

**Report of Investigation  
Appendix**

**OSC File No. DI-08-0715**

**Volume II**

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(OSC File No. DI-08-0715)

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Office of the Inspector General  
United States Department of Justice

**REPORT OF INVESTIGATION**

Case Number: 2008-000904

Date: June 12, 2008

Report Provided to:

EOUSA



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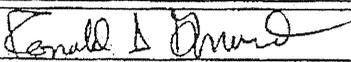
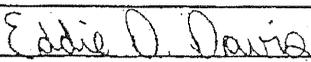
**REPORT OF INVESTIGATION**

<b>SUBJECT</b> Tamarah Grimes (XXX-XX- ) Paralegal Specialist (GS-12) United States Attorney's Office Montgomery, Alabama		<b>CASE NUMBER</b> 2008-000904
<b>OFFICE CONDUCTING INVESTIGATION</b> Atlanta Area Office		<b>DOJ COMPONENT</b> Executive Office for United States Attorneys (EOUSA)
<b>DISTRIBUTION</b>	<input checked="" type="checkbox"/> Field Office MFO	<b>STATUS</b> <input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED <b>PREVIOUS REPORT SUBMITTED:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <b>Date of Previous Report:</b>
	<input checked="" type="checkbox"/> AIGINV HQ	
	<input checked="" type="checkbox"/> Component EOUSA	
	<input type="checkbox"/> USA	
	<input type="checkbox"/> Other	

**SYNOPSIS**

This investigation was initiated based on an allegation that Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office (USAO), Middle District of Alabama (MDAL), Montgomery, Alabama, had surreptitiously tape-recorded comments made by co-workers during several official meetings and disclosed those recordings outside the Department of Justice (DOJ). The meetings pertained to the prosecution of a high profile public corruption case. The audio recordings were allegedly made to support an Equal Employment Opportunity (EEO) complaint that Grimes filed against one of her co-workers. During an EEO mediation proceeding, Grimes allegedly told the mediator, Deputy Chief Sharon Stokes, USAO, Civil Division, Northern District of Georgia, that she made the audio recordings and released them outside of DOJ to her private attorney. The Executive Office for United States Attorneys (EOUSA), Office of General Counsel (OGC), was concerned that the audio recordings may have contained grand jury or other sensitive law enforcement information.

In an Office of the Inspector General (OIG) interview, Stokes stated that Grimes told her during the mediation that she had made audio recordings to support her EEO complaint and released those recordings to her attorney. Stokes provided the OIG with a redacted copy of her contemporaneous notes taken during the mediation that contained the word "tapes." In their OIG interviews, the agency representatives to the mediation, Assistant U.S. Attorney Frederick Menner, EOUSA, OGC; U.S. Attorney Leura Canary, MDAL; and First Assistant U.S. Attorney Patricia Watson, MDAL, all stated that Stokes told them that Grimes had authorized Stokes to inform them about the existence of the audio recordings. The agency representatives requested that Stokes ask Grimes if they could listen to the audio recordings. According to Stokes, Grimes told her that Grimes would have to first consult with her attorney. Later that evening, Stokes informed the agency representatives that Grimes declined their request, based on advice from her attorney.

<b>DATE</b> 6/12/2008	<b>SIGNATURE</b> 
<b>PREPARED BY SPECIAL AGENT</b> Ronald S. Gossard	
<b>DATE</b> 6/12/2008	<b>SIGNATURE</b> 
<b>APPROVED BY SPECIAL AGENT IN CHARGE</b> for Teresa Gulotta-Powers	

When initially contacted by the OIG and informed of the general nature of the allegations, Grimes declined a voluntary interview. Shortly thereafter, Grimes forwarded several letters and e-mail to the OIG and EOUSA that stated or suggested that she had not made any audio recordings as alleged.

During a subsequent compelled OIG administrative interview, Grimes denied making an audio recording of any DOJ employee. She also denied providing any audio recordings to her attorney, Scott Boudreaux. In addition, Grimes denied telling Stokes about the existence of any audio recordings or providing any audio recordings to her attorney. According to Grimes, she told Stokes that she had "written recordings" supporting her EEO allegations, a copy of which she provided to Boudreaux. Grimes stated that there was a misperception by Stokes or miscommunication between her and Stokes about tape recordings. Grimes declined to submit to an OIG administered polygraph concerning her statements about the audio recordings.

However, when interviewed by the OIG, Boudreaux stated that he never received any written recordings or audio recordings from Grimes in conjunction with her EEO complaint.

The OIG investigation could not determine if Grimes surreptitiously tape recorded co-workers' comments made during the prosecution of a high profile public corruption case in the MDAL. However, the investigation did conclude, based primarily on the statement by Stokes, which was corroborated by the agency representatives and by the statement of Grimes's own attorney that:

- Grimes did inform Stokes during the mediation that she had made audio recordings supporting her EEO complaint. Therefore, Grimes made a false statement about the existence of the audio recordings to either Stokes during the mediation or in the letters and e-mail she forwarded to the OIG and EOUSA, in which she denied the existence of tapes. Additionally, Grimes made a false statement to the OIG by denying she told Stokes about the existence of the audio recordings.
- Grimes did inform Stokes that she released the audio recordings to her attorney. Therefore, Grimes made a false statement to Stokes during the mediation based on Boudreaux's statement that Grimes did not release any audio recordings to him. In addition, Grimes made a false statement to the OIG by denying she told Stokes that she released the audio recordings to her attorney.
- Grimes made a false statement to the OIG by stating she provided Boudreaux with a copy of her written recordings or notes. Boudreaux told OIG investigators that she had not provided him with any such written recordings or notes.

The USAO for the Middle District of Georgia, Columbus Division, declined prosecution of Grimes for making false statements both during the mediation and the OIG interview due to a lack of prosecution merit and in favor of appropriate administrative action.

The OIG has completed its investigation and is providing this report to the EOUSA for appropriate action.

## DETAILS OF INVESTIGATION

### Predication

This investigation was initiated based on an allegation from EOUSA that Paralegal Specialist Tamarah Grimes, USAO, MDAL, Montgomery, Alabama had surreptitiously tape-recorded comments made by co-workers during several official meetings and disclosed those recordings outside the DOJ. The meetings pertained to the prosecution of a high profile public corruption case. The audio recordings were allegedly made to support an EEO complaint that Grimes filed against one of her co-workers. During an EEO mediation proceeding, Grimes allegedly told the mediator, Deputy Chief Sharon Stokes, USAO, Civil Division, Northern District of Georgia (NDGA), Atlanta, Georgia, that she made the audio recordings and released them outside of DOJ to her private attorney. The EOUSA OGC was concerned that the audio recordings may have contained grand jury or other sensitive law enforcement information.

### Investigative Process

The OIG investigation consisted of interviews of the following individuals:

- Paralegal Specialist Tamarah Grimes, USAO, MDAL, Montgomery, Alabama
- U.S. Attorney Leura Canary, USAO, MDAL, Montgomery, Alabama
- First Assistant U.S. Attorney (FAUSA) Patricia Watson, USAO, MDAL, Montgomery, Alabama
- Deputy Chief Sharon Stokes, USAO, Civil Division, NDGA, Atlanta, Georgia
- Assistant U.S. Attorney (AUSA) Frederick Menner, EOUSA, OGC, Washington, D.C.
- Attorney Scott Boudreaux, Birmingham, Alabama

This investigation also included a review of several letters and e-mail drafted by Grimes and a review of the U.S. Attorney's Manual, U.S. Attorneys' Procedures, and DOJ Orders pertaining to the access and control of Sensitive But Unclassified or Limited Official Use Information.

### Background

Grimes joined DOJ on April 20, 2003, and has been with the USAO in Montgomery, Alabama since that time. She is a Paralegal Specialist (GS-0950-12) assigned to the Civil Division for the MDAL. Her primary duties are related to Affirmative Civil Enforcement, which attempts to recover government money lost to fraud or other misconduct or imposing penalties for violations of federal health, safety, or environmental laws. Grimes also performs collateral duty assignments for the EOUSA EEO Division. During April 2005, Grimes was temporarily assigned to the prosecution team involved in the bribery, conspiracy, and fraud case against former Alabama Governor Don Siegelman and former HealthSouth Chief Executive Officer Richard Scrushy. The prosecution team operated from an off-site location at Maxwell Air Force Base in Montgomery, Alabama, because U.S. Attorney Leura Canary was recused from the prosecution. In addition to her Affirmative Civil

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Enforcement duties, Grimes organized and managed the large number of documents associated with the case. In approximately December 2005, Grimes's temporary assignment to the Siegelman/Scrushy case ended.

In approximately July 2007, about 1 ½ years after leaving the temporary assignment, Grimes filed an EEO complaint alleging a hostile work environment based on gender. Specifically, Grimes alleged, among other things, that the trial team at the off-site location (and particularly the lead AUSA) made inappropriate and demeaning remarks of a sexually offensive and discriminatory nature to her.

In an attempt to resolve her EEO complaint, an Alternate Dispute Resolution (mediation) proceeding was held on November 1-2, 2007, in Montgomery, Alabama. Sharon Stokes, Deputy Chief of the Civil Division at the USAO, NDGA served as the mediator. AUSA Frederick Menner represented EOUSA and presented the government's case. U.S. Attorney Canary and FAUSA Patricia Watson also participated in the mediation proceeding as agency representatives to assist in the decision-making process regarding potential resolutions affecting the USAO, MDAL (for example, reassignments and transfers within the office).

### **Mediation Proceeding and Disclosure of Audio Recordings**

At the beginning of the mediation proceeding, Stokes, Grimes, and the agency representatives (Canary, Watson, and Menner) met in a joint session to provide opening statements. According to the agency representatives, Grimes read a prepared statement outlining her allegations. Shortly after Menner began his opening statement, Grimes left the room. For the remainder of the mediation proceeding, Stokes met with the parties separately, alternating between Grimes and the agency representatives. Stokes relayed specific proposals, requests, questions, and responses between the two parties in an attempt to reach a resolution.

During one session, Stokes told the agency representatives that Grimes felt the agency representatives did not believe her. According to Menner, he instructed Stokes to inform Grimes that he did not believe her and that he was confident that any witnesses she might produce would show that no offensive remarks of a sexual nature were made. Menner requested that Stokes ask Grimes to identify her witnesses to the alleged inappropriate remarks.

Based on Menner's request, Stokes left the agency representatives and returned a short time later to report that she had permission from Grimes to tell them that Grimes had tapes that proved the offensive remarks were made. According to Stokes, Grimes told her that she had several recordings or tapes, or several instances of recordings were made to support her allegations of a hostile work environment. Stokes made the notation "tapes" in her contemporaneous notes taken during the mediation proceeding and provided a redacted copy of her notes to the OIG.

Menner asked Stokes if the agency representatives could listen to the recordings. Menner felt that the existence of tapes would have an effect on the credibility of the AUSA involved and, therefore, may have necessitated the need for a monetary settlement. In addition, Menner was also concerned that the recordings may have contained grand jury material or other sensitive law enforcement information.

According to Stokes, she communicated Menner's request to listen to the tapes to Grimes. Grimes told Stokes that her attorney had the tapes and that Grimes would have to consult with her attorney prior to releasing the tapes. Stokes stated she asked Grimes to contact her attorney. However, Grimes told Stokes the attorney was located in Birmingham, Alabama, but Grimes declined to provide the attorney's name to Stokes.

According to the agency representatives, Stokes returned from meeting with Grimes and informed them that Grimes had told her that her attorney had the tapes and that Grimes would have to consult with the attorney prior to releasing the recordings to the agency representatives. The mediation proceeding ended for the day at that point with the understanding that Grimes would let the agency representatives know, through Stokes, if they could have access to the tapes. Watson made the notation "Atty has the tapes" in her contemporaneous notes taken during the mediation proceeding and provided a redacted copy of her notes to the OIG. Watson explained that "Atty" is her shorthand for "attorney."

Stokes stated that approximately 1 ½ to 2 hours after the mediation proceeding had ended for the day, Grimes contacted Stokes on her cellular telephone at the Embassy Suites Hotel in Montgomery. Grimes told Stokes that her attorney was upset with her for divulging the existence of the tape recordings. Grimes informed Stokes that she would not release the tapes to the agency representatives. Watson stated that she and the other agency representatives had observed Stokes talking on her cellular telephone at the Embassy Suites Hotel within two hours of the mediation proceeding ending. Shortly thereafter, Stokes approached the agency representatives and informed them that Grimes said she had spoken to her attorney and decided not to release the tapes.

According to Stokes, the next day, on November 2, 2007, she tried to mediate a resolution between the parties without review of the tapes but was not successful.

The agency representatives told the OIG that Stokes had informed them again during the 2<sup>nd</sup> day of the mediation of Grimes intention not to release the tapes. Menner also stated that Grimes offered, through Stokes, to lower her monetary demand from approximately \$300,000 to approximately \$200,000, if they settled that day. The mediation ended at around noon without a resolution being reached.

### **False Statements to the Mediator or in Documents Submitted to the OIG and EOUSA**

On December 17, 2007, the OIG contacted Grimes and notified her that she was the subject of a criminal investigation. After being notified of the allegations against her - the unauthorized disclosure of sensitive law enforcement information outside of DOJ - Grimes declined to be interviewed voluntarily by the OIG.

After the notification, Grimes forwarded several letters, e-mail, and other documentation to both the OIG and EOUSA, stating she had done nothing to warrant being the target of a criminal investigation and was "outraged at the suggestion that she had." Grimes further stated that she had never taped an AUSA or engaged in any illegal conduct. Grimes also stated that the OIG criminal investigation was initiated by U.S. Attorney Canary in retaliation for Grimes engaging in a "protected activity." Grimes further stated that the OIG's investigation was being used to gather evidence that Canary could not extract from Grimes during the mediation process.

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Grimes's statements in the documents submitted to the OIG and EOUSA were inconsistent with her reported statements to Stokes during the mediation proceeding. As previously mentioned, Stokes said Grimes told her that she had made audio recordings that supported her EEO complaint, and released those recordings to her attorney.

Due to the inconsistency of Grimes's statements to the mediator and her written statements to the OIG and EOUSA relating to the tape recordings, the OIG presented the case for prosecution to the USAO for the Middle District of Georgia (MDGA) for violations of 18 U.S.C. § 1001, false statements. EOUSA assigned the matter to the USAO in MDGA because the USAO in MDAL was recused from the case. AUSA Melvin Hyde, MDGA, Columbus, Georgia, handled the matter. On March 19, 2008, the USAO, MDGA declined prosecution of Grimes for her false statements to Stokes due to a lack of prosecution merit and potential issues associated with the confidentiality of the mediation process, see 5 U.S.C. § 574.<sup>1</sup>

In an e-mail to Stokes and other EOUSA staff dated January 29, 2008, Grimes stated that she "strenuously" objected to the disclosure of any privileged or confidential communication that occurred during the mediation proceeding after she learned that Stokes was going to be interviewed by the OIG. Grimes wrote, "Disclosure of privileged communications from the mediation under these circumstances is extremely prejudicial to me and will result in irreparable harm to me." In the e-mail, Grimes wrote that she did not waive her privilege with the mediator; however, Grimes did waive her privilege per the mediation agreement when she authorized Stokes to inform the agency representatives about the recordings. Likewise, Grimes incorrectly stated that none of the exceptions to the confidentiality statute applied, which would allow Stokes to disclose confidential dispute resolution communications. Stokes was required by statute to report a potential violation of federal criminal law, which is an exception to the confidentiality statute.

### **False Statements to the OIG**

After the declination of prosecution of Grimes, the OIG conducted a compelled administrative interview of Grimes on March 27, 2008. Watson had notified Grimes by e-mail of the administrative interview and advised Grimes of her obligation to respond fully and truthfully to questions posed during the interview. Grimes responded in an e-mail dated March 20, 2008, "I understand that as a DOJ employee, I have an obligation to participate in any Administrative proceeding, 'fully and truthfully' as you stated."

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<sup>1</sup> The OIG notes that the mediation agreement Grimes signed stated, "A mediator may disclose confidences revealed to him/her by one party to other parties, where the disputing party has authorized the mediator to do so." According to Stokes, Grimes authorized her to disclose the existence of the audio recordings to the agency representatives. In addition, 5 U.S.C. § 574(a)(3) and (b)(4) allow for a mediator and a party to a dispute resolution proceeding, respectively, to disclose a dispute resolution communication that is required by statute to be made public. Both the Inspector General Act and 28 U.S.C. § 535, "Investigation of Crimes Involving Government Officers and Employees," require DOJ employees to report violations of federal criminal law.

During her OIG interview, Grimes made the following statements:

- Grimes denied ever audio recording any DOJ employee or providing her attorney with any audio recordings.
- Grimes denied telling Stokes that she had made any tape recordings supporting her EEO allegations during the 2-day mediation proceeding.
- Grimes said she told Stokes that she had “written recordings” supporting her EEO allegations. She maintained that the word “tapes” was never mentioned during the 2-day mediation proceeding – only the words “recordings” or “evidence.” Grimes said there was a misperception or miscommunication between her and Stokes concerning the tape or audio recordings.
- Grimes denied giving Stokes authorization to tell the agency representatives that she had tape recordings, since she said tapes were never discussed.
- Grimes initially stated she could not recall Stokes asking her if the agency representatives could listen to the tape recordings. Later in the interview, she denied Stokes ever asked her.
- Grimes denied telling Stokes that she had released the tape recordings to her attorney. She told Stokes that she gave her attorney a copy of her written recordings or notes that supported a hostile work environment.
- Grimes reiterated to OIG investigators that she provided a copy of her notes supporting her EEO complaint to her attorney, Scott Boudreaux, Birmingham, Alabama.

Grimes declined to submit to an OIG administered polygraph concerning her statements about the audio recordings.

When interviewed by the OIG, Stokes said she was confident that Grimes advised her that she had both tape recordings and a written journal – not just a journal – to support her EEO allegations. Stokes also said that during the mediation proceeding, Grimes’s statement that she had tape recordings seemed credible to Stokes. In retrospect, Stokes believes Grimes may have made the statement that she had tapes to “bolster” her EEO case.

In their OIG interviews, each of the agency representatives (Canary, Watson, and Menner) stated that there was no misunderstanding between them and Stokes about the existence of tapes or audio recordings. The agency representatives also stated that they believed any misunderstanding or miscommunication between Stokes and Grimes about the existence of tapes would have surfaced prior to the mediation proceeding ending. According to each of the agency representatives, during negotiations over the 2 days of mediation proceedings facilitated by Stokes, the word “tapes” was used on numerous occasions. In addition, the agency representatives asked to “listen” to the tapes but were told, by Grimes through Stokes, that her attorney had possession of the tapes.

Canary said that at the time of the mediation, she believed the tapes did exist but that they would not have supported Grimes's EEO allegations. Menner believed that Grimes "bluffed" about the existence of the tapes to obtain a monetary settlement.

In an OIG interview, Boudreaux stated he represented Grimes in connection with her EEO complaint. He said Grimes never provided him with any tape recordings and that he was not in possession of any tape recordings relating to his representation of Grimes. Boudreaux also stated that Grimes never provided him with any journal or notes that she may have taken in reference to her EEO complaint.

AUSA Hyde declined prosecution of Grimes for making false statements during the OIG interview due to a lack of prosecution merit and in favor of administrative action.

### **OIG Findings:**

The OIG investigation concluded that:

- Although no evidence was developed to conclude that Grimes actually recorded any conversations of co-workers, she did inform Stokes during the mediation that she had made audio recordings supporting her EEO complaint. Therefore, Grimes made a false statement about the existence of the audio recordings to either Stokes during the mediation, or in the letters and e-mail she forwarded to the OIG and EOUSA denying the existence of any tape recordings. Additionally, Grimes made a false statement when interviewed by the OIG by denying she told Stokes about the existence of the audio recordings during the mediation proceeding.
- Grimes informed Stokes that she released the audio recordings to her attorney. Therefore, Grimes made a false statement to Stokes based on Boudreaux's statement that Grimes did not release any audio recordings to him. In addition, Grimes made a false statement during her OIG interview by denying she told Stokes that she released the audio recordings to her attorney.
- Grimes made a false statement to the OIG by stating she provided Boudreaux with a copy of her written recordings or notes based on Boudreaux's statement that she did not give him any written material.

The OIG has completed its investigation and is providing this report to the EOUSA for appropriate action.

## LIST OF EXHIBITS

1. Memorandum of Investigation (MOI), dated April 15, 2008, regarding the interview of First Assistant U.S. Attorney Patricia Watson, with affidavit and copy of redacted notes.
2. MOI, dated April 15, 2008, regarding the interview of U.S. Attorney Leura Canary, with affidavit.
3. MOI, dated April 21, 2008, regarding the interview of Deputy Chief Sharon Stokes, with affidavit and copy of redacted notes.
4. MOI, dated May 5, 2008, regarding the interview of Assistant U.S. Attorney Fredrick Menner, with affidavit and attachments.
5. MOIs, dated April 2, 2008, and May 20, 2008, regarding the interviews of Attorney Scott Boudreaux.
6. MOI, dated January 29, 2008, regarding Mediation Agreement and Not Represented Statement.
7. MOI, dated May 9, 2008, regarding documents submitted by Grimes stating or implying she did not make any audio recordings.
8. MOIs, dated March 21, 2008 and May 19, 2008, regarding the declination of prosecution for false statements made to Stokes and the OIG, respectively.
9. MOI, dated April 14, 2008, regarding the interview of Paralegal Specialist Tamarah Grimes, with transcript and copy of OIG Form III-226/3 (Warnings and Assurances to Employee Required to Provide Information).

**1**

MEMORANDUM OF INVESTIGATION

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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RE: Affidavit – First Assistant U.S. Attorney Patricia Watson, USAO, MDAL

On April 4, 2008, First Assistant U.S. Attorney (FAUSA) Patricia Watson, United States Attorney's Office (USAO), Middle District of Alabama (MDAL), Montgomery, Alabama provided the attached affidavit to OIG Special Agents Ronald Gossard and Phil Van Nimwegen. The affidavit was provided in reference to allegations that Paralegal Specialist Tamarah Grimes, USAO, MDAL, had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and that the recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

The affidavit was drafted based on information FAUSA Watson previously provided to the OIG during an interview conducted on March 27, 2008, and is summarized as follows:

- During the Grimes EEO mediation process (November 1-2, 2007), the mediator, Deputy Chief Sharon Stokes, Civil Division, Northern District of Georgia, Atlanta, Georgia, told Watson and other agency representatives that Grimes had informed Stokes that Grimes had tape recordings, which supported her EEO complaint. In addition, Stokes informed the agency representatives that Grimes told her that she had released the tape recordings to her attorney.
- FAUSA Watson and the other agency representatives requested through Stokes that they be allowed to listen to the tape recordings.
- According to Stokes, Grimes refused the agency representatives' request to listen to the tape recordings.
- It was very clear to FAUSA Watson that all the parties were talking about tapes. Watson stated that if there had been a misunderstanding between the two parties over "tapes" versus "written recordings," it would have been cleared up early in the process.

Attachment:

1. OIG Form III-207/3, Affidavit
2. Copy of redacted notes

Special Agent Name and Signature: Ronald S. Gossard <i>Ronald S. Gossard</i>	Date: 04/15/2008	Reviewer: <i>E. D. D.</i>
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1. Place (City, State) Montgomery, Alabama	2. Date April 4, 2008	3. Time 12:30 p.m.	4. Case Number 2008-000104
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Person Making Statement

5. Name Patricia Watson	6. Home Address		7. Home Tel.
8. Title First Assistant U.S. Attorney	9. Grade	10. Component EOUSA	11. Length of
12. Office Tel. 331/551-1705	13. Employer USAO, MDAL		
14. Office Address 131 Clayton Street, Montgomery, Alabama 36104			

Others Present When Statement is Given

15. Name Ronald S. Gossard	16. Title Special Agent
17. Name Phil Van Nimwegen	18. Title Special Agent

19. Statement of Affiant: (Raise your right hand and repeat)

I, Patricia Watson, hereby solemnly (swear)(affirm) that the statement which I am about to make shall be the truth and nothing but the truth.

I make the following statement freely and voluntarily to Ronald Gossard and Phil Van Nimwegen who are known to me as Special Agents of the United States Department of Justice, Office of the Inspector General, knowing that this statement may be used as evidence in either criminal or administrative proceedings. I understand that this statement is not confidential and may be shown to any party who has an official interest.

This statement is in reference to allegations that Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office (USAO), Middle District of Alabama (MDAL), Montgomery, Alabama, had surreptitiously tape-recorded comments made by co-workers during several official meetings pertaining to the prosecution of a high profile public corruption case and disclosed those tapes outside the DOJ. This statement is based on information I previously provided to agents Gossard and Van Nimwegen during an interview conducted on March 27, 2008.

During November 1-2, 2007, I represented the USAO during an Equal Employment Opportunity (EEO) mediation involving an EEO complaint Grimes had filed alleging a hostile work environment based on gender. Specifically, Grimes alleged that the trial team (and particularly the lead Assistant U.S. Attorney - AUSA) in the high profile bribery, conspiracy, and fraud case of former Alabama Governor Don Siegelman and former HealthSouth

U.S. Department of Justice  
Office of the Inspector General  
AFFIDAVIT (Continuation)

1. Statement Patricia Watson

2. Case 2008-000904

Chief Executive Officer Richard Scrushy had made inappropriate remarks of a sexual nature and other demeaning remarks to her.

Deputy Chief Sharon Stokes, Civil Division, Northern District of Georgia, Atlanta, Georgia, was the mediator during the EEO mediation. Also present were U.S. Attorney Leura Canary, MDAL, and AUSA Fred Menner, Office of General Counsel, Executive Office for United States Attorneys, Washington, D.C., who presented the government's case.

Initially, on November 1, 2007, all parties met in a joint session for opening statements. Grimes read a prepared statement outlining her allegations. At approximately 8 minutes into Menner's opening, Grimes ran from the room. For the remainder of the mediation, Stokes met separately with Grimes and the management/agency representatives (Menner, Canary, and I) and relayed questions and responses between the two opposing sides.

During the back and forth sessions, Stokes told Menner, Canary, and me that Grimes felt we did not believe her. In response, we asked Stokes to have Grimes provide the names of her witnesses that would support her allegations because we did not believe her allegations to be true. Stokes left and returned a short time later to inform us that Grimes had (verbally) authorized Stokes to tell us that she (Grimes) had tapes (audio recordings) that corroborated her allegations. Stokes told us that Grimes had stated that the tape recordings were made by her at the off-site location where the high profile case was being prepared for indictment. According to Stokes, Grimes claimed she had tapes of AUSA Steve Feaga in which he harassed her or spoke to her in a demeaning fashion. Stokes also informed us that Grimes had authorized her to tell us that Grimes had maintained a detailed journal of events at the off-site which she claimed supported her EEO allegations as well.

We stated that we wished to listen to the tapes and requested that Stokes return to Grimes and ask her to let us listen to the tapes. We explained that, if there were tapes that supported her allegations, it might convince us that her claims were meritorious and push us closer to a resolution of her claims. Stokes left to meet privately with Grimes. She later returned and said that Grimes was going to have to take our request under consideration and discuss it with her attorney. Stokes informed us that Grimes stated her attorney had possession of the tapes. I made the contemporaneous entry "Atty has the tapes" in my notes, a redacted copy of which I have provided to Special Agent Gossard. "Atty" is my shorthand abbreviation for "attorney." The mediation ended for the day at about the time

U.S. Department of Justice  
Office of the Inspector General  
AFFIDAVIT (Continuation)

1. Statement Patricia Watson

2. Case 2008-000904

Grimes stated she would have to confer with her attorney, with the understanding that it would resume the next morning for Grimes to report her decision regarding whether we would be permitted to listen to the tapes.

During the early evening on November 1<sup>st</sup>, Menner, Canary, and I were meeting in the lobby of the Embassy Suites Hotel in Montgomery, Alabama. During that time, I observed Stokes, who was in another section of the lobby away from our group. She was on her cellular telephone. Shortly after finishing her telephone conversation, Stokes approached and informed us that Grimes stated she had spoken with her attorney and decided not to turn the tapes over to management.

Based on Grimes's statements to Stokes about having an attorney, we became concerned that Grimes was represented for the purpose of the mediation and that her attorney was not present. We were also concerned that the tapes may contain grand jury, other sensitive law enforcement information, and/or privileged or work product material that was disclosed by Grimes outside the DOJ and might be further leaked outside DOJ.

On November 2, 2007, Stokes met privately with Grimes for a short time and afterwards reiterated to us that Grimes would not release the tapes to management. Grimes signed a statement that she was not represented for the purposes of the mediation. The mediation ended shortly thereafter without any agreement.

It was very clear to me during the 2-day mediation process that all the parties were talking about tapes. The mediator used the word, "tapes." We, as management/agency representatives, asked to "listen" to the tapes. If there had been a misunderstanding between Grimes and Stokes over "tapes" versus "written recordings," it would have been cleared up early in the process, most likely shortly after Stokes informed us about the existence of the tapes. Although I was not present during the conversations between Stokes and Grimes, based on the context of the discussions between Stokes and the management officials, I have no doubt that Grimes used the word "tapes" during her discussions with Stokes. Stokes separately mentioned the "tapes" and also a journal, with Grimes's authorization to reveal the existence of both to us. This indicated that Grimes was claiming that she had both "tapes" of the off-site and a journal she had been maintaining of occurrences as she perceived them.

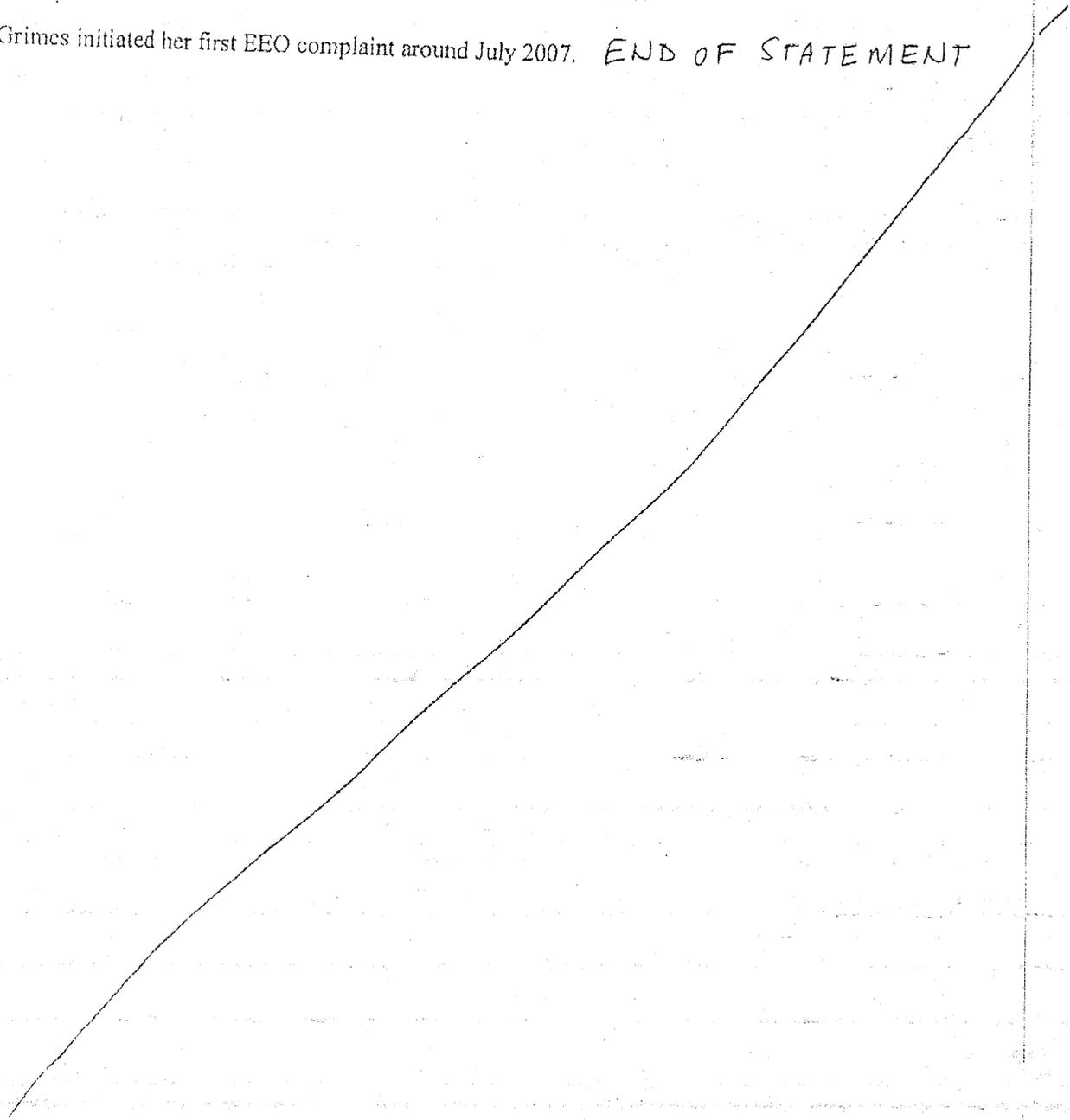
Because U.S. Attorney Canary had recused herself from the prosecution of the Siegelman-Scrushy corruption case, the prosecution team was moved to an off-site location at Maxwell Air Force Base. Grimes was assigned to the unit from April to December 2005. In addition to her primary duties as a civil paralegal specialist charged with obtaining Affirmative Civil Enforcement (ACE) recoveries in the case, Grimes was also sent to the location to learn the duties

U.S. Department of Justice  
Office of the Inspector General  
AFFIDAVIT (Continuation)

1. Statement Patricia Watson	2. Case 2008-000904
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of a contract specialist tasked with recording and filing thousands of documents obtained in the case. Grimes was to replace the contractor due to limited funding. However, due to additional funds being received by our office to maintain the contractor, Grimes was no longer needed in that role.

Grimes initiated her first EEO complaint around July 2007. **END OF STATEMENT**



U.S. Department of Justice  
Office of the Inspector General  
AFFIDAVIT (Continuation)

1. Statement Patricia Watson	2. Case 2008-000904
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I have read this statement consisting of 5 page(s), which was prepared for me by Special Agent Gossard at my request. I have provided this information without having any promises or threats extended to me. It is true and complete to the best of my knowledge and belief.

Subscribed and (sworn to)(affirmed)

Patricia A. Watson  
(Affiant's Signature)

before me at 3:00 p.m. (CT)

on this 4<sup>th</sup> day of

APRIL 2008.

Donald S. Gossard  
(Investigator's Signature)

P. G.  
(Witness's Signature)

- Atty has the tapes.

This is a redacted page of my notes from the  
November 1, 2007, mediation with Mr. Skimes.

Patricia A. Watson  
March 27, 2008

**2**

MEMORANDUM OF INVESTIGATION

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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RE: Affidavit – U.S. Attorney Leura Canary, USAO, MDAL

On April 4, 2008, United States Attorney (USA) Leura Canary, United States Attorney's Office (USAO), Middle District of Alabama (MDAL), was interviewed at the USAO in Montgomery, Alabama and provided the attached affidavit to OIG Special Agents Ronald Gossard and Phil Van Nimwegen. The affidavit was provided in reference to allegations that Paralegal Specialist Tamarah Grimes, USAO, MDAL, had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and that the recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

The following is a summary of USA Canary's statement to the OIG:

- During the Grimes EEO mediation process (November 1-2, 2007), the mediator, Deputy Chief Sharon Stokes, Civil Division, Northern District of Georgia, Atlanta, Georgia, told USA Canary and other agency representatives that Grimes had informed Stokes that she had tape recordings, which supported her allegations of a hostile work environment. In addition, Stokes informed the agency representatives that Grimes told her that she had released the tape recordings to her attorney.
- Assistant U.S. Attorney Fred Menner, Office of General Counsel, Washington, D.C., who presented the government's case, immediately asked Stokes if the agency representatives could listen to the tape recordings.
- According to Stokes, Grimes refused the agency representatives' request to listen to the tape recordings.
- According to USA Canary, there was no misunderstanding between Stokes and the agency representatives that they were referring to tapes or audio recordings and not just written notes. Any misunderstanding between Stokes and Grimes about tapes versus written recordings would have surfaced prior to the mediation process ending on November 2, 2007.

Attachment:

1. OIG Form III-207/3, Affidavit

Special Agent Name and Signature: Ronald S. Gossard <i>Ronald S. Gossard</i>	Date: 04/15/2008	Reviewer: <i>EDD</i>
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**AFFIDAVIT**

1. Place (City, State) Montgomery, Alabama	2. Date April 4, 2008	3. Time 12:30 p.m.	4. Case Number 2008-000904
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**Person Making Statement**

5. Name Leura Canary	6. Home Address		7. Home Tel.
8. Title United States Attorney	9. Grade	10. Component EOUSA	11. Length of Employ
13. Employer USAO, MDAL	14. Office Address 131 Clayton Street, Montgomery, Alabama 36104		
	12. Office Tel. 334/551-1701		

**Others Present When Statement is Given**

15. Name Ronald S. Gossard	16. Title Special Agent
17. Name Phil Van Nimwegen	18. Title Special Agent

**19. Statement of Affiant: (Raise your right hand and repeat)**

I, Leura Canary, hereby solemnly (swear)(affirm) that the statement which I am about to make shall be the truth and nothing but the truth.

I make the following statement freely and voluntarily to Ronald Gossard and Phil Van Nimwegen who are known to me as Special Agents of the United States Department of Justice, Office of the Inspector General, knowing that this statement may be used as evidence in either criminal or administrative proceedings. I understand that this statement is not confidential and may be shown to any party who has an official interest.

This statement is in reference to allegations that Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office (USAO), Middle District of Alabama (MDAL), Montgomery, Alabama, had surreptitiously tape-recorded comments made by co-workers during several official meetings pertaining to the prosecution of a high profile public corruption case and disclosed those tapes outside the DOJ.

During November 1-2, 2007, I was a management representative of the USAO during an Equal Employment Opportunity (EEO) mediation involving an EEO complaint Grimes had filed alleging a hostile work environment based on gender. Specifically, Grimes alleged that the trial team (and particularly the lead Assistant U.S. Attorney - AUSA) in the high profile bribery, conspiracy, and fraud case of former Alabama Governor Don Siegelman and former HealthSouth Chief Executive Officer Richard Scrushy had made inappropriate remarks of a sexual nature and other demeaning remarks to her.

Affiant's Initials: LYC

1. Statement of Leura Canary	2. Case Number 2008-000904
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Deputy Chief Sharon Stokes, Civil Division, Northern District of Georgia, Atlanta, Georgia, was the mediator during the EEO mediation. Also present were First Assistant U.S. Attorney Patricia Watson, MDAL, and AUSA Fred Menner, Office of General Counsel, Executive Office for United States Attorneys, Washington, D.C., who presented the government's case.

Initially, all the parties met in a joint session for opening statements. Grimes read a prepared statement outlining her allegations. Menner then began his statement on behalf of the U.S. Attorney's Office. Although Menner's statements were very conciliatory, calm and professional, Grimes abruptly left the room within the first 6-10 minutes of the beginning of Menner's opening statement. She left when he mentioned a complaint the office received alleging Grimes had made disparaging remarks to an FBI agent about AUSA Feaga. For the remainder of the mediation, Stokes met separately with Grimes and the management/agency representatives (Menner, Watson, and I) and relayed specific proposals/requests to reach a potential resolution along with questions and responses between the two parties. There were long periods of inactivity for the management officials on the first day when Stokes met privately with Grimes. For most of the first day, Stokes approached us primarily to discuss what Grimes wanted for the resolution, e.g. monetary compensation, restored leave, etc.

Towards the end of the first day of mediation, Stokes told Menner, Watson, and me that Grimes felt we did not believe her. I had earlier discussed with Watson and Menner that I didn't believe Ms. Grimes' claims in part because no one else at the offsite had reported the conduct she alleged had occurred at the offsite and Grimes had not reported her complaints for over a year and a half after she left the off-site. I recall that Menner asked Stokes to have Grimes provide the names of her witnesses or any other proof she had that would support her allegations of a sexually hostile work environment.

Stokes left, met with Ms. Grimes and returned a short time later. She informed us that Grimes had given her permission to tell us that she (Grimes) had tapes or recordings that corroborated her allegations of a hostile work environment. It was my immediate impression that Stokes was referring to tapes of conversations involving Feaga made at the off-site location. Sometime during the mediation, Stokes also informed us that Grimes had stated she had detailed notes that supported her EEO allegations as well. It was very clear to me, however, that Stokes was under the impression that there were tape recorded conversations in addition to the detailed notes.

Menner immediately asked Stokes if we could listen to the tapes. Menner stated if there were tapes that supported her allegations, they might persuade us to consider a monetary settlement. Later, Watson, Menner and I discussed our

1. Statement of Leura Canary	2. Case Number 2008-000904
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concerns that the tapes may have contained grand jury or other sensitive law enforcement information dealing with the high publicized Siegelman-Scrushy investigation.

Stokes returned from meeting privately with Grimes and said that Grimes told Stokes that her attorney had the tapes. Grimes stated she would have to consult with her attorney in Birmingham prior to releasing the tapes. The mediation ended at about that point with the sides agreeing to meet the following day. Stokes felt that a resolution was still possible.

Afterwards, Watson and I accompanied Menner to the Embassy Suites Hotel in Montgomery to give him a ride and to briefly socialize. We observed Stokes in the lobby talking on her cellular telephone. Shortly after finishing her telephone conversation, Stokes approached and informed us that she had been talking to Grimes about releasing the tapes. I am not sure if Stokes told us at that time whether Grimes said she was not going to let us listen to the tapes.

We learned for the first time that Grimes had a lawyer in Birmingham when she mentioned it through Stokes in connection with the audio tapes. Menner was concerned that Grimes was participating in the mediation and had counsel, so he asked Stokes to determine whether Grimes was represented for purpose of the mediation. Stokes told us that Grimes stated that the lawyer's representation excluded the mediation. Before we began mediation on the second day, Grimes provided a dated handwritten note to us confirming that the lawyer did not represent her with regard to the mediation.

On November 2, 2007, Stokes did tell us that Grimes had been advised by her lawyer not to let us hear the tapes. She also told Menner that further mediation would not be productive. We ended the mediation shortly thereafter without reaching a resolution.

There was no misunderstanding between Stokes and the management representatives that we were talking about tapes or audio recordings and not just written notes. Likewise, I find it very hard to believe that there could have been any miscommunication between Stokes and Grimes that they too were discussing tapes or audio recordings and not "written recordings" or notes. If there had been a misunderstanding between Stokes and Grimes, it would have surfaced prior to the mediation process ending on November 2, 2007.

It was my belief at the time of the mediation that the tapes did exist. However, I did not believe they would have corroborated Grimes' allegations. I thought that perhaps Grimes had recorded telephone conversations with fellow employees from her home in an attempt to obtain incriminating information to support her EEO complaint. Today, I

1. Statement of Leura Canary	2. Case Number 2008-000904
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am not sure if the tapes ever existed or not. I certainly feel Grimes is capable of recording her co-workers in an attempt to seek monetary gain; however, I also know she had not told the truth in other matters. END OF STATEMENT.

I have read this statement consisting of 4 page(s), which was prepared for me by Special Agent Gossard at my request. I have provided this information without having any promises or threats extended to me. It is true and complete to the best of my knowledge and belief.

Subscribed and (sworn to)(affirmed)

before me at 4:00 p.m.

on this 4<sup>th</sup> day of

April, 2008.

Leura Y. Canary  
(Affiant's Signature)

Ronald J. Gossard  
(Investigator's Signature)

J S  
(Witness's Signature)

**3**

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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RE: Affidavit – Deputy Chief Sharon Stokes, Civil Division, Northern District of Georgia

On April 18, 2008, Deputy Chief Sharon Stokes, United States Attorney's Office (USAO), Civil Division, Northern District of Georgia, Atlanta, Georgia provided the attached affidavit to OIG Special Agents Ronald Gossard and Eddie Davis. The affidavit was provided in reference to allegations that Paralegal Specialist Tamarah Grimes, USAO, Middle District of Alabama, had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and that the recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

The affidavit was drafted based on information Deputy Chief Stokes previously provided to the OIG during an interview conducted on February 8, 2008, and is summarized as follows:

- During the Grimes EEO mediation process (November 1-2, 2007), Grimes told Stokes, the mediator, that she had recordings or tapes supporting her allegations of a hostile work environment. Grimes verbally authorized Stokes to inform the agency representatives of the recordings.
- Grimes also indicated that she kept a written journal. Stokes is confident that Grimes advised her that she had both tape recordings and a written journal to support her allegations.
- Grimes told Stokes that she had released the tape recordings to her attorney and would have to consult with the attorney prior to allowing the agency representatives to listen to the recordings.
- Grimes subsequently refused the agency representatives' request to listen to the tape recordings.
- Stokes is positive she received verbal authorization from Grimes to disclose information about the tape recordings to the agency representatives.

Attachment:

1. OIG Form III-207/3, Affidavit
2. Copy of redacted notes

Special Agent Name and Signature: Ronald S. Gossard 	Date: 04/21/2008	Reviewer: EUD
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1. Place (City, State) Atlanta, Georgia	2. Date April 18, 2008	3. Time 11:35 p.m.	4. Case Number 2008-000904
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Person Making Statement

5. Name Sharon Stokes	6. Home Address		7. Home Tel.	
8. Title Deputy Chief, Civil Division	9. Grade AD	10. Component EOUSA	11. EOD 11/7/1983	12. Office Tel. 404/581-6301
13. Employer USAO, NDGA	14. Office Address 75 Spring Street, S.W., Suite 600			

Others Present When Statement is Given

15. Name Ronald S. Gossard	16. Title Special Agent
17. Name Eddie D. Davis	18. Title Special Agent

19. Statement of Affiant: (Raise your right hand and repeat)

*I, Sharon Stokes, hereby solemnly (swear)(affirm) that the statement which I am about to make shall be the truth and nothing but the truth.*

I make the following statement freely and voluntarily (and as required by my responsibilities as a DOJ federal employee) to Ronald Gossard and Eddie Davis who are known to me as Special Agents of the United States Department of Justice, Office of the Inspector General, knowing that this statement may be used as evidence in either criminal or administrative proceedings. I understand that this statement is not confidential and may be shown to any party who has an official interest.

This statement is made in reference to allegations that Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office (USAO), Middle District of Alabama (MDAL), Montgomery, Alabama, surreptitiously tape-recorded comments made by co-workers during several official meetings pertaining to the prosecution of a high profile public corruption case and disclosed those tapes outside the DOJ. This statement is based on information I previously provided to agents Gossard and Phil Van Nimwegen during an interview conducted on February 8, 2008.

During November 1-2, 2007, I was the mediator during a mediation proceeding relating to an EEO complaint Grimes had filed alleging a hostile work environment based on gender. Specifically, Grimes alleged, among other

1. Statement of Sharon Stokes	2. Case Number 2008-000904
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things, that the trial team (and particularly the lead AUSA) in the high profile bribery, conspiracy, and fraud case of former Alabama Governor Don Siegelman and former HealthSouth Chief Executive Officer Richard Scrushy had made inappropriate and demeaning remarks of a sexually offensive and discriminatory nature to her, thereby creating a hostile work environment.

Assistant U.S. Attorney Fredrick Menner, Office of General Counsel, Executive Office for United States Attorneys (EOUSA), represented EOUSA during the mediation. Also present were U.S. Attorney Leura Canary and First Assistant U.S. Attorney Patricia Watson, Middle District of Alabama, Montgomery, Alabama.

On November 1, 2007, during a private mediation session between Grimes and me, Grimes informed me that she had "recordings" or "tapes" supporting her allegations of a hostile work environment. I believe the words "tapes" and/or "tape recordings" were used during my conversation with Grimes. I asked Grimes for permission to inform the EOUSA representatives of the recordings. Grimes verbally authorized me to inform Menner, Canary, and Watson of the recordings. It was my impression, and I believe Grimes stated, there were several recordings, or several instances of recordings, made. Grimes also indicated that she kept a written journal, which included entries about the events about which she was complaining. I am confident that Grimes advised me that she had both tape recordings and a written journal -- not just a journal - to support her allegations. I wrote the word "tapes" in my contemporaneous notes during the mediation proceeding and, upon request, provided a copy to Special Agent Gossard. That copy was redacted of all other extraneous information pertaining to the mediation. I do not recall if the word "tapes" was a direct quote by Grimes or if I used it according to my understanding of what she was telling me.

After I informed Menner, Canary, and Watson of the tape recordings, Menner asked if they could obtain the tapes so they could listen to them. I relayed Menner's request to listen to the tapes to Grimes. Grimes stated that she did not know, and that she would have to consult with her attorney. Up until that point, I was unaware that Grimes had an attorney who was involved in any way with the pending matter. When Grimes told me that her attorney had the tapes, I asked Grimes if she could call her attorney and ask about disclosing them in the mediation. She responded that the attorney was located in Birmingham (Alabama). Grimes would not tell me the attorney's name. The mediation ended for the day at about that point.

Approximately 1 1/2 to 2 hours later, Grimes called me on my cellular telephone at my Embassy Suites Hotel in Montgomery, Alabama. Grimes told me that her attorney was upset with her for divulging the existence of the tape

SJS

1. Statement of Sharon Stokes	2. Case Number 2008-000904
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recordings. According to Grimes, her attorney said something to the effect, "Mediation was not about discovery, but about resolution." Grimes advised that she would not be turning over the recordings.

On November 2, 2007, I continued to try to obtain a resolution in the matter without regard to the tapes. I was not successful and the mediation proceeding terminated around noon.

I am positive that I received verbal authorization from Grimes to disclose the information about the tape recordings to the EOUSA representatives. There is no requirement to obtain the authorization in writing. Grimes did ask that certain other information, such as possible witness names, not be disclosed, which I honored.

During the time of the mediation, Grimes' statement that she had tape recordings seemed credible to me. However, in retrospect, I do not know for certain, nor do I have any way of knowing, if Grimes actually had tape recordings or was simply saying that to bolster her case. END OF STATEMENT

*I have read this statement consisting of 3 page(s), which was prepared for me by Special Agent Gossard at my request. I have provided this information without having any promises or threats extended to me. It is true and complete to the best of my knowledge and belief.*

Subscribed and (sworn to) (affirmed)

before me at 1:40 p.m.

on this 15th day of

April, 2008.

Sharon D. Stokes  
(Affiant's Signature)

[Signature]  
(Investigator's Signature)

[Signature]  
(Witness's Signature)



*taper*

4

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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RE: Affidavit – Assistant U.S. Attorney Fredrick Menner, EOUSA, OGC

### Introduction

On May 5, 2008, Assistant U.S. Attorney (AUSA) Fredrick Menner, Executive Office for United States Attorneys, Office of General Counsel, Washington, D.C., provided the attached affidavit to OIG Assistant Special Agent in Charge Michael Tompkins, Operations Branch, Washington, D.C. The affidavit was provided in reference to allegations that Paralegal Specialist Tamarah Grimes, United States Attorney's Office, Montgomery, Alabama had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and that the recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

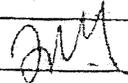
### Interview Summary

The affidavit is based on information Menner previously provided to the OIG during an interview conducted on January 31, 2008, and is summarized as follows:

- During the Grimes EEO mediation proceeding (November 1-2, 2007), the mediator, Deputy Chief Sharon Stokes, Civil Division, Northern District of Georgia, Atlanta, Georgia, told Menner and other agency representatives that Grimes had informed Stokes that she had tape recordings, which supported her allegations of a hostile work environment.
- Menner, who presented the government's case, immediately asked Stokes if the agency representatives could listen to the tape recordings.
- According to Stokes, Grimes told her that she (Grimes) had released the tape recordings to her attorney and would have to consult him prior to allowing the agency representatives access to the tapes. Later, Grimes refused the agency representatives' request to listen to the tape recordings.
- According to Menner, there was no misunderstanding between Stokes and the agency representatives that they were referring to tapes or audio recordings and not just written notes. Any misunderstanding between Stokes and Grimes about tapes versus written recordings would have surfaced prior to the mediation process ending on November 2, 2007.
- Menner now believes the tapes were a "bluff" by Grimes to obtain a monetary settlement and that Grimes lied about their existence.

Special Agent Name and Signature: Ronald S. Gossard 	Date: 05/05/2008	Reviewer: E.D.D.
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1. Place (City, State) Washington, D.C.	2. Date 5/5/08	3. Time 1:40	4. Case Number 2008-000904
Person Making Statement			
5. Name Frederick Menner	6. Home Address		7. Home Tel.
8. Title Assistant U.S. Attorney	9. Grade AD-29	10. Component EOUSA	11. EOD 06/09/1996
12. Office Tel. 202/514-4024		13. Employer EOUSA/OGC	
14. Office Address 501 Third Street, N.W., Washington, D.C.			
Others Present When Statement is Given			
15. Name Michael Tompkins		16. Title ASAC, Operations Branch	
17. Name		18. Title	
19. Statement of Affiant: (Raise your right hand and repeat)			
<p><i>I, Frederick A. Menner, hereby solemnly (swear) (affirm) that the statement which I am about to make shall be the truth and nothing but the truth.</i></p> <p>I make the following statement freely and voluntarily to Michael Tompkins is known to me as Special Agent of the United States Department of Justice, Office of the Inspector General, knowing that this statement may be used as evidence in either criminal or administrative proceedings. I understand that this statement is not confidential and may be shown to any party who has an official interest.</p> <p>This statement is made in reference to allegations that Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office (USAO), Middle District of Alabama (MDAL), Montgomery, Alabama, surreptitiously tape-recorded comments made by co-workers during several official meetings pertaining to the prosecution of a high profile public corruption case and disclosed those tapes outside the DOJ. This statement is based primarily on information I previously provided to OIG Special Agents Ronald Gossard and Frank Haney during an interview conducted on January 31, 2008.</p> <p>During November 1-2, 2007, I was an agency representative presenting the government's case during a mediation proceeding relating to an EEO complaint Grimes had filed alleging a hostile work environment based on gender. Specifically, Grimes alleged that the trial team (and particularly the lead AUSA) in the high profile bribery, conspiracy, and fraud case of former Alabama Governor Don Siegelman and former HealthSouth Chief Executive</p>			

Affiant's Initials: 

1. Statement of Frederick Menner	2. Case Number 2008-000904
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Officer Richard Scrusby had made inappropriate and demeaning remarks of a sexually offensive and discriminatory nature to her, thereby creating a hostile work environment.

Also present as agency representatives were U.S. Attorney Leura Canary and First Assistant U.S. Attorney Patricia Watson, MDAL. Deputy Chief Sharon Stokes, Civil Division, USAO, Northern District of Georgia, was the mediator.

On November 1, 2007, during the initial phase of the EEO mediation, Grimes read a prepared statement outlining her allegations. During my opening statement, Grimes walked out of the room. Shortly thereafter, Stokes met privately with Grimes. Later, Stokes reported to the agency representatives (Canary, Watson, and myself) that Grimes was offended because she did not think we (agency representatives) believed her. I asked Stokes to inform Grimes that I did not believe her and that I was confident that any witnesses she might produce would show that no offensive remarks of a sexual nature had occurred. I requested Stokes ask Grimes who else heard the alleged inappropriate remarks.

Stokes left to inform Grimes of my comments. She returned a short time later to report that she had permission from Grimes to tell us that Grimes had tapes she offered as absolute proof that the remarks were made. I responded immediately by asking to listen to the tapes. I felt the possible existence of tapes changed everything – the credibility of the AUSA involved, the need for potential administrative action against the AUSA, and the need for a potential monetary settlement. I was also concerned that there was possible grand jury material or other sensitive law enforcement information contained on the recordings.

After conferring with Grimes again, Stokes returned and told the agency representatives her (Grimes) attorney had the tapes. Grimes would have to contact the attorney and determine if she should turn them over to the agency representatives.

On November 2, 2007, I had Grimes, through Stokes, sign a statement that she was not represented for the purposes of the mediation. Stokes met again with Grimes privately for a short time and then reported to the agency representatives that Grimes did not want to release the tapes to them. Grimes also authorized Stokes to tell the agency representatives that she would lower her settlement request from approximately \$300,000 to approximately \$200,000 if they settled that day. The mediation ended shortly thereafter without a resolution.

1. Statement of Frederick Menner	2. Case Number 2008-000904
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During the mediation, I telephonically informed my supervisor, Andrew Niedrick, Office of General Counsel, of the possibility that Grimes may have violated state or federal law as well as disclosed private, attorney work product in an on-going criminal investigation. I also sent Niedrick an e-mail with the suggested language for a referral to OIG or the Office of Professional Responsibility.

There was no misunderstanding between Stokes and the agency representatives that we were discussing the existence of tapes or audio recordings and not just written notes, written recordings, or a journal. Likewise, it is impossible to believe that there was any miscommunication between Stokes and Grimes about the existence of tapes. Any misunderstanding would have certainly surfaced prior to the mediation process ending given the amount of back and forth negotiations between Grimes and the agency representatives facilitated by the mediator, in which the word "tapes" was used on numerous occasions.

I now believe that the claim of tape recordings was a "bluff" by Grimes to obtain a settlement. I believe she lied about their existence. I consider her statement about the tapes as a material fact, because if true; my office would have settled the case and the AUSA involved would have been disciplined. END OF STATEMENT

*I have read this statement consisting of 3 page(s), which was prepared for me by Special Agent Gossard at my request. I have provided this information without having any promises or threats extended to me. It is true and complete to the best of my knowledge and belief.*

Subscribed and (sworn to) (affirmed)

before me at 144

on this 5<sup>th</sup> day of

May, 2008.

*Frederick A. Menner, Jr.*  
(Affiant's Signature)

*Michael J. [Signature]*  
(Investigator's Signature)

*Grace Thomas [Signature]*  
(Witness's Signature)

Menner, Fred (USAEO)

From: Menner, Fred (USAEO)  
Sent: Friday, November 02, 2007 1:42 PM  
To: Niedrick, Andrew (USAEO)  
Subject: Tami Grimes OPR/OIG Referral

Andrew,

Below is suggested language for your email to OPR and OIG:

Marshall & Mike,

Please be advised that we have become aware of facts that we believe may necessitate an investigation by your office regarding potential violation of state and federal law on the part of Tamarah Grimes, a paralegal in the United States Attorney's Office in the Middle District of Alabama. This information was uncovered during the course of a mediation held in an attempt to settle an EEO claim filed against the USAO/MDAL by Ms. Grimes. This mediation was held on November 1 & 2, 2007. During the mediation, Ms. Grimes disclosed to the mediator, Sharon Stokes, that she surreptitiously recorded confidential conversations of AUSAs, support staff, and/or FBI agents. The conversations were conducted in preparation of the trial conducted in the matter of U.S. v. Siegelman. The defendant in this matter is the former governor of Alabama. Mr. Siegelman was recently convicted after a jury trial and is currently serving a seven-year sentence. This prosecution is currently on-going as the matter is pending appeal.

During the FIO mediation, Ms. Grimes disclosed to the mediator that she recorded approximately seven conversations that took place in an off-site location where all matters concerning the Siegelman prosecution took place. Ms. Grimes claims that the recordings support her claims of sexual harassment on the part of the trial team, particularly the lead AUSA, Steve Fraga. Ms. Grimes further disclosed that she has given these tapes to her attorney, an individual who she refuses to identify but who is apparently not a staff member of the Department of Justice. Ms. Grimes refuses to disclose the tapes or discuss the contents in detail.

I am informing your office since it is apparent that Ms. Grimes' actions may have violated local and federal wiretap laws as well as disclosed private, attorney work product in an on-going criminal prosecution.

From: Stokes, Sharon (USAGAN)  
Sent: Tuesday, January 29, 2008 4:20 PM  
To: Menner, Fred (USAEO); Grimes, Tami T. (USAALM)  
Cc: Sampson, Rita (USAEO)  
Subject: Mediation of November 1, 2007

I have been contacted by the DOJ Office of Inspector General and asked for an interview regarding statements made to me during the above-referenced mediation about certain recorded conversations. Pursuant to 5 U.S.C. 574(e), this advises each of you of the demand and requests that, if you object, you take whatever steps are necessary to defend a refusal.

Sharon Stokes

Menner, Fred (USAE0)

From: Grimes, Tami T. (USAALM)  
Sent: Tuesday, January 29, 2008 7:40 PM  
To: Stokes, Sharon (USAGAN); Menner, Fred (USAE0); Melson, Ken (USAE0)  
Cc: Sampson, Rila (USAE0), Derden, Terry (USAE0), Macklin, Jay (USAE0), Crawford, Michele (USAE0)  
Subject: RE: Mediation of November 1, 2007

My first question is, is this an administrative proceeding or a criminal proceeding? My second question is, what is the alleged violation of statute, regulation or rule which forms the basis for this investigation? My last question is, where is the tape recording relied upon in bringing this action?

Whether the case may be, I strenuously object to disclosure of any privileged or confidential communications which were made during mediation on the following grounds:

- 1. I agreed to participate in a non-threatening alternative dispute resolution process, with a goal of resolving the dispute.
- 2. I signed and stamped the Mediation Agreement which contained a confidentiality provision. I do not waive privilege in my communications with the mediator and I reserve the exceptions under which the mediator may break confidentiality, none of which exist in this instance.
- 3. At the close of the mediation, I memorialized directly to the RED staff my perceptions of certain conduct which occurred during the mediation which I believe to be biased and represented significant bias toward management on the part of the mediator. I also made appropriate statements which were made by Mr. Menner:
  - a. (EXAMPLE: The mediator told me outright that she did not believe that I was going to babysit the First Assistant's young children while she went to Italy for 2 weeks, even though that fact is not disputed by the First Assistant. Appearing very frustrated, the mediator described my position rather harshly as a "scorched earth mentality." How do those the statements of a neutral mediator or an AUSA in full defensive mode?)
- 4. I disagree with the mediator's perception of any alleged statements regarding recorded communications. If that is the mediator's understanding of the content and context of any alleged communications, then there was definitely a misunderstanding or miscommunication of those discussions.

It is my belief that this "FC" investigation was initiated by the U.S. Attorney in retaliation for my protected activity. This is an act of reprisal by a federal officer in violation of 18 U.S.C. 877. The U.S. Attorney is very motivated to make his case against me and will result in a conviction. I am very concerned about the consequences of this action as member of the U.S. staff and the disclosure of the mediation process to the U.S. Attorney would be a significant bias toward management. I am very concerned about the consequences of this action as member of the U.S. staff and the disclosure of the mediation process to the U.S. Attorney would be a significant bias toward management.

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Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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RE: Interview – Attorney Scott Boudreaux, Birmingham, Alabama

### Introduction

On April 2, 2008, Attorney Scott Boudreaux, Birmingham, Alabama, was interviewed telephonically at (205) 591-6767. OIG Special Agent (SA) Ronald Gossard conducted the interview. The interview was conducted in reference to allegations that Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office (USAO), Montgomery, Alabama had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and disclosed those recordings outside the DOJ. The recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

### Background

During November 1-2, 2007, Grimes participated in an EEO mediation in reference to a complaint she filed alleging a hostile work environment based on gender. Specifically, Grimes alleged that the trial team (and particularly the lead Assistant U.S. Attorney - AUSA) in the high profile bribery, conspiracy, and fraud case of former Alabama Governor Don Siegelman and former HealthSouth Chief Executive Officer Richard Scrushy had made inappropriate remarks of a sexual nature and other demeaning remarks to her.

Deputy Chief Sharon Stokes, Civil Division, Northern District of Georgia, Atlanta, Georgia, was the mediator during the EEO mediation. Also present were United States Attorney Leura Canary and First Assistant United States Attorney Patricia Watson, Montgomery, Alabama, and AUSA Fred Menner, Office of General Counsel, Executive Office for United States Attorneys, Washington, D.C., who presented the government's case.

During her OIG interview, Stokes stated that Grimes informed her that she had audio recordings that supported her allegations. In addition, Grimes told Stokes that she had released the recordings to her attorney. Grimes declined to identify her attorney for Stokes. During their OIG interviews, both Menner and Watson stated that Stokes told them during the mediation that Grimes had audio recordings to support her claim, which Grimes had released to her attorney.

When interviewed by the OIG, Grimes denied ever audio recording anyone in the USAO or providing those recordings to her attorney. Grimes claimed that during the mediation, she informed Stokes that she had made "written," not audio recordings, to support her allegations. Grimes told investigators that she had provided a copy of her written recordings (journal), not audio recordings, to her attorney, Scott Boudreaux.

Special Agent Name and Signature: Ronald S. Gossard 	Date: 04/02/2008	Reviewer: 
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## Boudreaux Interview

After being advised of the general nature of the allegations, Boudreaux provided the following information:

Boudreaux stated he was representing Grimes, but he declined to state when that representation started.

Prior to SA Gossard asking him any additional questions, Boudreaux stated he knew why Gossard was calling and stated he was not involved in any wrongdoing concerning any tapes or leaking any information. Boudreaux stated he could provide SA Gossard with the names of several AUSAs in the Birmingham area that would attest to his ethical standards. SA Gossard assured Boudreaux that he was not the target of this investigation and that Gossard only needed a few questions answered about the tapes that could potentially alleviate the necessity for a subpoena to be served for the tapes.

Boudreaux stated that Grimes never provided him with any tapes and that he is not in possession of any tapes in reference to his representation of Grimes. Boudreaux also stated that Grimes never provided him with any journal or notes she may have taken in reference to her EEO complaint. For clarity, SA Gossard stated the journal would have contained entries that alluded to persons making inappropriate remarks to Grimes, such as an AUSA discussing his sex life. Boudreaux reiterated that Grimes never provided him with a journal or notes supporting her EEO allegations.

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Memorandum of Investigation

Date: 04/02/2008

Case Number: 2008-000904

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Q-042

MEMORANDUM OF INVESTIGATION

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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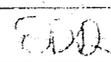
**RE: Telephonic Contact - Attorney Scott Boudreaux, Birmingham, Alabama**

On May 20, 2008, OIG Special Agent (SA) Ronald Gossard spoke to Attorney Scott Boudreaux, Birmingham, Alabama, by telephone. The telephonic contact was conducted in reference to allegations that Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office (USAO), Montgomery, Alabama had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and disclosed those recordings outside the DOJ. The recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

The purpose of the telephone conversation was to determine if Boudreaux would provide an affidavit in reference to his OIG interview conducted on April 2, 2008. Boudreaux declined to provide an affidavit; however, he did allow SA Gossard to read an excerpt for a Memorandum of Investigation (MOI) Gossard prepared relating to Boudreaux's previous interview. SA Gossard only read the pertinent part of the MOI under the caption entitled "Boudreaux Interview."

Boudreaux agreed that the MOI was an accurate depiction of what he said on April 2, 2008. He did clarify that he was aware of some notes relating to the Grimes EEO complaint that Grimes showed another attorney during a meeting in which Boudreaux was present. Boudreaux declined to further identify the other attorney. However, he reiterated that he was not provided a copy of the notes as Grimes stated during her OIG interview.

Boudreaux could only recall that the aforementioned meeting occurred before his previous OIG interview on April 2, 2008. During her OIG interview, Grimes stated that Boudreaux was the only attorney she had in reference to her EEO complaint.

Special Agent Name and Signature: Ronald S. Gossard 	Date: 05/20/2008	Reviewer: 
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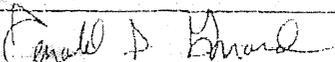
Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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**RE: Agreement to Mediate/Not Represented Statement**

On January 28, 2008, OIG Special Agent Ronald Gossard received the attached "Agreement to Mediate" and handwritten statement from Assistant U.S. Attorney Fredrick Menner, Office of General Counsel, Executive Office for United States Attorneys by electronic mail. The handwritten statement was drafted by Paralegal Specialist Tamarah Grimes, U.S. Attorney's Office, Middle District of Alabama, Montgomery, Alabama. The documents were obtained in reference to allegations that Grimes had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and that the recordings were allegedly made in reference to an Equal Employment Opportunity complaint filed by Grimes against one of the co-workers.

**Attachments:**

1. Agreement to Mediate dated November 1, 2007
2. Handwritten statement by Grimes dated November 2, 2007

Special Agent Name and Signature: Ronald S. Gossard 	Date: 01/29/2008	Reviewer: 
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United States Department of Justice  
Executive Office for United States Attorneys  
Equal Employment Opportunity Staff

Tamarah Grimes  
Paralegal Specialist  
Middle District of Alabama

and

Complaint of Discrimination  
Complaint No. USA-2007-00487

United States Attorney's Office  
Middle District of Alabama

### AGREEMENT TO MEDIATE

This is an agreement by the parties in the above referenced matter to participate in mediation regarding all issue(s) raised on August 6, 2007, by Tamarah Grimes, the Complainant, in her Formal Complaint of Discrimination, Complaint No. USA - 2007 - 00487.

The parties agree to engage in mediation, in good faith, in an effort to resolve the issue(s) raised during the equal employment opportunity pre-complaint and formal complaint process. The parties understand that mediation is voluntary and may be terminated at any time by either party.

The parties must have authority to settle and all persons necessary to the decision shall be present. The parties understand that they have a right to consult with their respective representatives during the mediation process and/or before signing any agreement.

Prior to the scheduled mediation, if feasible, each party should provide the mediator a brief, confidential memorandum outlining the issue(s) in dispute and describing that party's position with regard to the issue(s) to be resolved. Any documents the parties deem relevant to the issues may also be provided in advance to the mediator.

The mediator for this matter is Sharon Stokes, AUSA, Civil Division, NDGa, United States Department of Justice. The parties understand that the mediator has no authority to decide the matter and is not acting as an advocate or attorney for any party. The parties understand that the mediator will not and cannot impose a settlement in this matter, and agree that they are responsible for negotiating a settlement acceptable to them. The mediator, as an advocate for settlement, will use every effort to facilitate the negotiations of the parties.

The mediator has the discretion to terminate the mediation at any time if she believes mediation is inappropriate or that an impasse has been reached.

The expenses incurred by the mediator will be borne by the Executive Office for United States Attorneys, United States Department of Justice. The parties and their representatives will be responsible for their own expenses.

The parties are advised that the mediation of this matter will be held at the United States Attorney's Office, 131 Clayton Street, Montgomery, AL 36104, and is scheduled for November 1, 2007, beginning in the Civil Division Conference room at 10:00 a.m., for a full day to end at 6:00 p.m. A subsequent session, the following day or later, may be scheduled by agreement of the parties, their representatives, and the mediator, if deemed necessary.

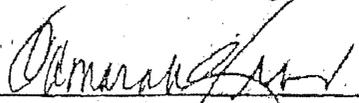
The parties understand that mediation is a confidential process as required pursuant to 5 U.S.C. §574. Under 5 U.S.C §574, both the mediator and the parties are prohibited from disclosing information and/or documentation shared during a mediation session or in communications with the mediation and/or other parties, except in the limited circumstances outlined in 5 U.S.C. §574. A mediator may disclose confidences revealed to him/her by one party to other parties, where the disputing party has authorized the mediator to do so. Any documents submitted to the mediator, and any statements made during the mediation session, are for settlement purposes only. Confidentiality shall not apply to threats of imminent physical harm.

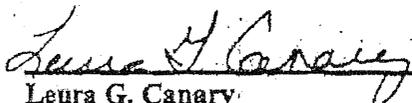
The parties agree not to subpoena the mediator or any documents prepared by, or submitted to, the mediator. In no event will the mediator voluntarily testify on behalf of any party or submit any type of report or notes in connection with the mediation, except a mediation summary statement. The mediation summary statement will only contain the status of the mediation efforts.

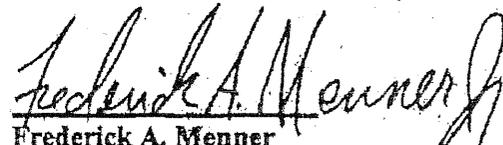
No party shall be bound by anything said or done at the mediation unless a written settlement is reached and executed by all necessary parties. If a settlement is reached, the agreement shall be reduced to writing, and when approved and signed by the appropriate authorities for all parties, shall be binding upon all parties to the agreement.

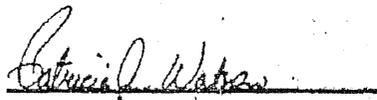
The parties authorize an extension of the administrative processing of the Formal Complaint of Discrimination, dated August 6, 2007, in order that mediation may be pursued through the Equal Employment Opportunity Staff's Alternative Dispute Resolution (ADR) program. This extension is through May 3, 2008.

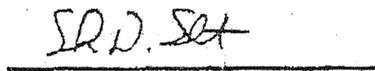
By signature below, we acknowledge that we have read, understand and concur with the terms of this Agreement to Mediate.

  
Tamarah Grimes  
Paralegal Specialist  
Middle District of Alabama  
205-249-3166

  
Laura G. Canary  
United States Attorney  
Middle District of Alabama

  
Frederick A. Menner  
Office of General Counsel  
Agency Representative  
202-514-4704

  
Patricia A. Watson  
First Assistant U.S. Attorney

  
Sharon D. Stokes  
EEO Mediator  
404-581-6301

Dated: This 1 day of November, 2007.

November 2, 2007

I, James Sumner, represent myself in these mediation proceedings. I have retained counsel in anticipation of litigation, but our employment contract specifically excludes mediation or administrative proceedings.

James Sumner

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MEMORANDUM OF INVESTIGATION

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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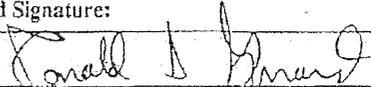
**RE: Documents Obtained from Paralegal Specialist Tamarah Grimes**

The OIG obtained several documents from Paralegal Specialist Tamarah Grimes, United States Attorney's Office (USAO), Montgomery, Alabama in reference to allegations that Grimes had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and that the recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

The documents were drafted by Grimes during the period of December 2007 – March 2008. In the documents, Grimes denies or infers that she did not make any tape recordings as alleged. Grimes also states the OIG investigation was initiated by United States Attorney Leura Canary, USAO, Montgomery, Alabama, as retaliation for her (Grimes) previously complaints against Canary and her current EEO complaint.

Attachments:

1. Letter dated December 17, 2007, to OIG Special Agent (SA) Ronald Gossard
2. E-mail dated December 19, 2007, to OIG Special Agent in Charge (SAC) Roger Williams, Operations Branch, Washington, D.C.
3. Letter dated January 14, 2008, to SAC Williams
4. E-mail dated January 22, 2008, to SA Gossard
5. Status Report (Mitigation of Damages) dated January 24, 2008
6. E-mail dated March 20, 2008, to several OIG and EOUSA staff
7. E-mail dated March 25, 2008, to SA Gossard and other OIG staff

Special Agent Name and Signature: Ronald S. Gossard 	Date: 05/09/2008	Reviewer: 
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December 17, 2007

Mr. Ronald S. Gossard  
U.S. Department of Justice  
Office of Inspector General  
60 Forsyth Street SW  
Room 8M45  
Atlanta, GA 30303

Re: Criminal Investigation

Dear Mr. Gossard,

This will follow our telephone conversation of December 17, 2007 wherein you advised me that:

(1) I was the subject of a criminal investigation and that you wished to interview me in regard to said criminal investigation.

You also told me that this matter had already been assigned to an AUSA and that it was an active *criminal* investigation.

You asked me to provide a voluntary interview which, under the circumstances, I declined to provide. You responded that you would need to speak to the AUSA assigned to this case and find out where we go from here. You stated that it was possible that you would approach me from an administrative avenue at a later date, depending upon the opinion of the AUSA.

If I have misstated or misunderstood any of the above, please let me know as soon as possible.

If I have not misstated or misunderstood your statements, I would like to provide you with the following facts to do with what you will:

1. On July 30, 2007, I filed a lawful and legitimate whistle-blower complaint with the appropriate government agencies concerning certain activities undertaken by management of this office in regard to "The Big Case", a high profile political corruption case in this district.
2. On August 6, 2007, I filed a lawful and legitimate EEO complaint with the EEO office of the Executive Office for United States Attorneys (EOUSA), a division of the United States Department of Justice alleging various violations of federal employment law.
3. On November 1-2, 2007 an unsuccessful mediation was attempted in the EEO case. The

-- ATTACHMENT --

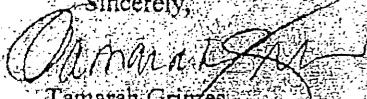
U.S. Attorney, Leura Canary, and the First Assistant U.S. Attorney, Patricia Watson attended.<sup>1</sup> The General Counsel representative remarked that it was uncommon for a U.S. Attorney to attend these proceedings. What he failed to recognize is that the U.S. Attorney did not attend the mediation for the purpose of participating in good faith negotiations toward settlement, but to conduct discovery and gather information.

The "*criminal*" investigation that you described today is yet another attempt to gather information and to foster an environment of fear and intimidation. This is the worst sort of abuse of authority by this office, and one in which the "*criminal*" investigation is being used as a threat. This is no different than driving slowly past the home of a star witness on the eve of testimony in an effort to intimidate and discourage that witness from testifying.

I have done nothing to warrant being the target of a criminal investigation. The only thing I have ever done is taken a stand against unlawful conduct, impropriety and prohibited activity by a Presidentially appointed U.S. Attorney who believes that she is above reproach. There is no crime in that.

By copy of this letter, I am requesting assistance from the Director of EOUSA, the Assistant Director of the EEO staff for EOUSA and the Office of General Counsel for EOUSA in immediately addressing this matter before more harm is done.

Sincerely,



Tamarah Grimes

Paralegal Specialist GS-12

United States Attorney's Office for  
the Middle District of Alabama

131 Clayton Street

Montgomery, AL 36104

cc: The Honorable Kenneth E. Melson, Director, EOUSA  
The Honorable Rita Sampson, Assistant Director, EEO  
Frederick Menger, Office of General Counsel  
Benjamin May, Office of General Counsel

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<sup>1</sup>Mrs. Canary and Mrs. Watson are cousins by marriage and that supposedly fails to rise to nepotism, but at the end of the day, the U.S. Attorney's cousin still benefits from the extraordinary benefits, awards and other perks given to his wife. (If not actual impropriety, this certainly gives the *appearance* of impropriety.)

**Grimes, Tami T. (USAALM)**

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Wednesday, December 19, 2007 1:47 PM  
**To:** Williams, Roger M. (OIG)  
**Cc:** Grimes, Tami T. (USAALM)  
**Subject:** SA Ron Gossard

Dear Mr. Williams,

I hope you will recall that we have corresponded a bit earlier this year over what I reported to be significant misconduct and corruption within my district (The United States Attorney's Office for the Middle District of Alabama).

It is unfortunate that a Special Agent from the Atlanta office has now become involved in this matter and I would like to make you aware of that involvement.

On Monday, December 17, 2007 I returned a call to SA Ron Gossard of the Atlanta Field Office. SA Gossard informed me that I was the subject of a criminal investigation into charges that I had "tape recorded an AUSA". I expressed my surprise and inquired of SA Gossard as to who would make such a ridiculous claim. He replied we would "get into that" when he interviewed me. He reiterated that this was an active criminal investigation and that an AUSA had already been assigned to the case. He then stated that the interview was voluntary "at this time." Under the circumstances, I declined to be interviewed "at this time." SA Gossard responded that he would take this information back to the assigned AUSA who could decide whether to "decline" the case or not. He added that it was possible that he might approach me administratively at a later date.

With all due respect, was this a real agent? Was he serious? This is not the way investigations are conducted and referred for prosecution! I may have been born at night, but I wasn't born last night. Given the history of abuse of authority, misconduct and outright corruption in this district, is it possible that SA Gossard was duped into participation in this scam?

First, I would like to express my outrage that someone would suggest that I have done anything whatsoever to warrant a meritorious criminal investigation. My U.S. Attorney complains that I am "overly sensitive to the rules." I am a "Rules Girl" all the way, honest, hardworking and I absolutely love what I do. What I hate, as you know from previous correspondences, are the bad apples who inevitably turn up and spoil all those around them.

Second, a claim that I "tape recorded an AUSA" must include a tape, otherwise what could be the actual basis for such a claim? As I have reported to you before, this is a district where decisions are made based on gossip, innuendo and who's who in the pecking order. This is actually a rhetorical question, as I am certain there is no tape, and if one has magically appeared, I certainly did not make it. I suspect that the interview requested by SA Gossard has more to do with the district's interest in learning about the details of whistleblower complaints I have made and less to do with any actual evidence of wrongdoing. This is consistent with the way things are done in this district.

I believe this is reprisal by the district for my complaints. I have prepared a second complaint which I wish to file with DOJ-OIG which outlines the every day fraud which is accepted as "normal" in this district. I have attached a copy to this e-mail. Can you accept this for filing and review by your agency for acceptance?

Things are very, very bad here in the district from a corruption and abuse of authority aspect. If we are resorting to alleged criminal investigations under pre-text, things are only going to get worse.

Thank you for your time and assistance in this matter.

Sincerely,

1  
ATTACHMENT 2

Q-054



OIG Complaint.pdf

Tamarah Grimes

Tamarah Grimes

January 14, 2008

Mr. Roger M. Williams  
U.S. Department of Justice  
Office of Inspector General  
Investigations Division  
1425 New York Ave, NW, Suite 7100  
Washington, DC 20530-2001

Re: My second complaint with DOJ-OIG/OI

Dear Mr. Williams

Thank you for your correspondence of January 9, 2008. Certainly I am disappointed with your decision, especially in light of the fact that I myself was recently contacted by one of your agents and notified that I was the subject of a criminal investigation into the most spurious and ridiculous of allegations that, except for the threat of criminal prosecution, I would not have even dignified the meritless allegations with a response. I notified you of this situation by DOJ e-mail on the day it occurred, December 17, 2008. This is the only response I have received from you.

In recognition of the assertion of limited resources of the OIG, it would be helpful to me if you would explain why my easily documented complaints of criminal activity within the USAO, i.e., filing false claims with the government are more appropriate for administrative inquiry, while it is appropriate for a DOJ-OIG-OI agent to contact me and inform me that I am the subject of a criminal investigation into "tape-recording an AUSA", refuse to tell me what statute or regulation I allegedly violated or where the complaint came from.

First, let me assure you that I have not engaged in any criminal activity in any way whatsoever and I am outraged at the suggestion that I have done so. This is pure reprisal/retaliation for my complaints of wrongdoing within the district. There is no basis for any alleged criminal investigation into my activities, yet the limited resources of DOJ-OIG/OI can be utilized to in an attempt to intimidate, vex, and harass me. Please feel free to take whatever steps you deem necessary to verify my claim that this "investigation" is completely without merit and intended to intimidate me. I will gladly fly to Washington, D.C. at my own expense to review any "tape" upon which these spurious allegations are

ATTACHMENT

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based. I am confident you will find that there is no tape because I have never taped an AUSA or engaged in any illegal conduct.

Again, as I did with my first complaint, I ask that you reconsider your decision to decline investigation on this second complaint. Should you choose not to do so, I have enclosed the form which you forwarded to me for referral of this claim to EOUSA. There is no need to protect my identity, EOUSA is aware of my previous complaints.

I submitted a complaint directly to Kenneth Melson, Director of EOUSA. I have received no response, expect for being turned over for criminal investigation by DOJ-OIG/OI.

I filed two complaints with the Office of Professional Responsibility. I have received no response, expect for being turned over for criminal investigation by DOJ-OIG/OI.

I have filed complaints with the U.S. Office of Special Counsel and have received inquiries for additional information pending potential investigation into my complaints from that agency. OSC asked if I had contacted *the Department of Justice, Office of Inspector General* for investigation and I replied that DOJ-OIG/OI had declined to investigate my complaints.

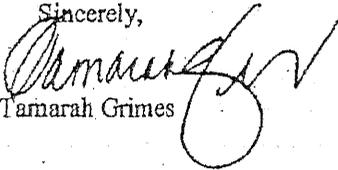
I have filed complaints with the GAO (Fraud Net), who requested permission to refer my complaints to *the Department of Justice, Office of Inspector General* for investigation.

I feel as though I am caught up in a vicious circle. Federal employees have an ethical obligation to report fraud, waste and abuse and I have done so. In response to fulfillment of my ethical obligation I have been turned over for criminal investigation by DOJ-OIG/OI, while not just one but two of my easily documented complaints have been turned away.

I request that you reconsider your decision to decline investigation into both of my complaints. Obviously, there is a problem in the USAO-Middle District of Alabama.

Your immediate attention to this matter is appreciated. As always, I am available to speak with you or to provide you with any information necessary to investigate my claims.

Sincerely,

  
Tamarah Grimes

**Gossard, Ronald S. (OIG)**

**From:** Grimes, Tami T. (USAALM) [Tamarah.Grimes@usdoj.gov]  
**Sent:** Tuesday, January 22, 2008 3:32 PM  
**To:** Gossard, Ronald S. (OIG)  
**Cc:** Grimes, Tami T. (USAALM)  
**Subject:** Requested Interview

Good afternoon,

This will memorialize our telephone conversation of this morning wherein we discussed the pending criminal investigation/prosecution against me. It is my understanding that the criminal prosecution is being held in abeyance until such time as you and your partner can obtain an administrative statement from me. Criminal prosecution may proceed against me if I do not "tell the truth" in my administrative interview.

You expressed your opinion that this interview had nothing whatsoever to do with my EEO claims or my Whistleblower claims. You explained that you had no agenda whatsoever except to follow instructions in this case.

If my understanding of the crux of our conversation is incorrect, please let me know.

I disagree with your assessment of your role in this case. It is my understanding that the complaint made to your agency by the U.S. Attorney, Leura Canary, directly arises from an EEO mediation proceeding. The complaint made to your agency by the U.S. Attorney, Leura Canary, forms the basis for a new EEO claim that the criminal investigation was initiated in bad faith, out of retaliatory animus, with improper motives and an actual desire to do harm (also known as malice). You are going to ask questions about a mediation for which we all signed a confidentiality agreement. You are going to ask me to waive privilege of communications between the mediator and myself. You are going to ask me questions about discovery and what my potential evidence might be. The U.S. Attorney was outraged that she could not extract this information from me at mediation. After your interview, she can obtain it directly from you. How convenient. As such, your investigation has everything to do with the my EEO claims and your role, even if it is an involuntary assignment, is to (1) gather information which she has not been able to obtain on her own, and (2) foster fear and intimidation on behalf of the U.S. Attorney so that she can "win" and make an example of me to discourage my co-workers from making any complaints.

As long as we are going to discuss false statements, let's discuss the two (2) Whistleblower Complaints I have filed with your agency which involve the same case which forms the basis of my EEO claims. I've attached the latest one, filed on December 18, 2007 for your review. These are real false statements and there is a paper trail which can be easily followed from each and every criminal act of filing a false claim with the government. According to SAC Williams, your agency does not have the investigative resources to look into actual documented false claims. Yet, it obviously has resources to undertake an unwarranted investigation of a vengeful complaint engineered in retaliation by the U.S. Attorney, just because she demanded it?

I realize that as a federal employee, I have a duty to cooperate with an administrative proceeding. However, I cannot be coerced to provide a statement under less than clear circumstances. Please provide a written statement of the nature, scope and goal of the interview, including the basis for the

interview. As a citizen of the United States, I have a liberty interest in being free from unwarranted criminal investigation under the 4<sup>th</sup> Amendment of the Constitution of the United States. I recognize that the new description of the need to interview me is the same as the old description. You may now call it an administrative proceeding, with the caveat that I "tell the truth", but we both know that I am still the subject of a criminal investigation. Please provide a written statement of the exact status of the criminal investigation of which you notified me on December 17, 2007, the justification for an administrative interview which you requested on January 22, 2008, including but not limited to the following prior to any interview:

1. A written description of any and all statute(s) and regulation(s) USAP(s) or other authority(ies), whether administrative, criminal or civil, which I have allegedly violated or which are under consideration for potential action against me.
2. A copy of any alleged recording, or a transcript of any alleged recording, which forms this basis for this investigation/prosecution whether administrative, criminal or civil.
3. A copy of any alleged evidence, tangible or intangible, forms this basis for this investigation/prosecution whether administrative, criminal or civil.
4. The identity of my accuser and a written copy of the accusations against me.

I am not a lawyer, but I know that I have rights to due process of law. I have the right to know what I am accused of. In the context from which your requests for an interview, first criminal and now administrative, arise, i.e., the EEO and Whistleblower complaints, this whole process has been tainted. Your agency refused to investigate my legitimate complaints, then target me as a subject? You inform me I'm the subject of a criminal investigation but refuse to tell me what statute or regulation I allegedly violated, and refuse to tell me who referred me for criminal prosecution and why?

Again, I mean no disrespect to you. You are a Criminal Investigator and I respect that. You have a job to do and I respect that. This is about me protecting myself from an out of control narcissist who has already demonstrated (see prior complaints) that she is willing to do whatever it takes to maintain her agenda.

Thank you for your time and assistance in this matter.

Tami Grimes

<<OIG Complaint.pdf>>

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR UNITED STATES ATTORNEYS  
EQUAL EMPLOYMENT OPPORTUNITY STAFF

Tamarah Grimes,  
*Paralegal Specialist*  
United States Attorney's Office  
Middle District of Alabama  
131 Clayton Street  
Montgomery, Alabama 36104

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COMPLAINT NO.: USA-2007-00487

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STATUS REPORT (MITIGATION OF DAMAGES)

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IN RESPONSE TO NOTICE ON EEO COMPLAINT FORM (Filed 1-17-08)

REGARDING DUTY TO MITIGATION OF DAMAGES:

Since approximately June 29, 2007 I have been engaged in protected activity with the EEO staff of EOUSA.<sup>1</sup> The experience described below is the latest in a series of escalating retaliatory attacks against me, as the Complainant, and against other employees who have supported my position.

Although I am not an attorney, I am an experienced paralegal with more than twenty (20) years actual experience working all levels of litigation in private practice. I have worked with senior trial attorneys on countless types of litigation in courtrooms all over the southeastern United States. I have actual hands on trial experience with civil

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<sup>1</sup>Currently pending.

defense of EEO claims, mostly in private practice, but also on one (1) occasion in my five (5) years with this office. I also have actual hands on trial experience in private practice with a plaintiff's firm involving § 1983 and Constitutional tort cases. I have worked with defense of workers compensation, medical malpractice, legal malpractice, large scale products liability (automobile, tractor, motorcycle, trailers manufactured for long distance OTR hauling, and other types of liability. I have seen some incredibly malicious intentional acts by employers, including malicious prosecutions, but I have never seen anything like this.

I have been employed with this office for almost five (5) years. I love working for the Department of Justice and I am proud to be part of the Department. As a person of morality and integrity, I expect my superiors to uphold the same values - to be above reproach. How disappointing it has been to personally observe this process unfold.

At this time, I have filed no claims with the MSPB. I have several claims and amendments pending with the EEO Staff. It is my understanding that there are other claims pending with the EEO Staff from this office.

#### **HISTORY OF LATEST ACT OF REPRISAL**

On December 17, 2007, I was contacted Special Agent Ronald Gossard of the Department of Justice, Office of Inspector General, Office of Investigations, who notified me that I was the subject of a criminal investigation to which a federal prosecutor had been assigned. SA Gossard advised me that the criminal investigation arose from alleged tape recordings of an AUSA. I expressed surprise and asked what I had done. SA Gossard refused to tell me or to provide the statute, regulation, USAP, of other authority allegedly violated. I questioned SA Gossard about the status of the

investigation, the basis for the investigation, and why a federal prosecutor would be assigned to an investigation before the subject was interviewed. SA Gossard reiterated that I was the subject of a criminal investigation and that he needed to interview me. SA Gossard repeated a third time that I was the subject of a criminal investigation and that my interview, which would be tape recorded, was strictly voluntary *at this time*. Upon advice of counsel, I declined to provide a taped interview without at least being advised of the statutory or regulatory basis of my criminal prosecution and the facts and circumstances from which the criminal prosecution arose. SA Gossard responded that he would take this information back to the federal prosecutor and get back with me.

On December 17, 2007, immediately following this conversation with SA Gossard, I filed a pre-complaint with the EEO Staff to assert retaliatory motive on the part of a management official in initiating criminal prosecution against me.

Approximately two (2) weeks later, I left a voice mail message for SA Gossard and asked him to apprise me of the status of the criminal investigation of which I was the subject. I did not receive a reply from SA Gossard.

On January 17, 2008, I filed a formal complaint of discrimination on the basis of reprisal with the EEO staff.

On January 22, 2008 I called again and spoke directly with SA Gossard, who informed me that the criminal investigation "*has gone by the wayside*," but that he wished to take an administrative statement from me as early as the next day. When questioned further, SA Gossard once again refused to provide the statute, regulation, USAP, or other authority I had allegedly violated, but added a new threat that I might still be the

subject of a criminal prosecution based on providing false statements if I failed to "tell the truth." SA Gossard requested that the interview be conducted this week.

Immediately following the conversation with SA Gossard, I sent the attached e-mail to Mrs. Canary, and to her GCO representatives, Mr. May and Mr. Menner. I asked for 16 hours of administrative leave in order to confer with counsel prior to submitting to an interview and to submit to the interview itself. I asked Mrs. Canary to provide a copy of the tape recording which formed the basis for my referral to DOJ-OIG-OI for criminal prosecution. *I never received any type of response whatsoever from Mrs. Canary, Mr. May or Mr. Menner.*

**DISCUSSION OF POTENTIAL CLAIMS OUTSIDE THE AUTHORITY OF EEO**

**(CONSTITUTIONAL TORT CLAIMS)**

*Note: This discussion is based on my personal experiences and my personal beliefs. I am not an attorney, nor do I hold myself out as an attorney. As mentioned above, I am an experienced senior paralegal with a lifetime of litigation experience upon which my personal opinions are based.*

**A. Mediation of pending protected activity (EEO) on November 1-2, 2007:**

I participated in what I understood to be a non-adversarial proceeding. Instead, I faced four (4) career prosecutors (including the mediator) who gave every indication of working together to try to conduct discovery as if we were in trial. The mediator, who was supposed to be a neutral party, was in full defensive AUSA mode. There were no serious or reasonable offers of settlement. There were no serious or reasonable settlement negotiations. I do not wish to waive privilege with the mediator, so I will not

open the door to the specifics of our conversations, except to say that these have been preserved in the appropriate forum with the EEO staff.

**B. Post-Mediation retaliation for participation in protected activity (EEO): Referral for criminal prosecution:**

It is my understanding that the management official who referred me for criminal prosecution was Mrs. Canary and the federal prosecutor assigned to my prosecution was also from this office. Both are active participants in my pending EEO claims. Aside from the obvious conflict of interest created by this referral and prosecution within my own office, there seems to be more than the mere appearance of impropriety associated with the United States Attorney and a federal prosecutor from my own office attempting to initiate a criminal prosecution against me, an employee of the district, under the color of federal authority, and based upon retaliatory animus.

It is my understanding that Mrs. Canary's decision to initiate a criminal prosecution against me was based upon her perception of the content and context of privileged communications between the mediator and me during a mediation of my EEO claims on November 1-2, 2007. Neither Mrs. Canary nor her counsel were present during the privileged communications at mediation. I did not sign anything waiving privilege of communication with the mediator and after review of the exceptions to confidentiality noted in the Mediation Agreement, I am certain that none apply to any of my discussions with the mediator.

Acting as Mrs. Canary's agent, the mediator forced me to sign a statement certifying that I was not represented by counsel during mediation. I thought that was a

very strange demand considering that the mediation was supposed to be a non-adversarial proceeding, but I complied with the demand because I simply did not recognize or expect a ulterior motive behind the demand that I execute the document. I have great respect for Mrs. Rita Sampson and at the time, although I recognized the mediator's obvious bias toward management, I could not imagine that any mediator approved by Mrs. Sampson would actually work against my interests. That concept was simply inconceivable to me at that time. In hindsight, forcing me to sign a statement must have had some particular significance to management.

The GCO representative is another matter. Considering that this was an EEO mediation into claims of gender based discrimination and harassment, as well as reprisal, I felt his comments of "what's not to like" about "an office full of women, run by women", "everywhere I look, I see women" were extremely inappropriate, insensitive and hurtful in a very emotionally charged environment.

Moreover, in hindsight, I feel that his statement regarding his review of my OPF, "You were a rising star with the Department, why would you want to file this?" and his strident comment of how unusual it was for the U.S. Attorney to attend an EEO mediation were spoken as a harbinger of the reprisal to follow. Mr. Menner specifically said, "It's almost unheard of." Indeed, invasion upon the personal liberty interests of any U.S. citizen, for any reason, under the color of federal authority *should be* completely unheard of.

Special notice is given to the EEO staff's disclaimer that these are my perceptions of what occurred in the mediation. In support of my perceptions, I would like to point out that, there was in fact a significant backlash arising from the mediation as I perceived it

and that backlash is represented by my being referred for criminal prosecution. Except for my opening statement, I never spoke to Mrs. Canary. Except for his opening statement, I never spoke to Mr. Menner. After opening statements, I never saw either of them again. I did, however, speak to the mediator perhaps a half dozen times on November 1, 2007. The rest of the time she spent with management. Even though Mr. Menner lectured me on the unnecessary cost of the mediation to the government, the four (4) prosecutors decided that we should continue mediation another day. The mediation continued until approximately 11:30 a.m. on Friday, November 2, 2007 and the mediator spent most of that time with management.

After research and informally discussing this matter with counsel, my position is that the referral for criminal prosecution significantly expands the potential scope of my claims outside the boundaries of EEO claims, and introduces new elements of unlawful and unconstitutional conduct which afford much more significant damages.

**ABSOLUTE IMMUNITY IS NOT WITHOUT LIMITATIONS**

Absolute immunity is an excellent shield, but it does not apply to all situations, nor should it. Absolute immunity does not extend to conduct taken by a prosecutor in an investigatory capacity. Historically, damages are regarded as the remedy for invasion of personal liberties, including violations of the *First* and *Fourth* Amendments to the *U.S. Constitution*.

A. **Referral for Criminal Prosecution:** Retaliatory motive on the part of Mrs.

Canary, who, in my personal experience, has a history of retaliation in this case<sup>2</sup>,

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<sup>2</sup>As specifically set out in pending EEO action(s).

in making the referral for criminal prosecution, when combined with an absence of probable cause supporting the assigned federal prosecutor's decision to move forward, constitute reasonable grounds to negate the presumption of legitimacy behind these decisions, and enough for a prima facie inference that an unconstitutional motive affected the decision to initiate the criminal prosecution.

**1. As a U.S. Citizen:** This is a violation of my 4<sup>th</sup> Amendment right, as a U.S. citizen, to be free from unwarranted criminal prosecution:

**2. As a federal employee:** The fact that the criminal prosecution was initiated by a federal official, under color of federal authority, is a second and significantly more ominous violation. It's very sad to me personally because I love my country and I believe in a government of the people and for the people. How can the Chief Federal Law Enforcement Official, the esteemed U.S. Attorney appointed by the President himself, maintain the candor and integrity essential to prosecution, while at the same time choosing to intentionally lash out and cause harm to a subordinate simply because she has the power to do so?

B. **Retaliation against key witness in my EEO claim:** Retaliatory motive on the part of Mrs. Canary, in terminating the employment of former AUSA Christa Deegan, one of the key witnesses to my EEO claim, and an outspoken opponent of the unprofessional and unlawful practices encouraged and accepted by management of this office. Although she is no longer a federal employee, Mrs. Deegan has expressed her steadfast belief that she was terminated because of her relationship as a key witness to my EEO claim and an outspoken opponent as

described above. Moreover, Mrs. Deegan asserts that she was terminated for "saying something bad about the office" and that management refused to provide any further explanation or any documentation at all in support of its decision, asserting that the documentation was protected by "attorney-client privilege." If this is factual, then Mrs. Deegan's claims might also be significantly expanded outside the boundaries of EEO claims, to include conduct which may be unconstitutional. It is my understanding that an allegedly vengeful federal official who, under the color of federal authority, takes retaliatory action against an individual for speaking out is subject to an action for damages under *Bivens*, and possibly 42 U.S.C. §1983.<sup>3</sup>

#### MITIGATION OF DAMAGES

I have offered literally dozens of potential scenarios, all of which have been dismissed or rejected outright. As I have repeatedly stated, I am amenable to negotiation of a fair and reasonable settlement at this time. However, I am literally days away from formalizing a representation agreement to retain the services of counsel for litigation. I have been forewarned by prospective counsel to be prepared for a long and protracted process before we reach the twelve (12) faces in the box. I am prepared to fight as long and as hard as necessary to feel whole again. I am no stranger to the courtroom, in many ways I am in my element there. I look forward to sharing my experiences with twelve (12) strangers who are just like me....ordinary citizens who just want to be treated fairly and decently, who have the right to oppose discrimination, who have

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<sup>3</sup>It is not my intent to represent Mrs. Deegan's interests. She is an attorney and certainly capable of defending herself. This is provided as an example of the routine patterns and practices of management in this district.

the right to be free from reprisal for the exercise of civil rights guaranteed by the *Constitution of the United States*, people who have personal liberty interests in freedom of speech and freedom from unwarranted criminal prosecution under the color of federal authority. Twelve good, honest people with families who love them and hurt when they are hurt, who, at some point in their lives have been emotionally battered and broken, through no fault of their own by someone to whom his/her life were not even worthy of consideration.

I have been counseled that the management officials who have invested so much time and energy in retaliation and vengeance will likely have moved on, replaced with new management officials to see this through. My response to that is simple. It doesn't have to be that way. I have brought this issue to the Director of EOUSA. DOJ-OIG-OI is aware of the situation.

My effort to mitigate my damages comes down to this very simple suggestion. Let's mediate this again with these stipulations:

1. The settlement decision will not be made by Mrs. Canary. It is my position that she has demonstrated her lack of judgment and as well as her propensity for vindictiveness by her well documented retaliatory actions. That means that someone other than Mrs. Canary will be present to represent management, with decision making authority independent of Mrs. Canary.
2. The mediator will be carefully selected to avoid a repeat of the last mediation.
3. A new GCO representative will be assigned and Mrs. Canary will have no input into that decision.
4. My expectations regarding settlement have been well documented and there are literally dozens to choose from. I am open to negotiation of a reasonable settlement which factors in the significant personal and professional injuries and damages I have suffered as a result of these acts.

5. The mediation must take place immediately.

6. I will not agree to resign my position with the federal government. I am amenable to a relocation, transfer or a detail.

Respectfully submitted on this 24<sup>th</sup> day of January, 2008.

Tamarah Grimes

**Gossard, Ronald S. (OIG)**

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**From:** Grimes, Tami T. (USAALM) [Tamarah.Grimes@usdoj.gov]  
**Sent:** Thursday, March 20, 2008 10:23 PM  
**To:** Williams, Roger M. (OIG); Robinson, Gail A. (OIG); Rosenblum, Jeff (USAEO); Davis, Eddie D. (OIG); Gossard, Ronald S. (OIG); Macklin, Jay (USAEO)  
**Subject:** FW:  
**Importance:** High

The phrase I was trying to recall was "Fruit of the poisoned tree".

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**From:** Grimes, Tami T. (USAALM)  
**Sent:** Thursday, March 20, 2008 9:11 PM  
**To:** Watson, Patricia (USAALM)  
**Cc:** Crawford, Michele (USAEO); Sampson, Rita (USAEO)  
**Subject:** RE:  
**Importance:** High

Dear Ms. Watson,

Thanks for the heads up. I guess that explains why Jim Dubois was so anxious to get the PP presentation by Monday. Good news travels fast in this office.

Even though the qui tam case is four years old and remains static, Mr. Doyle is extremely insistent that I prepare a Powerpoint presentation (per one of my few remaining REOs) for a qui tam meeting on Thursday. I have advised Mr. Doyle of the conflict. Since I have so few viable duties remaining in my work plan, i.e., duties that have not been re-assigned to AUSAs, I hope this will not be held against me on my performance evaluation.

I would assume that this communication is from you in your official capacity as First Assistant United States Attorney. Therefore, if you are going to advise me of my rights, it would be helpful if you would include all my rights, and not just the ones which serve your purpose. I understand that as a DOJ employee, I have an obligation to participate in any Administrative proceeding "fully and truthfully" as you stated. I also understand that in a Criminal proceeding, I have a right to due process of law and the right against self-incrimination. It has been more than three (3) months since I was notified by SA Ronald Gossard of DOJ-OIG that I was the subject of a criminal investigation, yet to date, no one has advised me of the charges against me, nor of the statute, regulation, rule or policy I have allegedly violated. And then there is those pesky little issues of probable cause and selective prosecution.

As breaching parties to the non-disclosure agreement and the deprivation of my civil rights and liberties which followed, it is neither ethical nor sufficient for EOUSA and OIG to further abridge my rights or to make any determinations as to the validity of the agreement. Certainly, it serves the purposes of OIG and EOUSA to make such a determination, but I will not agree to accept that determination and demand that this issue be referred to the Office of Special Counsel for determination. By copy of this e-mail, I am making that referral myself, with a hard copy to follow by Priority Mail tomorrow. Neither OIG nor EOUSA have an appropriate level of neutrality, disinterest or impartiality to conduct this investigation.

For instance, your claim that I have a duty to "reply to the questions posed to you concerning the

ATTACHMENT         b

statements you made during the mediation in reference to audio recordings." is completely without factual or evidentiary basis. Produce a copy of the alleged audio recording which forms the basis for this spurious allegation, or any irrefutable evidence at all, as probable cause for making such a claim.

Finally, if your position is that an OIG investigation is warranted into any allegations of criminal activity, then I would like to know why a criminal investigation has not been initiated into the fact, which can be easily documented, that this district filed false claims with the government for more than five (5) years to keep Vallie Byrdsong here when you had several full time district employees who could have performed the function without incurring hundreds of thousands of dollars in per diem and contract fees. I am pretty sure the term for that is "selective prosecution."

I am mindful of your concerns. If you feel that agency disciplinary action, including dismissal, is appropriate and warranted for the exercise of one's civil rights and civil liberties, then you should certainly proceed accordingly.

Sincerely,

Tami Grimes

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**From:** Watson, Patricia (USAALM)  
**Sent:** Thursday, March 20, 2008 4:44 PM  
**To:** Grimes, Tami T. (USAALM)  
**Subject:**

Tami:

I have been advised that OIG is going to interview you next Thursday, March 27. They will be in contact with you concerning the details. You have a duty to reply to the questions posed to you during this interview and agency disciplinary action, including dismissal, may be undertaken if you refuse to answer or fail to reply fully and truthfully.

Neither your answers nor any information or evidence gained by reason of your answers can be used against you in any criminal proceeding. However, if you knowingly and willfully provide false statements or information in your answers, you may be criminally prosecuted for that action. The answers you furnish and any information or evidence resulting therefrom may be used in the course of agency disciplinary proceedings. Moreover, both EOUSA and OIG have reviewed the non-disclosure agreement you signed as part of your EEO mediation (and the authorities cited therein), and have determined that the agreement does not apply to OIG investigations. Patricia

**Gossard, Ronald S. (OIG)**

**From:** Grimes, Tami T. (USAALM) [Tamarah.Grimes@usdoj.gov]  
**Sent:** Tuesday, March 25, 2008 11:58 AM  
**To:** Gossard, Ronald S. (OIG); Williams, Roger M. (OIG); Robinson, Gail A. (OIG); Davis, Eddie D. (OIG)  
**Subject:** OIG interview  
**Importance:** High

Dear Special Agent Gossard,

This will memorialize our telephone conversation from 10:30 CDT this morning.

As I explained to you at that time, I will gladly provide an interview for an Administrative proceeding if you will provide me with the Statute, Regulation, Policy, or Procedure under which you are considering charges against me.

You refused to do so and accused me of refusing to conduct an interview. This is my official notice that I will gladly provide an administrative interview if you comply with my basic right to due process of law. I want to know – prior to the interview – what statute, regulation, policy or procedure I have allegedly violated.

You stated we would “start with” 18 U.S.C. 1905. That is a Criminal Statute. I asked what else, you said there were surely others, then you became belligerent and stated that the conversation was finished. Moreover, you practically accused me of lying before the interview has been conducted.

Your behavior is not acceptable by any reasonable professional standard. As a United States citizen and a federal employee, I expect and DEMAND honesty and integrity in interactions with law enforcement. I will gladly provide an administrative interview only if you provide due process of law as guaranteed to me under the Constitution of the United States. That is, at a minimum:

1. The specific statutes, rules, regulations, policies or procedure under which you are considering criminal charges against me.
2. The basis (probable cause) for this interview. You keep referring to an audio tape. I want to hear the evidence against me (because I know it does not exist).

This is my official response to your request for interview on Thursday, March 27, 2008 at 11:00 a.m.: “Because I do not know the nature or the basis for the charges against me, and because the United States Department of Justice Office of Inspector General, through its Agent Ronald Gossard, continues to refuse to provide that information to me, upon the advice of counsel, I decline to provide an interview without being informed of the charges against me and the basis for those charges. This response is based upon the Civil Rights guaranteed to me by the Constitution of the United States, specifically the 4<sup>th</sup>, 5<sup>th</sup>, and 14<sup>th</sup> amendments, et seq.”

Respectfully submitted,

Tamarah Grimes

ATTACHMENT 7

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MEMORANDUM OF INVESTIGATION

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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**RE: Declination**

On March 19, 2008, Assistant U.S. Attorney (AUSA) Mel Hyde, U.S. Attorney's Office (USAO), Middle District of Georgia (MDGA), Columbus, Georgia informed OIG Special Agent Ronald Gossard that his office was apt to decline prosecution of Paralegal Specialist Tamarah Grimes, USAO, Middle District of Alabama, Montgomery, Alabama. The declination was in reference to the false statements Grimes allegedly made during a mediation hearing when she told the mediator, Deputy Chief Sharon Stokes, Civil Division, USAO, Northern District of Georgia, Atlanta, Georgia that she (Grimes) surreptitiously tape-recorded comments made by co-workers during official meetings pertaining to the prosecution of a high profile public corruption case and disclosed those recordings outside the DOJ. The recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers.

AUSA Hyde stated he was recommending the declination to the United States Attorney for the MDGA because he (Hyde) felt that it was possible that a U.S. District Court Judge would rule that the statements Grimes made during the mediation were protected under the confidentiality statute, 18 USC § 574.

Special Agent Name and Signature: Ronald S. Gossard <i>Ronald S. Gossard</i>	Date: 03/21/2008	Reviewer: <i>EGD</i>
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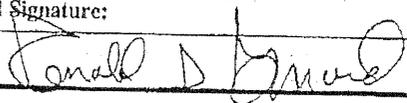
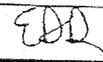
MEMORANDUM OF INVESTIGATION

Case Number: 2008-000904	Reporting Office: Atlanta Area Office
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**RE: Declination**

On May 16, 2008, OIG Assistant Special Agent in Charge Eddie Davis and Special Agent Ronald Gossard met with Criminal Chief Sharon Ratley and Assistant U.S. Attorney Melvin Hyde, United States Attorney's Office (USAO), Middle District of Georgia, at the USAO in Macon, Georgia. The meeting was conducted in reference to allegations that Paralegal Specialist Tamarah Grimes, USAO, Montgomery, Alabama had surreptitiously tape-recorded comments made by co-workers during seven official meetings pertaining to the prosecution of a high profile public corruption case and that the recordings were allegedly made in reference to an Equal Employment Opportunity (EEO) complaint filed by Grimes against one of the co-workers. The purpose of the meeting was to obtain a prosecution decision in reference to the several false statements Grimes allegedly made during her OIG administrative interview.

Ratley and Hyde declined prosecution of Grimes for the false statements due to a lack of prosecution merit and in lieu of appropriate administrative action.

Special Agent Name and Signature: Ronald S. Gossard 	Date: 05/19/2008	Reviewer: 
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