

INTRODUCTION

We, the members of the 28th Statewide Investigating Grand Jury, having received and reviewed evidence regarding allegations of violations of the Pennsylvania Crimes Code and related laws, occurring in Dauphin County, Pennsylvania, pursuant to notice of submission of Investigation No. 4, do hereby make the following findings of fact, conclusions, and recommendation of charges.

FINDINGS OF FACT

This investigation was commenced and continued as the result of public allegations of potential public corruption and criminal misconduct within the Pennsylvania Legislature. This Grand Jury Investigation was initially commenced before the 25th Statewide Investigating Grand Jury, in August of 2007, and, upon the expiration of that Grand Jury, this matter was transferred to the attention of the 28th Statewide Investigating Grand Jury in March of 2008. The 28th Statewide Investigating Grand Jury issues this Presentment in furtherance of its ongoing investigation of the Pennsylvania Legislature.

In its investigation, the Grand Jury has continued to be guided by the words of the Pennsylvania Superior Court when it stated that an elected representative is “not allowed to direct state paid employees under his authority to conduct campaign/or fundraising related work, during state paid time, for his personal benefit.” Such actions secure “a private monetary advantage” for an elected representative because, “by having state employees work for him on his campaign and/or fundraising task while they were being paid by the State, he obtained the benefit of free campaign work funded by the taxpayers.”

Commonwealth v. Jeffrey Habay, 934A2d.732, 738(Pa.Super.2007)

I. USE OF TAXPAYER RESOURCES FOR FUNDRAISING WORK.

From 2001 until 2007, political fundraising work for Representative H. William DeWeese was conducted from within the Pennsylvania Capitol, primarily at the expense of Pennsylvania’s taxpayers. Michael Manzo, who served as Chief of Staff to Representative DeWeese from 2001 to 2007, testified pursuant to a plea agreement before this Grand Jury. Manzo testified that in 2001 DeWeese began an active search to hire a political fundraiser for his campaign and asked Manzo to help him find such a person. Kevin Sidella was hired onto

DeWeese's Capitol legislative staff, but it was always clear, from the interview on, that Sidella's primary function was to be DeWeese's campaign fundraiser. Manzo testified that Sidella eventually "handled every aspect of Bill's fundraising." Manzo detailed that this work was done in the Capitol, during the work day and with the full knowledge of DeWeese.

The fundraising work performed by Kevin Sidella on behalf of the DeWeese campaign was confirmed to the Grand Jury by Kevin Sidella himself. Sidella testified, pursuant to a grant of immunity, in detail about his fundraising efforts while employed on the capitol staff of Representative DeWeese. He explained that fundraising was an integral part of this legislative position from the first mention of the job. Sidella testified that he raised millions of dollars on behalf of Bill DeWeese's campaigns during these years. An integral part of these fundraising efforts was the creation and maintenance of donor lists. Sidella detailed how he spent significant portions of time identifying, tracking and targeting significant campaign contributors to political candidates in Pennsylvania. Similar to the fundraising operation established by Representative Veon, these lists were believed to be invaluable in soliciting donations from selected business, occupation and interest groups. Knowing the amount of money donated to other politicians also allowed DeWeese to assert leverage to acquire an equal or larger donation for his campaign. These lists were also crucial in issuing invitations to DeWeese fundraisers.

Sidella's fundraising work also included scheduling and arranging fundraisers on behalf of the DeWeese campaign. Sidella testified that DeWeese's most elaborate fundraiser was held annually at Hershey, Pennsylvania. Sidella worked extensively on these fundraising events.

Sidella described how he used a specialized fundraising database, called PT Database, as part of his efforts. This database was the same one utilized by P.J. Lavelle on behalf of Representative Veon's campaign, and by the House Democratic Campaign Committee. This database allowed Sidella to track donors, contribution amounts and campaign expenses. In 2004, Sidella became the treasurer for DeWeese's campaign committee. He testified that this created significantly more work for him on behalf of the DeWeese campaign. He was now responsible for the tracking, collection and deposit of all campaign contributions. Additionally, he controlled the campaign bank accounts and was the signatory who executed and issued all payments.

Sidella recounted an occasion when he raised concerns to DeWeese about the political nature of his own work. DeWeese responded that "our saving grace is that everyone does it."

Sidella's status as the campaign fundraiser for DeWeese was notorious within the democratic caucus. Numerous employees with the caucus testified before this Grand Jury that they knew of his fundraising work. A number of his fellow staff members testified in detail about Sidella's fundraising work at his desk during the work day. Some of these witnesses sat in close proximity to Sidella and observed him on a daily basis. Sidella was paid by the public, between 2001 and 2006, in excess of \$275,000.00 in salary.

Jon Price served as one of Representative DeWeese's policy analysts through much of the same period that Sidella was on DeWeese's Capitol staff. He testified that he was friendly with Sidella and would often visit him at his desk. He said that he never knew Sidella to do any legislative work and that he only ever saw him doing fundraising or campaign work on behalf of Representative DeWeese. Price described how he observed him creating fundraising lists, maintaining DeWeese's campaign finance records and paying DeWeese's campaign expenses. Another policy analyst on DeWeese staff, Patrick Grill, also described how Sidella maintained DeWeese's campaign fundraising expenses at his desk in the Capitol.

Grill also testified about the formation of a political action committee called the Pennsylvania United PAC. Grill was asked by Sidella to appear as the Treasurer on the paperwork for this PAC. Similarly, Justin Klos - another DeWeese staffer - was asked to appear as the President on the paperwork for this PAC. Grill testified that, in fact, neither he nor Klos exercised any control or responsibility over this PAC. Their names were put on this entity to simply hide the fact that it was controlled by Representatives DeWeese and Veon. This PAC served as a way for DeWeese and Veon to funnel money to select causes and candidates without revealing that the money came from them.

Other prominent fundraisers in the House Democratic Caucus also testified about Sidella's work in the capitol as a fundraiser. Patrick Lavelle, who served as Veon's chief fundraiser in the capitol, testified before this Grand Jury pursuant to a plea agreement. Erin Madison, who served as a fundraiser for the House Democratic Campaign Committee during the same years that Sidella worked on DeWeese's staff, testified pursuant to a grant of immunity. Both Lavelle and Madison stated that they often shared fundraising data and donor information with Sidella. They also confirmed that all three fundraisers utilized the PT Database. Indeed, their shared use of the PT Database was specifically designed to promote cooperation and coordination of their respective fundraising efforts. They also confirmed that the work of all

three fundraisers was conducted in the Capitol during the work day. They also confirmed that their work was known to certain members of leadership, including Representative DeWeese.

The Grand Jury also acquired documentation reflecting DeWeese's fundraising operation. These documents comprise thousands of pages of lists that include, but are not limited to: potential DeWeese campaign donors; actual DeWeese campaign donors; and, DeWeese campaign expenditures. These documents were all recovered from the publically funded computers and computer network of the House Democratic Caucus. In addition, emails that reflect not only the fundraising efforts, but the participation of Representative DeWeese, have been recovered and placed in evidence before the Grand Jury. These emails reflect frequent discussions about fundraising, while using the publicly owned caucus email system, by employees and leaders of the House Democratic Caucus.

One email exchange from Thursday, November 4, 2004, at approximately 3:00 o'clock in the afternoon, is particularly telling. Then Chief of Staff Mike Manzo sent an email to DeWeese and Sidella that stated as follows:

Now that the dust has settled, I want to up date you on your efforts this year. At \$460k to candidates in HDC this year, you broke your personally record by over a \$100k. You were the HDCC's single largest contributor, beating Nundell by a good \$400k. Veon likely comes in at about \$350k. And now for the good news...you have \$95k on hand right now. And some in the pipe line. It is a very real possibility that you are sitting on over \$300k by June 2005, in an off year!!!!!!!!!! You have separated yourself from the field on that front. You are now nearing Fumo-status. You and Kevin have done an incredible job.
Michael Manzo.

Several minutes later DeWeese responded to Manzo and Sidella, as follows:

Could not do without Kevin and CHIEF.....
Our Chief!!!!!!!!!!

To which, Manzo immediately responded:

The sky is the limit with this team. I really believe that.

II. USE OF TAXPAYER RESOURCES FOR CAMPAIGN WORK.

Numerous past and present members of Representative DeWeese's legislative staff from his district offices testified before the Grand Jury.¹ These staffers described the type of work that should be performed by legislative district office employees. This legitimate work was primarily in the field of constituent services. The district office employees would assist people with forms, issues and concerns arising out of constituent interactions with state agencies. Most notably, a great effort was made to assist constituents with Pennsylvania Department of Transportation (PENN DOT) business. A number of district office staff members were specifically assigned to assist constituents with their PENN DOT/Department of Motor Vehicles forms to ensure that they were addressed in a timely fashion. Staff members would also assist constituents with questions about state employment.² Additionally, staffers discussed and noted the concerns of constituents about legislation and legislative concerns. These would be forwarded to Harrisburg staff for any required attention and response. All of the district office staffers who testified before the Grand Jury stated that they knew the difference between legitimate legislative work and improper campaign work. They all stated that their work was never limited to the aforementioned appropriate legislative work.

Representative DeWeese's legislative staff and campaign staff were virtually one in the same. Michael Manzo detailed for the grand jury how DeWeese had no campaign apparatus beyond his legislative staff. Practically every aspect of his campaign, whether fundraising, mailers, advertisements, signs, or door to door canvassing, was performed by legislative employees. The core group in this effort was the staffers in DeWeese's district offices. District office legislative staffers, Mellissa Frameli, Carol Bohach, Susan Stoy, Debra Konosky and Angel Kirby-Willard, all testified that campaign work for Representative DeWeese was part of their jobs. These employees detailed years of political and campaign work performed at the direction of DeWeese, Sharon Rodavich, Sheliah Novasky and Brenda Devecka. Each employee testified that campaign work was expected of them from their date of hire. Such campaign work included, but was not limited to: obtaining signatures for DeWeese's nominating petitions; preparing, printing, copying and sending political and campaign letters to voters; reviewing and

¹ Representative DeWeese's primary district office is located in Waynesburg, Pennsylvania. Over time he added offices in Hiller, Frederickstown and Masontown.

² Testimony revealed that Representative DeWeese played a role in the assignment of jobs at Department of Corrections facilities located in his legislative district.

copying street lists of voters; helping to arrange campaign meetings and campaign events; helping to arrange and staff fundraising and campaign events; and, conducting door to door campaigning for Representative DeWeese. They were directed to do this campaign work as part of their jobs, often during the work day, in the legislative offices.

In the district office, the primary supervisors of the day to day campaign work were Sharon Rodavich and Sheliah Novasky. Rodavich had been employed in the district office since approximately 1994 as an “outreach director”. Of the numerous legislative staffers who testified before the grand jury, from DeWeese’s district and Capitol offices, not a single one was able to identify any specific legislative work actually performed by Sharon Rodavich. Most testified, including those who had worked in the Waynesburg office with her since 1994, that they were unaware of any legislative work she performed. All of the district office staffers, who testified, stated that her primary responsibility was political and campaign work. She was also frequently described as the primary director of campaign work among the district office staff.

Mike Manzo testified that Rodavich “did nothing but politics” and other than that, “didn’t do any work.” Manzo also noted that it was well known that Rodavich had a serious attendance problem and was rarely in the office, despite receiving a very large salary. This sentiment was pointedly echoed by Rodavich’s co-workers in the district offices. Again, every co-worker, who testified before the Grand Jury, observed that Rodavich was usually absent from the office. Staffer Angel Kirby-Willard testified that Rodavich was in the office “very limited hours and that when she was not in the office there was no way to reach her.” She further testified that Rodavich had appeared in the office, on her best week, “two or three times.” Melissa Frameli testified that Rodavich was “hardly ever at work” and that her “legislative work was very minimal”. Leonard Cowitch, an attorney with House Democratic Caucus’ Chief Counsel’s office, testified that Rodavich’s attendance abuses and misuse of leave were well known to Representative DeWeese. Indeed, he testified that after the Grand Jury’s investigation became known within the caucus, an effort was made to address the issue. A letter directing Rodavich to appear at work and to obey the attendance and leave policies of the caucus was drafted by the counsel’s office, however, at the direction of DeWeese, this letter was never sent to Rodavich.

Rodavich’s co-workers also detailed her personal uses of legislative time. Staffers described how Rodavich spent significant time organizing and arranging cheerleading competitions. They state that Rodavich, for a number of years, had been the cheerleading coach