

NAACP

Blair County Branch

INVESTIGATION FINDINGS

SUBJECTS: Operation Our Town, Inc; Blair County District Attorney

November 15, 2023

Overview

The Blair County NAACP is at the height of a 2-year investigation into how a private non-profit organization, Operation Our Town, Inc (OOT), may or may not influence the decisions of Blair County public officials. This investigation follows scrutiny from members of the press, civil rights organizations, criminal defendants, and private citizens. Unfortunately, public officials have often dismissed this scrutiny as a social issue without intensive investigation.

In the course of this investigation, however, the Blair County NAACP has uncovered major conflicts and inconsistencies in these officials' statements and conduct. To assist County, State, and Federal agencies responsible for rectifying misconduct, our findings are divided into three categories:

1. Financial-Ethical concerns related to judicial officials soliciting funds.
2. Financial-Legal Concerns related to use of un-audited funds in Blair County Drug Task Force operations.
3. Financial-Ethical concerns related to law enforcement requests for operation funding.

The methods of reporting these concerns and facts relevant to each category are contained herein.

Financial-Ethical Concerns: Solicitation of Funds

A wide array of legal precedent and statute apply to distribution and receipt of funds through the judiciary in Pennsylvania. In seeking to assess the integrity of Blair County's judiciary, Branch #2252 compiled the following facts:

Fact 1: According to its Preamble, The Pennsylvania Code of Judicial Conduct (hereafter, "The Code") "denotes standards for the ethical behavior of judges and judicial candidates. It is... a complement to general ethical standards and other rules, statutes and laws governing such persons' judicial and personal conduct."

Fact 2: To ensure implementation of The Code, the preamble also dictates that: This Code shall constitute the "canon of... judicial ethics" referenced in Article V, Section 17(b) of the Pennsylvania Constitution, which states, in pertinent part: "Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the (Pennsylvania) Supreme Court."

Fact 3: But, these standards are not only to be applied to judges. Under 16 Pa. Stat. § 1401 (o): A district attorney shall be subject to the Rules of Professional Conduct and the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth insofar as such canons apply to salaries, full-time duties and conflicts of interest.

Blair County NAACP Branch #2252

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Fact 4: On the conflict at the heart of this concern category, Rule 3.7 (Civic and Charitable Activities) of The Code indicates that:

Judges may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties. Judges may serve as an officer, director, trustee, or nonlegal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not personally solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of the judicial office for that purpose, but may be listed as an officer, director, or trustee of such an organization. A judge shall not be a speaker or the guest of honor at an organization's fundraising events that are not for the advancement of the legal system, but may attend such events.

Fact 5: The Judicial Conduct Board of Pennsylvania further defines "personally solicit" as "A direct request made by a judge or a judicial candidate (or District Attorney under Title 16) for financial support or in-kind services, whether made by letter, telephone, or any other means of communication,"

Fact 6: After reading Rule 3.7 B (2) and relevant definitions, NAACP officers recalled a newspaper article which we had archived: *DA: Drugs in area worse after sentencing changes*, by the *Altoona Mirror's* Walt Frank. In the March 2022 article, Frank recounts Blair County District Attorney Pete Weeks' statements before the Blair County Chamber of Commerce Breakfast Club. He writes "Weeks asked for continued support from the local business community." Weeks is then quoted saying "You need to show financial support. Operation Our Town provides resources that enable us to do more search warrants and saturation patrols and makes funding available for equipment for operations that can't be done within our normal budget."

Conclusion: In light of the above facts, the Blair County NAACP concludes that Blair County District Attorney Pete Weeks and former-District Attorney Richard Consiglio more likely than not violated the Pennsylvania Code of Judicial Conduct and resolves to report this finding to the PA Supreme Court Judicial Conduct Review Board.

Financial-Legal Concerns: Use of Un-Audited Funds

After the previous category was assessed, the Blair County NAACP sought to understand *how* the funds Weeks asked business owners to contribute were to be used. A September public records release to the Hollidaysburg Community Watchdog provided insight beyond previous reports. In assessing the transparency of the use of OOT funds, Branch #2252 compiled the following facts:



Fact 1: Based upon interviews with Blair County Commissioners Bruce Erb and Laura Burke, general contributions to General Fund could not be “earmarked” for specific purposes. In practice, Commissioners would assess the cost of a service or salary, and send a bill for “reimbursement” to Operation Our Town.

Fact 2: The Watchdog release showed more than \$260,000 in checks from the last 4 years to a First National Bank account titled “County of Blair Office of DA.” While seeking to track these reimbursements, Blair County Treasurer Jim Carothers could not find line items to match the amounts listed on checks signed by OOT executives Michael Fiore and Joe Sheetz.

Fact 3: In a voicemail recording played at Wednesday’s meeting, Blair County Controller A.C. Stickel is heard saying that the account number on deposit slips associated with the checks “does not belong to the County of Blair.” Stickel continued that “I don’t know what they’re doing but... it’s not part of the general ledger... it’s not related to our Employer Identification Number.”

Fact 4: Pennsylvania’s 1955 Act 130, Section 1403 (o) reads: All necessary expenses incurred by the district attorney or the district attorney's assistants or any officer directed by the district attorney in the investigation of crime and the apprehension and prosecution of persons charged with or suspected of the commission of crime, upon approval thereof by the district attorney and the court, shall be paid by the county from the general funds of the county.

Fact 5: Blair County Treasurer Jim Carothers, and auditing firm Zelenkofske Axelrod, LLC confirmed that they had never seen the account number (First National Bank ending in 5588). This disqualifies any lawful potential for the account to the District Attorney’s “asset forfeiture account”, as described in Title 42 § 5803 (g), which reads: Cash or proceeds of property, subject to forfeiture under section 5802 and transferred to the custody of the district attorney under subsection (f) shall be placed in the operating fund of the county in which the district attorney is elected. The appropriate county authority shall immediately release from the operating fund, without restriction, a like amount for the use of the district attorney for the enforcement of or prevention of a violation of the provisions of The Controlled Substance, Drug, Device and Cosmetic Act. The funds shall be maintained in an account or accounts separate from other revenues of the office. The entity having budgetary control shall not anticipate future forfeitures or proceeds from future forfeitures in adoption and approval of the budget for the district attorney.

Conclusion: In light of the above facts, the Blair County NAACP concludes that Blair County District Attorney Pete Weeks and former-District Attorney Richard Consiglio more likely than not violated Pennsylvania’s Act 130, and resolves to report this finding to the PA Supreme Court Judicial Conduct Review Board and the Blair County Court of Common Pleas.

Additionally, The Blair County NAACP demands that the District Attorney’s First National Bank account be brought into the general fund, and that all records since its inception be subject to public scrutiny. We will send appropriate, formal requests upon compliance with this demand.



Financial-Ethical Concerns: OOT Fund Requests

In September of 2023, the Blair County District Attorney's Office, through Right-to-Know Officer Julia Wilt, released a series of records to the public concerning finances from local non-profit organization Operation Our Town (OOT). Specifically, the request, submitted by Hollidaysburg Community Watchdog, asked for:

1. Records of any payments made to the county, specifically the District Attorney's office, by Operation Our Town, Inc. between January 1, 2018 and January 1, 2023.
2. Any request for Operation Our Town Funds signed, approved, or denied by the District Attorney between January 1, 2011 and January 1, 2023.

The Blair County NAACP Legal Redress Committee's review of one of these record release categories (titled "Request for Operation Our Town Funds"), revealed the following assessments:

Assessment 1: Significant sums of money are being requested for routine police operations such as executing search warrants and responding to calls. Between 2011 and 2014, nearly all OOT fund requests are for officer overtime. In 2011, 25 requests, totaling \$89,978, were made by various law enforcement agencies throughout Blair County. All requests made during that year were to pay for officer overtime. In 2012, 25 requests were made. This was the only year in which a request was made for something other than office overtime. That request, made by the Tyrone Police Department, sought \$500 for informant payments, \$1,500 for drug purchases, and \$3,000 for overtime. The total amount requested for officer overtime in 2012 was \$85,81. 2013 appears to have been a down-year for OOT fund requests — 17 requests were made for a total of \$60,444.66. In 2014, OOT requests totaled \$73,796.41. Again, all 46 requests during that year were exclusively for officer overtime. However, the average amount per request was significantly lower than in previous years. The average dollar figure per request for 2011 was \$3,599.12. In 2012 the average request was \$4,767.223. In 2013 the average request was \$3,555.57. While in 2014 the average price per request was \$1,604.27.

Assessment 2: All requests — with the exception of requests made by Sgt. Ben Jones of the Altoona Police Department — are made in round dollar figures, including operations that have already been completed. The roughly \$25,000-\$30,000 difference between 2013 and 2011 & 2012 may be explained by the fact that just over halfway through the year Sgt. Ben Jones began making OOT fund requests. All of Sgt. Jones's requests are precise figures, and this appears to have become standard procedure for all future requests. Only Agent AJ Adams of the Office of Attorney General continued to make round dollar requests, a trend that began with his predecessor, Agent Anthony Sassano.

Assessment 3: There is an alarming amount of approvals, without any visible control measures from department heads or approval form signatories. Only one time during this



four-year stretch was a request for funds denied. In 2013, the Attorney General's Office and the Blair County Drug Task Force requested \$6,500 to execute arrest warrants for ten individuals relating to the Piner Investigation. DA Consiglio denied the request and, in a handwritten note on the request form, noted that normal department hours should pay for the operation. There is nothing unreasonable about normal department hours covering the cost for routine police operations such as executing warrants, as these operations can be planned to take place while there are enough officers on duty. However, what makes the reason for denial stand out is that DA Consiglio approved requests for funds on several occasions to cover similar operations where the only objective was to execute search warrants.

Assessment 4: There appears to be no correlation between operation size and the dollar amount requested. In 2011, officers requested \$5,000 for overtime to buy heroin from the same individual several times, and then to execute a search warrant for his home. Officers again requested \$5,000 to pay for overtime after a response to a domestic disturbance call led to a police chase and the discovery of methamphetamine manufacturing equipment inside the suspect's vehicle. Officers requested \$2,000 to make a single purchase of "Blizzard" from a store, and \$4,000 to make a "small marijuana purchase" from another individual before executing a search warrant. While large scale operations such as a saturation patrol conducted by the Tyrone Borough Police Department commanded \$5,000 for overtime. Agent Sassano requested \$10,000 to conduct the "Piner" Operation, but only \$3,500 for an operation concerning another cocaine dealing "operation." Agent Sassano then requested \$5,000 to make a single drug purchase from another individual whom the Blair County Drug Task Force decided not to arrest so they could "make another cocaine purchase from in the near future and arrest him at that time." In contrast, Pennsylvania State Police requested \$6,500 to conduct a saturation patrol in the Altoona area.

Conclusion: While it is impossible to conclude that there is any outright illegality based on the fund requests, the above-mentioned assessments raise significant concerns. Since there is virtually no scrutiny placed on the requests, it would be difficult to develop a system better suited for abuse and pilferage. The Blair County NAACP resolves to report these inconsistencies to municipal, county, and state officials to be reviewed in the next mandatory audit.