rickwestcott@hotmail.com>, Rick Westcott <rickwestcott@gmail.com>, trail5150@yahoo.com <trail5150@yahoo.com>, turner8620@sbcglobal.net <turner8620@sbcglobal.net>

**Copy:** terry@lafinpi.com <terry@lafinpi.com>

**Date:** 28.06.2010 17:09

<><><><> Forwarded as requested to both Councilors and investigator, Terry Laflin.  
<><><><>

-----Original Message-----

**From:** Chris Trail [mailto:trail5150@yahoo.com]

**Sent:** Monday, June 28, 2010 11:56 AM

**To:** Cannon, Don

**Subject:** Fw: DOJ Confirmation

I had Burt email me because it came up at our last meeting. Can you pass it a long to the investigator.

Thanks

Sent via BlackBerry by AT&T

-----Original Message-----

**From:** Burt Mummolo <bmummolo@ktul.com>

**Sender:** bmummolo@ktultv.net

**Date:** Mon, 28 Jun 2010 11:53:06

**To:** trail5150<trail5150@yahoo.com>

**Subject:** DOJ Confirmation

----- Forwarded message -----

**From:** Burt Mummolo <bmummolo@ktul.com>

**Date:** Wednesday, June 16, 2010

**Subject:** Tulsa FOIA Story

**To:** "Matz, Sarah" <Sarah.Matz@usdoj.gov>

Thank you very much!



On Wed, Jun 16, 2010 at 11:00 AM, Matz, Sarah <Sarah.Matz@usdoj.gov> wrote:

> That's correct.

>

> -----Original Message-----

> From: bmummolo@ktultv.net [mailto:bmummolo@ktultv.net] On Behalf Of Burt Mummolo

> Sent: Tuesday, June 15, 2010 7:10 PM

> To: Matz, Sarah

> Subject: Re: Tulsa FOIA Story

>

> Kara,

>

> Thank you for your response, but I need additional clarification to my

> first 2 questions. Based on your reply I take it your answers are No

> to question number 1, and Yes to question number 2.

>

> Please confirm.

>

> Sincerely,

> Burt

>

> 1) Did the DOJ ever send an email to the city of Tulsa instructing

> that the police officers would have to be laid off before the JAG

> grant could be used?

>

> 2) Could the JAG money have been used before the layoffs occurred?

>

>

> On Tue, Jun 15, 2010 at 4:36 PM, Matz, Sarah <Sarah.Matz@usdoj.gov> wrote:

>> Hey Burt, I'm sorry for the delay in getting back to you on this inquiry. In response to your questions, as federal grant administrators, the Department of Justice does not become involved in local decision-making. However, from our understanding of the facts at this time, the decision made by the City of Tulsa to lay off officers did not constitute a violation of federal funding rules. Guidance concerning use of JAG funds and Recovery Act JAG funds for personnel purposes, including the use of funds for retention (i.e., avoiding layoffs) and rehiring, has been publicly and consistently available on the Office of Justice Programs (OJP) Recovery Act website ([www.ojp.gov/recovery](http://www.ojp.gov/recovery)) since the passage of the Act. OJP's Bureau of Justice Assistance (BJA) had been responding to general questions from the Tulsa City government on this issue since the early Fall of 2009. On March 5, 2010, Terry Simonson, Chief of Staff to Mayor Bartlett, emailed Ms. Carol Poole, Acting Deputy Director of BJA, to request clarification concerning Recovery Act funds. In the email it appeared there might be some confusion over the use of Recovery Act funds. In a response later that afternoon, Ms. Poole made it clear that documentation of city decisions must be maintained and the funds may be used for retaining jobs as well as restoring or creating new jobs. Documentation of retained jobs may include city council minutes or memos between the Mayor and human resources or anything documenting the potential layoff situation. However, she realized that this clarification could not change the decisions made by the local government prior to the March 5th inquiry, but could provide information necessary to document decisions for federal purposes. Again, as federal grant administrators we are sensitive to state and local control. OJP assistance to law enforcement emphasizes local decision-making and is rooted in the belief that federal dollars should support initiatives that work and meet the needs of the communities they serve.

>>

>> -----Original Message-----

>>> From: bmummolo@ktultv.net [mailto:bmummolo@ktultv.net] On Behalf Of Burt

>>> Mummolo

>>> Sent: Tuesday, June 08, 2010 4:20 PM

>>> To: McCarthy, Kara

>>> Subject: Tulsa FOIA Story

>>>

>>> Dear Ms. McCarthy,

>>>

>>> Our story revolves around the following Q & A between Mayor Dewey  
>>> Bartlett and Tulsa city councilor Maria Barnes concerning the rules of  
>>> the JAG grant.

>>>

>>> The time codes pertain to the video as it plays on the TGOV website  
>>> available at the following link

>>> [http://tulsa-ok.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=172](http://tulsa-ok.granicus.com/MediaPlayer.php?view_id=2&clip_id=172)

>>>

>>> 47:22 (Barnes) Have you seen it? Is it written somewhere that says

>>> they have to be laid off before you can use that JAG grant?

>>>

>>> 47:29 (Bartlett) Uh, there was an email that we received, just  
>>> recently, essentially said that yes, it said that certainty had to  
>>> occur

**Don Cannon**  
**Council Administrator/Chief of Staff**  
**Tulsa City Council**  
**(918) 596-1963**