



March 7, 2019

VIA EMAIL

Office of the County Commissioners
Joshua G. Parsons, Chairman
Dennis P. Stuckey, Vice-Chairman
Craig E. Lehman

150 N. Queen St.
Seventh Floor, Suite 715
Lancaster, PA 17603

**RE: NOTICE TO CEASE AND DESIST DEFAMATORY STATEMENTS AND
UNLAWFUL OVERSIGHT OF INDEPENDENT CONSTITUTIONAL
OFFICER**

Dear Lancaster County Commissioners:

I write in follow-up to my letter of March 5th sent on behalf of Lancaster County District Attorney Craig Stedman ("DA Stedman"). It has been more than thirty-six hours since I sent you my first letter and I have received no response from you, despite receiving correspondence from the County Solicitor yesterday afternoon that your response would be forthcoming "shortly." This is obviously very concerning since your false and defamatory statements continue and your unlawful and illegal investigations have not ceased. As such, unless I receive your promised response, or some other confirmation that you intend to comply with our cease and desist demands, we will have no choice but to pursue legal recourse against you.

As I stated in my letter of March 5th, your public statements that you believe DA Stedman may have been misusing or misappropriating drug forfeiture funds to pay for and use a leased official vehicle are categorically false and must be immediately retracted. Likewise, your attempts to investigate and/or audit DA Stedman's use of drug forfeiture funds must cease immediately because it is both an unconstitutional encroachment on the independent authority of the District Attorney and expressly proscribed by the forfeiture statute itself.

In light of your apparent decision to delay answering my letter and to continue to make misleading and inaccurate statements on these matters to the public and press, two issues highlighted in my letter of March 5th warrant additional discussion and explanation.

First, as stated in my letter of March 5th, DA Stedman in no way circumvented the County's procurement process or secretly entered into the lease for his official vehicle without County authorization. Again, the lease and use of the official vehicle with drug forfeiture funds was *expressly approved in writing* by the County Controller on behalf of the County. See 1/21/16 Certified Resolution and Incumbency Certificate to Lease or Finance, attached as Exhibit A. This document was in possession of, and accessible to, the County for more than three years, yet you



apparently made no attempts to obtain it, review it, or make it public prior to making your false and defamatory statements about DA Stedman to the local newspaper.

Moreover, how DA Stedman spends drug forfeiture funds, including whether to use those funds to lease an official vehicle, is exclusively within the oversight authority and jurisdiction of the County Controller and the Pennsylvania Office of Attorney General, not you. *See* 42 Pa.C.S. §§ 5803(j), (k). It must be emphasized that drug forfeiture funds are *not* taxpayer dollars subject to review, audit, or oversight by you. Indeed, the forfeiture statute expressly excludes you from considering drug forfeiture funds in the adoption of the County's budget. *See* 42 Pa.C.S. § 5803(g) ("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."). Additionally, because drug forfeiture funds are initially deposited into the County's operating fund and then immediately released from the operating fund to the District Attorney "without restriction" for drug enforcement activities and drug prevention programs, these statutorily appropriated monies are not subject to the typical County procurement process. *See id.*

Second, and more basically, there is nothing improper, illegal or untoward about DA Stedman leasing an official vehicle with drug forfeiture funds. As the chief law enforcement officer for the County, DA Stedman is on call twenty-four hours a day, seven days a week. This includes his responsibilities to oversee and serve as commander of the Lancaster County Drug Task Force. The forfeiture statute expressly provides for the use of these funds for drug enforcement activities and drug prevention programs, and that is exactly what DA Stedman is using the funds for in leasing an official vehicle. *See* 42 Pa.C.S. § 5803(g). DA Stedman has leased his official vehicle for the last three years, and not once over the course of those three years has either of the two bodies responsible for the oversight of drug forfeiture expenditures—the County Controller and the Pennsylvania Office of Attorney General—flagged (or even questioned) DA Stedman's lease of an official vehicle as somehow being an improper or inappropriate use of drug forfeiture funds. Tellingly, chief law enforcement officers in other counties are routinely provided taxpayer-funded vehicles, but, unlike those other counties, DA Stedman has chosen to use drug forfeiture funds (as opposed to taxpayer funds) to lease his official vehicle, thereby actually providing a savings to the County taxpayers.

Furthermore, with respect to DA Stedman's submission of mileage reimbursement for his official vehicle, this matter was self-reported by DA Stedman months ago to the County Controller and resolved with the approval of the County Solicitor. DA Stedman is, and always has been, entitled to reimbursement for the fuel portion of his mileage reimbursement. Because the official vehicle is being leased, DA Stedman voluntarily reimbursed the County for any overpayment on his mileage reimbursement that was not directly attributable to his fuel costs. DA Stedman has never abused his mileage reimbursement privileges and, if anything, he as serially underreported his mileage expenses over the years he has served as District Attorney. And, most importantly, DA Stedman has only ever sought mileage reimbursement for travel that is strictly official office business.



As I stated in my letter of March 5th, DA Stedman is seriously considering pursuing formal legal remedies against you in connection with your false and defamatory statements and your attempts to unlawfully and illegally investigate him. Moreover, we have serious concerns that your continued public statements related to DA Stedman's lease of an official vehicle with drug forfeiture funds has put the safety of DA Stedman and his family at risk, as well as potentially compromised ongoing criminal investigations being conducted by his office.

Accordingly, this letter serves as a second demand that you: (1) immediately cease and desist from making any statements going forward that DA Stedman allegedly misused or misappropriated drug forfeiture funds to, among other things, lease an official vehicle, or that DA Stedman improperly or illegally submitted for mileage reimbursement with regard to his official vehicle; (2) post a retraction of any such false and defamatory statements previously made; and (3) immediately cease and desist from seeking to investigate or audit DA Stedman related to his expenditure of drug forfeiture funds, his lease and/or use of the official vehicle, his supervisory authority over his employees, or any other matters clearly beyond your purview as County Commissioners.

I look forward to receiving your promised response or some other communication from you regarding these matters. Please do not hesitate to contact me should you wish to discuss these matters further.

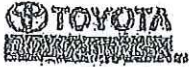
Very truly yours,

A handwritten signature in blue ink, appearing to read 'M. Seiberling', is written over the typed name.

Mark E. Seiberling

cc: Craig Stedman, District Attorney
Eric J. Schreiner, Esquire
Joshua J. Voss, Esquire

EXHIBIT A



CERTIFIED RESOLUTION
AND INCUMBENCY CERTIFICATE
TO LEASE OR FINANCE



X The undersigned hereby certifies that he/she is Controller of the County of Lancaster, that the following resolution was passed in accordance with the organizational documents and operating procedures of said entity, and that said resolution has not since been revoked or amended:

Resolved that CRAIG W. STEEDMAN LANCASTER COUNTY DISTRICT ATTORNEY'S OFFICE is duly authorized to lease and/or finance from any factory authorized Toyota, Lexus or Scion automotive dealership or dealerships ("Dealer"), and Dealer's intended assignee, Toyota Motor Credit Corporation, Toyota Lease Trust, or Lexus Financial Services ("Lessor/Creditor"), under one or more leases/installment contracts, vehicles, and/or equipment, and upon such terms and conditions as the representative(s) hereinafter authorized, in their discretion, may deem necessary and advisable.

Resolved that the Authorized Signature(s) below is/are a sample of signatures of the authorized representative(s) as witnessed by the duly elected or appointed officials of LANCASTER COUNTY DISTRICT ATTORNEY'S OFFICE

AUTHORIZED SIGNATURES:

NAME:

TITLE:

X Craig W. Steedman CRAIG W. STEEDMAN District Attorney

X

X

The Lessor/Creditor is hereby authorized to act upon these resolutions until written notice of their revocation is delivered to the Lessor/Creditor.

X I, Brian Hunter, Controller of the County of Lancaster, a County Government organized under laws of the state of Pennsylvania, do hereby certify that the foregoing is a full, true and correct copy of resolutions of duly authorized officials of LANCASTER COUNTY DISTRICT ATTORNEY'S OFFICE.
In witness whereof, I have hereunto set my hand this 21st day of January, 2016.

Name:

Brian Hunter

Title:

Controller