

ATTACHMENT 5

SUMMARY OF PERSONAL & CAMPAIGN ERRANDS

Kristi Cox non-campaign personal tasks

Kristi Cox did things outside her official duties for respondent the last few years she worked for her. (Cox Tr 10/3/18, pp 606/9 – 607/4; Sharpe Tr 10/3/18, p 712/2-9) She took respondent's packages to the post office or UPS or FedEx. Respondent would leave a box on Cox's credenza when she wanted something returned. Cox would have to close the package up, put the return sticker on it, and run it to the post office or the UPS store. Respondent initially told her what to do, but after a while if a box was in that location Cox knew her marching orders. (Cox Tr 10/3/18, pp 609/14 – 610/1; respondent Tr 10/1/18, pp 243/22 – 244/1)

Cox paid respondent's bills. Respondent gave her checkbook to Cox and would bring a stack of bills. She would tell Cox "Here. Here's \$20. Pay my bills for me." Sometimes she paid Cox and sometimes she did not. (Cox Tr 10/3/18, p 611/2—612/9; respondent Tr 10/1/18, p 245/12-22) Respondent did not like how Cox did filled out the checks at first, so Cox had to change how she wrote the checks. (Cox Tr 10/3/18, p 612/1-7) Cox wrote 47 or 57 checks and made 14 calls from the fall of 2014 through the spring of 2015 to "kind of [help respondent] get back on track." (Respondent Tr 10/1/18, p 246/1-7)

Cox obtained cash from the ATM for respondent. When respondent needed money she would say: "I need \$250 from the bank" and slide her money card to Cox. Cox knew respondent's PIN number because she used the card so often. (Cox Tr 10/3/18, pp 607/21 – 608/8; cf. respondent Tr 10/2/18, pp 251/12--252/5-15)

Cox went to respondent's house a couple of times to wait for a propane delivery. Another day she had to wait while Infinity cable was being installed. There was a wiring issue, so it took

all of one day and part of the next. (Cox Tr 10/3/18, p 610/6-22; respondent Tr 10/2/18, p 250/20-25)

Cox scheduled respondent's pedicures and waxing (Cox Tr 10/3/18, p 613/3-7, 20-23; but see respondent. Tr 10/2/18, pp 252/17 – 253/6) At times Cox would have to cancel a hair appointment or other appointment, but these appointments were only her concern if respondent was busy on the bench. (Cox Tr 10/3/18, p 613/12-19)

Cox created labels for respondent's Easter party; food labels, drinks, and to show where the bathroom was (Cox Tr 10/3/18, p 614/8-18; respondent Tr 10/2/18, p 253/7-14)

Cox shopped online for respondent. Cox had to get concert tickets and parking passes for baseball games. Respondent's statement to Cox would be: "I need parking passes for the baseball game today," and Cox would use respondent's credit card. (Cox Tr 10/3/18, pp 608/8 – 609/8; cf. respondent Tr 10/2/18, pp 253/18 – 254/14) Also, respondent would find a cute blouse or other thing she wanted, and would offer a \$100 finder's fee if the item could be found. Once she offered the fee to find someone to dye her carpet because of a bleach spot. (Cox Tr 10/3/18, pp 614/21 – 615/12)

On one occasion respondent's sister was going through a divorce. Respondent asked Cox to run alimony and/or child support guidelines over and over, using different numbers each time. that was not part of Cox's duties. (Cox Tr 10/3/18, pp 615/13 – 614/17) Note that respondent claims this was actually Cox's idea, because Cox thought highly of respondent's sister's husband. (Respondent Tr 10/2/18, pp 255/11 – 256/9; Ex. 19 p 66 ¶ 159.g) To the contrary, Cox did not volunteer to do the project or even know the husband. (Cox Tr 10/3/18, pp 615/13 – 614/16)

Cox regularly got respondent coffee and a muffin. Respondent would sometimes call when she was on her way to work and have Cox go to a nearby bread store to get coffee and a muffin, and sometimes respondent waited until she was at the courthouse to tell her. Respondent would say: “Kristi I need a muffin and coffee.” (Cox Tr 10/3/18, p 607/6-14; respondent Tr 10/2/18, pp 256/2-4, 256/12-19)

With one or two exceptions, Cox did not volunteer to do personal things for respondent. She did not volunteer to ship packages or buy parking passes. She did not volunteer to pay respondent’s bills. When respondent told her to do personal things, respondent’s expression was: “I need you to do this.” Cox felt compelled to do what respondent told her to do. (Cox Tr 10/3/18, pp 610/2-5, 610/24 – 611/1, 612/8-9, 682/17 – p 683/20)

Cox’s package delivery, going to respondent’s home, paying the bills, buying tickets, was all done during work. Respondent was “absolutely” aware Cox was doing these things during work. Respondent knew that she was doing the projects during work hours as she directed Cox to do them during work hours and at times participated in them (such as when Cox paid the bills, respondent would sign them) (Cox Tr 10/3/18, pp 612/10-19, 616/18 – 617/24; cf. respondent Tr 10/2/18, pp 256/23 – 257/24; but see respondent Tr 10/2/18, pp 259/5 – 260/7)

Respondent did not ask Cox to do personal things for her only when she was busy, nor did she only ask Cox to do personal things for her when Cox was not busy. Cox was usually busy all the time. She worked over 8 hours per day just to get her work done. (Cox Tr 10/3/18, pp 616/25 – 617/ 24)

Jessica Sharpe- non-campaign personal tasks

Jessica Sharpe also did personal items for respondent during work hours, including running errands for her, going to her house to take care of things, getting respondent ordained to

perform her niece's wedding, getting respondent admitted to the Supreme Court Bar Association, and buying plane tickets and concert tickets. (Sharpe Tr 10/3/18, pp 697/23 – 698/10; Cox Tr 10/3/18, pp 617/25 – 618/8; Bove Tr 10/4/18, p 788/1-13; cf. respondent Tr 10/2/18, p 268/2-7)

Sharpe stained respondent's deck. Sharpe was part time at the court at the time. Respondent told her to go and stain the deck on a certain day when it was sunny. Sharpe asked whether she should go, because she was working, and respondent told her to "go do it now." Sharpe stained the deck on two court work days and one day over the weekend. (Sharpe Tr 10/3/18, pp 698/12 – 699/14, 700/6-19) She worked on the deck on September 1 and 2, 2015. The second day she needed a hammer, so texted respondent that she needed it. (Sharpe Tr 10/3/18, pp 699/17 – 700/2; Ex. 11-11 (p 2); but see respondent Tr 10/2/18, pp 272/18-21, 273/19-22)

Sharpe bought a plane ticket to the Keys for respondent on behalf of Furlong, to attend the wedding of respondent's niece. She bought the ticket on respondent's credit card, while respondent bought her own ticket using her husband's credit card. Respondent wanted to sit next to Furlong, so wanted the tickets bought at the same time. Sharpe did this while at work, and not while on any break; it was done when respondent told her to do it. Other times she checked respondent in for her personal plane trips. (Sharpe Tr 10/3/18, pp 700/20 – p 702/10; respondent Tr 10/2/18, pp 273/23 – 274/8)

Respondent had Sharpe upgrade a plane ticket for personal travel. Sharpe could not find first class, but she found comfort class. (Sharpe Tr 10/3/18, p 754/2-11)

Near the end of her tenure with respondent, respondent had Sharpe take her car to the dealer and wait while certain work was done. (Sharpe Tr 10/3/18, pp 754/16 – 755/2; Ex. 11-8)

Sharpe went to respondent's home on a couple of occasions while she was on county time. Once was to obtain a water sample and deliver it for testing. Another time related to putting Netflix on respondent's TV. (Sharpe Tr 10/3/18, pp 702/13 – 703/5) Respondent being "too busy on the bench" was not the reason for Sharpe to do this errand. Rather, she was either leaving for, or had left for, a vacation. (Sharpe Tr 10/3/18, pp 702/19 – 704/1) At this time Sharpe's relationship with respondent had deteriorated. She did not volunteer to get the sample for testing (Sharpe Tr 10/3/18, p 704/17-25)

Sharpe paid bills for respondent. (Sharpe Tr 710/14—711/22; cf. respondent Tr 10/2/18, pp 268/8 – 269/14; but see respondent Tr 10/2/18, pp 270/19 – 271/6) Sharpe did not volunteer to pay them, although at one point respondent told Sharpe she could pay the bills to work off damage Sharpe had done to respondent's sheets. (Sharpe Tr 710/14—711/22; respondent Tr 10/2/18, p 275/8-11) Initially respondent did ask Sharpe to pay her bills, but later she just gave them to Sharpe and said they needed to be paid. (Sharpe Tr 10/3/18, p 711/14-18) Respondent would bring Sharpe a stack of her bills and her checkbook. She had to call to pay respondent's electric bill at her cottage, and was kept on hold. Respondent had her call to add a sports package to her cable. Sharpe once had to get respondent's SSN to pay her American Express bill. (Sharpe Tr 10/3/18, pp 710/22 – 711/10)

On two occasions Cox, Sharpe, and respondent got on computers at the same time to buy concert tickets because respondent wanted more than one person could buy. One concert was Kid Rock and the other was Tom Petty and Chicago. These tickets were bought at respondent's direction. (Sharpe Tr 10/3/18, p 706/5-23)

Sharpe mailed some packages for respondent, but not as frequently as Cox. (Sharpe Tr 10/3/18, pp 706/24 – 707/3)

Sharpe did personal legal research for respondent, by reviewing whether respondent, as a Michigan judge, could perform a wedding ceremony in Florida. (Sharpe Tr 10/3/18, p 707/4-8)

Around 90% of the time respondent asked Sharpe to do personal things they were urgent. Sharpe did not feel she could say no. All of the work she did for respondent was while on the clock at work. (Sharpe Tr 10/3/18, pp 707/12 – 708/2) Respondent was aware that Sharpe was doing the work while Sharpe was on the clock. At times respondent would even send Sharpe out of the courtroom to pay her bills. (Sharpe Tr 10/3/18, p 708/3-6)

The only personal thing Sharpe did for respondent for which she was compensated was stain the deck.

Kristi Cox and Jessica Sharpe- Campaign work during court hours

Cox worked on respondent's 2014 campaign. Respondent compensated her for some things and not others. Some of the campaign work was done after work (Cox Tr 10/3/18, p 620/2-22)

Respondent advised Cox that it was not proper to use county resources for the 2014 campaign, but they nonetheless did so. Respondent, Sharpe, and Cox worked in the break room, using the Wi-Fi from the bread store, on responses to letters from the press relating to endorsements. They did that because they could not use the county Wi-Fi for the campaign. This was done during work hours and not on break. It took an hour and a half to get the wording right. (Cox Tr 10/3/18, pp 622/10 – 623/18; Sharpe Tr 10/3/18, p 713/3-11)

Respondent was cautious during the 2014 campaign about not appearing to intertwine office work and campaign work. In 2014 she instructed staff to stay off the county computer system, but would have the staff use the bread store Wi-Fi and Cox's computer to do campaign work. (Cox Tr 10/3/18, pp 625/11 – 626/1)

Exhibit 11-1 is a thumb drive that contains documents Cox worked on for respondent's 2014 campaign, at the direction of respondent, that were on Cox's laptop computer. She created some during the work day and others at home. Exhibit 11-2 is a listing of the documents on the thumb drive, which includes the date and time they were last modified. (Cox Tr 10/3/18, pp 623/19 – 624/22)

Sharpe worked on respondent's 2014 campaign. She recalls doing a few things during the work day, including responding to questionnaires from news outlets with Cox and respondent. (Sharpe Tr 10/3/18, p 713/3-11) During the work day, in the courtroom, they worked on deciding what kind of "swag" to get for a breast cancer party. (Sharpe Tr 10/3/18, pp 713/20 – 714/5) If respondent stated that no campaign work was permitted during the work day, that was not consistent with Sharpe's recollection of working on the campaign. (Sharpe Tr 10/3/18, p 714/6-10) Respondent was aware that the campaign work was being done during the work day, as she participated in it both times Sharpe did it. (Sharpe Tr 10/3/18, p 714/11-15)