

House Resolution 1714

By: Representative Franklin of the 43<sup>rd</sup>

#### A RESOLUTION

1 Bringing charges of impeachment against Shawn LaGrua; and for other purposes.

2 WHEREAS, Shawn LaGrua, who in her capacity as a legal services officer for the State of  
3 Georgia, presently holds the title of Inspector General for the Office of the Secretary of State;  
4 and

5 WHEREAS, in her conduct while in the capacities of Solicitor General of DeKalb County  
6 and as the Legal Services Officer for the Secretary of State, she has violated her  
7 constitutional oath to faithfully discharge her duties and, to the best of her ability, preserve,  
8 protect, and defend the Constitution of the State of Georgia, and violated her constitutional  
9 duty to take care that the laws be faithfully executed by committing the abuses of power set  
10 forth in this resolution; and

11 WHEREAS, beginning on July 7, 2004, as a DeKalb County Assistant District Attorney,  
12 Shawn LaGrua initiated a criminal investigation against a DeKalb County Solicitor's Office  
13 investigator, Guy Antinozzi, without authorization to do so from District Attorney Brickman  
14 or Chief Assistant District Attorney Petrey, as would be required of an officer sworn to  
15 uphold their oath and obligations under O.C.G.A. Section 16-10-1 and other statutes; and

16 WHEREAS, from July 7 to July 13, 2004, Shawn LaGrua conducted said criminal  
17 investigation against DeKalb Solicitor's Office investigator Guy Antinozzi without the  
18 knowledge or approval of the Solicitor General of DeKalb County (pro tempore) Baig and  
19 in violation of her oath and obligations under O.C.G.A. Section 16-10-1 and other statutes;  
20 and

21 WHEREAS, from July 7 to July 13, 2004, Shawn LaGrua initiated surveillance of DeKalb  
22 Solicitor's Office investigator Guy Antinozzi without the knowledge or approval of the  
23 Solicitor General of DeKalb County (pro tempore) Baig and in violation of her oath and  
24 obligations under O.C.G.A. Section 16-10-1 and other statutes; and

25 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation  
26 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi was not authorized to  
27 work a flex time schedule although he was authorized to work such a schedule by former  
28 Solicitor General Gwen Keyes-Fleming; and

29 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation  
30 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi did not enter the  
31 number of hours worked correctly on his time sheet, although both his supervisor,  
32 Ms. Petersen, and the Solicitor General's Legal Office Coordinator, Ms. Lindsey, confirmed  
33 that he entered his time as instructed; and

34 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation  
35 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi did not work the  
36 number of hours per week that he entered on his time sheet, although all of his supervisors  
37 confirmed that his work product and job performance excelled above and beyond what they  
38 expected; and

39 WHEREAS, the investigation initiated by Shawn LaGrua improperly alleged, in violation  
40 of O.C.G.A. Section 16-10-20 and other statutes, that Guy Antinozzi did not work 26.5 hours  
41 during specific weekdays but failed to investigate and determine whether or not  
42 Mr. Antinozzi worked flex time hours during that same period; and

43 WHEREAS, the Fulton County District Attorney's office investigation concluded that Shawn  
44 LaGrua never confronted Mr. Antinozzi with the allegations raised in said criminal  
45 investigation against him as would reasonably be expected of any officer sworn to uphold  
46 their oath of office according to O.C.G.A. Section 16-10-20; and

47 WHEREAS, after becoming the Solicitor General of DeKalb County, Shawn LaGrua  
48 terminated Guy Antinozzi as a result of the foregoing false allegations and in violation of  
49 O.C.G.A. Section 16-10-20; and

50 WHEREAS, after becoming the Solicitor General of DeKalb County, Shawn LaGrua  
51 terminated Guy Antinozzi as a result of the foregoing false allegations without ever  
52 discussing concerns about his work performance or work schedule with any of his  
53 supervisors and without regard to her obligations under O.C.G.A. Section 16-10-1, O.C.G.A.  
54 Section 16-10-20, and other statutes; and

55 WHEREAS, her criminal investigation and action to terminate Mr. Antinozzi were  
56 performed under false pretenses in violation of O.C.G.A. Section 16-10-20 and other statutes  
57 in that they conflict with the statements of all witnesses who supervised Mr. Antinozzi  
58 including those from Chief Investigator Heard who stated that "he always responded in a  
59 timely manner" and Ms. Petersen who wrote "nothing supersedes the consistent and high  
60 quality of work he is assigned"; and

61 WHEREAS, criminal allegations of deception in said investigation against Mr. Guy  
62 Antinozzi are false and in violation of O.C.G.A. Section 16-10-20 and other statutes and  
63 fail according to law because Mr. Antinozzi was not the beneficiary of any property as  
64 required by O.C.G.A. Section 16-8-3 and O.C.G.A. Section 16-8-12(a)(3); and

65 WHEREAS, Shawn LaGrua conducted the criminal investigation against Guy Antinozzi  
66 motivated by factors other than criminal conduct as indicated by the Fulton County District  
67 Attorney investigation into her activities, and said investigation violated her oath of office  
68 as prescribed by O.C.G.A. Section 16-10-1; and

69 WHEREAS, Shawn LaGrua had political motivation to conduct an improper investigation  
70 in conflict with her oath of office as prescribed by O.C.G.A. Section 16-10-1 and other  
71 statutes because Mr. Antinozzi worked for Gwen Keys-Fleming who resigned to run for the  
72 office of District Attorney of DeKalb County against Mr. Brickman, Shawn LaGrua's  
73 superior; and

74 WHEREAS, after becoming the Solicitor General of DeKalb County, Shawn LaGrua  
75 terminated various other Domestic Violence Department employees on premises similar to  
76 those used against Mr. Antinozzi and without regard to her obligations under O.C.G.A.  
77 Section 16-10-1, O.C.G.A. Section 16-10-20, and other statutes; and

78 WHEREAS, Shawn LaGrua's office failed to determine in its investigation of State Election  
79 Board Case No. 2008-000133 that her allegations of improper testing against voting machine  
80 technician, Laura Gallegos, were not related to the inclusion of 947 test votes in actual 2008  
81 Lowndes County election results as confirmed by state's witness James Long under oath in  
82 cross examination at a January 14, 2010, administrative hearing in Valdosta; and

83 WHEREAS, Shawn LaGrua's office failed to investigate and identify in its December 10,  
84 2008, report for State Election Board Case No. 2008-000133 who loaded the test votes into  
85 the live election results on election night when Mrs. Gallegos was not present; and

86 WHEREAS, Shawn LaGrua's office failed to investigate and identify in its December 10,  
87 2008, report for State Election Board Case No. 2008-000133 who failed to reconcile the total  
88 number of votes cast from the statement of votes cast with the total number of voters from  
89 the voter registration system to so that the voting discrepancy could have been detected prior  
90 to certification; and

91 WHEREAS, Shawn LaGrua's office failed to consider in either or both State Election Board  
92 Case No. 2008-000133 and State Election Board Case No. 2010-000007 the validity of Mrs.  
93 Gallegos claims that the complaint letter submitted against her by Lowndes County  
94 Supervisor, Deb Cox, was in retaliation for two letters of complaint that Mrs. Gallegos had  
95 written to the Lowndes County Board of Elections charging verbal abuse against Mrs. Cox;  
96 and

97 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report for the  
98 above-cited case that voting machine technician, Laura Gallegos, failed to thoroughly test  
99 machines used for absentee voting according to O.C.G.A. Section 21-2-379.7(b) when the  
100 statute places the legal burden for such testing on the superintendent; and

101 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
102 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for  
103 absentee voting according to O.C.G.A. Section 21-2-379.7(b) although Deputy Inspector  
104 General, Chris Harvey, admitted twice to the State Election Board in its June hearing that  
105 Mrs. Gallegos followed her instructions accordingly; and

106 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
107 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for  
108 absentee voting according to O.C.G.A. Section 21-2-379.7(b) although state's witness,  
109 Mr. James Long, acknowledged when interviewed during the investigation and at the  
110 subsequent hearing that Mrs. Gallegos followed her instructions accordingly; and

111 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
112 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for  
113 absentee voting according to O.C.G.A. Section 21-2-379.7(b) when the manual testing  
114 procedure steps 11-66 alleged not to be performed are not mandated by such Code section;  
115 and

116 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
117 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for  
118 absentee voting according to O.C.G.A. Section 21-2-379.7(b) when the automatic testing  
119 procedures that her office acknowledged as being performed meet the legal requirements of  
120 such Code section; and

121 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
122 voting machine technician, Laura Gallegos, failed to thoroughly test machines according to  
123 O.C.G.A. Section 21-2-379.7(b) while failing to determine that Lowndes County did not  
124 require the alleged procedures to be performed; and

125 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
126 voting machine technician, Laura Gallegos, failed to thoroughly test machines used for  
127 absentee voting according to O.C.G.A. Section 21-2-379.7(b) while failing to determine that  
128 Mrs. Gallegos tested the machines in accordance with the testing instructions that she was  
129 given by Lowndes County; and

130 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
131 voting machine technician, Laura Gallegos, failed to thoroughly test machines thus resulting  
132 in 947 test votes being included in live election results while failing to determine that a  
133 voting machine #17 malfunctioned, thus preventing any testing of the machine from being  
134 completed; and

135 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
136 voting machine technician, Laura Gallegos, failed to thoroughly test machines thus resulting  
137 in 947 test votes being included in live election results while failing to determine that the  
138 discrepancy occurred when other individuals uploaded a memory card containing such test  
139 votes and did not reconcile the statement of votes cast to the number of voters from the voter  
140 registration system prior to certification as required by O.C.G.A. Section 21-2-493 and other  
141 Code sections; and

142 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
143 Laura Gallegos failed to perform all state mandated procedures for manual logic and  
144 accuracy testing according to according SEB Rule 183-1-12.02(3)(b)(1)(iii) when the  
145 procedure steps 11-66 alleged not to be performed are not mandated by such rule; and

146 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
147 Laura Gallegos failed to perform all state mandated procedures for logic and accuracy testing  
148 according SEB Rule 183-1-12.02(3)(b)(1)(iii) when the automatic testing procedures that her  
149 office acknowledged as being performed meet the legal requirements of such State Election  
150 Board rule; and

151 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that voting  
152 machine technician, Laura Gallegos, failed to perform all state mandated procedures for logic  
153 and accuracy testing according SEB Rule 183-1-12.02(3)(b)(1)(iii) when the burden for  
154 performing those procedures rests with the superintendent as required by the associated Code  
155 section, O.C.G.A. Section 21-2-379.7(b); and

156 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura  
157 Gallegos failed to perform all state mandated procedures for logic and accuracy testing  
158 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) although Deputy Inspector General, Chris  
159 Harvey, admitted twice to the State Election Board in its June hearing that Mrs. Gallegos  
160 followed her instructions accordingly; and

161 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura  
162 Gallegos failed to perform all state mandated procedures for logic and accuracy testing  
163 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) although state's witness, Mr. James Long,  
164 acknowledged when interviewed during the investigation and at the subsequent hearing that  
165 Mrs. Gallegos followed her instructions accordingly; and

166 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura  
167 Gallegos failed to perform all state mandated procedures for logic and accuracy testing  
168 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) while failing to determine that Lowndes  
169 County procedures did not require the foregoing procedures to be performed; and

170 WHEREAS, Shawn LaGrua's office alleged in its December 10, 2008, report that Laura  
171 Gallegos failed to perform all state mandated procedures for logic and accuracy testing  
172 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) while failing to determine that Mrs. Gallegos  
173 never received any such procedures from Lowndes County; and

174 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
175 Laura Gallegos failed to perform all state mandated procedures for logic and accuracy testing  
176 according to SEB Rule 183-1-12.02(3)(b)(1)(ii) while failing to determine that a voting

177 machine #17 malfunctioned, thus preventing any testing of the machine from being  
178 completed; and

179 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
180 Laura Gallegos failed to perform all state mandated procedures for logic and accuracy testing  
181 thus resulting in 947 test votes being included in actual election results while failing to  
182 determine that the discrepancy occurred when other individuals uploaded a memory card  
183 containing the said test votes and did not reconcile the statement of votes cast to the number  
184 of voters from the voter registration system prior to certification as required by O.C.G.A.  
185 Section 21-2-493 and other Code sections; and

186 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
187 Laura Gallegos failed to make a certification according to SEB Rule 183-1-12.02(3)(b)(1)(iii)  
188 when the rule places the burden for such certification on the superintendent, not a voting  
189 machine technician; and

190 WHEREAS, Shawn LaGrua's office falsely alleged in its December 10, 2008, report that  
191 Laura Gallegos failed to make a certification according to SEB Rule 183-1-12.02(3)(b)(1)(iii)  
192 although Deputy Inspector General, Chris Harvey, admitted twice to the State Election Board  
193 in its June hearing that Mrs. Gallegos followed her instructions accordingly; and

194 WHEREAS, Shawn LaGrua had political motivation to charge Mrs. Gallegos and not  
195 investigate Lowndes County supervisor, Deb Cox, as required by her oath and duties under  
196 O.C.G.A. Section 16-10-1, O.C.G.A. Section 16-10-20, and other Code sections since  
197 Mrs. Cox was well acquainted with Shawn LaGrua's superior, Secretary of State Karen  
198 Handel; and

199 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to  
200 investigate and refer to the Attorney General's office the Lowndes County Board of Elections  
201 for improperly certifying the results of the 2008 Lowndes County elections according to  
202 O.C.G.A. Section 21-2-497 and other Code sections; and

203 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to  
204 investigate and refer to the Attorney General's office Lowndes County Elections Supervisor  
205 Deb Cox for improperly certifying the results of the 2008 Lowndes County elections  
206 according to O.C.G.A. Section 21-2-497 and other Code sections; and

207 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to  
208 investigate and refer to the Attorney General's office the Lowndes County Board of Elections  
209 for failing to reconcile the statement of votes cast to the number of voters from the voter  
210 registration system prior to certification as required by O.C.G.A. Section 21-2-493(b) and  
211 other Code sections; and

212 WHEREAS, Shawn LaGrua failed in State Election Board case No. 2008-00133 to  
213 investigate and refer to the Attorney General's office the Lowndes County Elections  
214 Supervisor, Deb Cox, for failing to reconcile the statement of votes cast to the number of  
215 voters from the voter registration system prior to certification as required by O.C.G.A.  
216 Section 21-2-493(b) and other Code sections; and

217 WHEREAS, Shawn LaGrua failed to investigate and refer Lowndes County Supervisor Deb  
218 Cox as part of State Election Board case No. 2010-0007 for failing to administer the correct  
219 custodian oath according to O.C.G.A. Section 21-2-327(b) as previously found by Judge  
220 John Gatto in a January 14, 2010, hearing in Valdosta, Georgia; and

221 WHEREAS, Shawn LaGrua failed to investigate and refer Lowndes County Supervisor Deb  
222 Cox as part of State Election Board case No. 2010-0007 for failing to administer the correct  
223 custodian oath according to SEB Rule 183-1-12.02(2)(g)(1) as previously found by Judge  
224 John Gatto in a January 14, 2010, hearing in Valdosta, Georgia; and

225 WHEREAS, Shawn LaGrua failed to investigate and determine after the aforesaid ruling and  
226 as part of State Election Board case No. 2010-0007 if other Lowndes County elections  
227 personnel were administered the correct custodian oath as prescribed by O.C.G.A.  
228 Section 21-2-327(b); and

229 WHEREAS, Shawn LaGrua failed to investigate and determine after the aforesaid ruling and  
230 as part of State Election Board case No. 2010-0007 if other Lowndes County elections  
231 personnel were administered the correct oaths as prescribed by O.C.G.A. Section 21-2-492,  
232 O.C.G.A. Section 21-2-584, and other statutes; and

233 WHEREAS, Shawn LaGrua failed at the February 2010 State Election Board meeting to  
234 investigate and report on the allegations made by Laura Gallegos in State Election Board  
235 case No. 2010-00007 against her supervisor, Deb Cox, in the December 2009 letter Mrs.  
236 Gallegos sent to the State Elections Board; and

237 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and  
238 determine whether or not the Lowndes County supervisor established proper procedures for  
239 logic and accuracy testing of voting machines used in Lowndes County as required by  
240 O.C.G.A. Section 21-2-379.7(b); and

241 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and  
242 determine whether or not the Lowndes County supervisor established proper procedures for  
243 logic and accuracy testing of voting machines used in Lowndes County as required by State  
244 Election Board Rule 183-1-12.02(2)(g)(1); and

245 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and  
246 determine whether or not the Lowndes County supervisor distributed proper procedures for  
247 logic and accuracy testing of voting machines used in Lowndes County to voting machine  
248 technicians as required by O.C.G.A. Section 21-2-379.7(b); and

249 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and  
250 determine whether or not the Lowndes County supervisor took the necessary steps to ensure  
251 that proper procedures for logic and accuracy testing of voting machines were being  
252 conducted in Lowndes County as required by O.C.G.A. Section 21-2-379.7(b); and

253 WHEREAS, Shawn LaGrua failed in both of the investigations cited above to investigate and  
254 determine why the Lowndes County supervisor did not ensure that certification paperwork  
255 alleged to be incomplete in State Election Board Case No. 2008-00133 was not completed  
256 in a timely manner as required by O.C.G.A. Section 21-2-379.7(b); and

257 WHEREAS, Shawn LaGrua failed in either or both of the investigations cited above to  
258 determine whether or not the First Christian Church precinct in Lowndes County was  
259 properly equipped as required by law O.C.G.A. Section 21-2-323(b), O.C.G.A.  
260 Section 21-2-596, and other Code sections; and

261 WHEREAS, Shawn LaGrua failed in either or both of the investigations cited above to  
262 determine whether or not Lowndes County Elections Supervisor Deb Cox or other Lowndes  
263 County Elections personnel were in violation of O.C.G.A. Section 21-2-596 as a result of  
264 actions cited in the foregoing paragraphs; and

265 WHEREAS, Shawn LaGrua opened an investigation into the 2005 Cobb Special Purpose  
266 Local Option Sales Tax (SPLOST) referendum based on complaints of discrepancies

267 received at a January, 2009, State Election Board meeting, but never contacted the party  
268 complaining of those discrepancies to gather information and subsequently recommended  
269 that the investigation be closed without ever determining the reasons why the discrepancies  
270 occurred and whether or not all other discrepancies had been identified, thus failing to fulfill  
271 her oath of office as required by O.C.G.A. Section 16-10-1; and

272 WHEREAS, Shawn LaGrua replied that her office could not locate a complaint letter  
273 forwarded to her by the Elections Director in January, 2009, after her office confirmed  
274 several times that it was received; and

275 WHEREAS, Shawn LaGrua falsely claimed at a December, 2009, State Election Board  
276 meeting that Jeff Rayno "submitted petitions that contained forged signatures" in disregard  
277 of her obligations under O.C.G.A. Section 16-10-20 and the Sixth Amendment of  
278 Constitution of the United States; and

279 WHEREAS, Shawn LaGrua recommended at such December, 2009, State Election Board  
280 meeting that Jeff Rayno be referred for a felony investigation involving forged petition  
281 signatures but was unable to produce a signature that Mr. Rayno allegedly forged in  
282 accordance with her obligations under O.C.G.A. Section 16-10-20 and the Sixth Amendment  
283 of Constitution of the United States; and

284 WHEREAS, the foregoing articles demonstrate a misfeasance of duties that are contrary to  
285 Georgia law including, but not limited to, O.C.G.A. Section 16-10-1, O.C.G.A.  
286 Section 16-10-20, and other statutes and demonstrate that Shawn LaGrua is thereby  
287 unqualified to hold any public office; and

288 WHEREAS, the foregoing articles demonstrate a systemic malfeasance of governmental  
289 offices in the wrongful and injurious exercise of lawful authority that violate the public trust  
290 and demonstrate that Shawn LaGrua is thereby unqualified to hold any public office; and

291 WHEREAS, Article III, Section VII, Paragraph I of the Constitution provides that the House  
292 of Representatives shall have the sole power to vote impeachment charges against any  
293 executive or judicial officer of this state.

294 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
295 this body upon adoption of this resolution and articles of impeachment does hereby bring  
296 charges of impeachment against Shawn LaGrua.

297 BE IT FURTHER RESOLVED that the Speaker of the House of Representatives is  
298 authorized and directed to appoint Managers of the charges of impeachment from the  
299 membership of the House of Representatives.

300 BE IT FURTHER RESOLVED that the Managers appointed by the Speaker of the House  
301 of Representatives are authorized and directed to transmit this resolution and the articles of  
302 impeachment to the Senate.