

**JOHN A. KOWALKO, JR.**  
STATE REPRESENTATIVE  
25<sup>th</sup> District



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August 17, 2018

Delaware Department of Justice  
The Carvel Building  
820 N French St, Suite 6  
Wilmington, DE 19801

Dear Attorney General Denn,

The circumstances involving the “Investigation into Actions of the Chief Administrative Auditor” report and its unauthorized release to the press raises serious concerns we have with confidentiality protections and guarantees.

The recent article (authored by Jessica Bies) in the News Journal states that it (The News Journal) had “obtained” a report titled “Investigation into Actions of the Chief Administrative Auditor”. This report commissioned by Thomas Wagner from the firm of Grant Thornton has been considered in previous hearings and actions as confidential. Auditor General Wagner’s own words stating “because this issue is still before the (Merit Employee Relations Board) I am restricted from saying anything” about the report further reinforces the reality that the report is confidential. His words also unmistakably validate the fact that the report is still in the realm of personnel actions which are not concluded and therefore enjoy a certainty of protection from public scrutiny. The fact that a confidential report almost wholly accusatory to an individual (Ms. Davies) who has not been allowed NOR permitted to see the final report certainly displays a failure to grant due process to that individual. We find it most troubling that this illicitly/illegally obtained document has been parsed and displayed on the front page of Delaware’s most widely circulated newspaper mere weeks from an election leaving little to no opportunity for any counterpoint or rebuttal.

Therefore, as duly elected public servants, who value honest, fair and transparent government accountability are demanding that Attorney General Matt Denn and his office immediately instigate an investigation into how and by what means this “confidential” report was acquired by the News Journal. We are further requesting that this investigation reveal any and all sources that accessed and/or communicated this report and that any charges so merited be brought against the party/parties involved.

We await your reply to our formal request and time is of the essence.

Handwritten signature of John A. Kowalko, Jr.

Rep. John Kowalko  
25th District

Handwritten signature of Kim Williams.

Rep. Kim Williams  
19th District

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