

Report on the

**Office of District Attorney  
Thirty-Seventh Judicial Circuit**

**Lee County, Alabama**

**September 1, 2018 through November 30, 2020**

Filed: May 14, 2021



**Department of  
Examiners of Public Accounts**

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*Rachel Laurie Riddle, Chief Examiner*





Rachel Laurie Riddle  
*Chief Examiner*

State of Alabama  
Department of  
**Examiners of Public Accounts**

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Honorable Rachel Laurie Riddle  
Chief Examiner of Public Accounts  
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Office of District Attorney, Thirty-Seventh Judicial Circuit, Lee County, Alabama, for the period September 1, 2018 through November 30, 2020. Under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results of the examination.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Larcus A. Fuller, Jr.' in a cursive script.

Larcus A. Fuller, Jr.  
Examiner of Public Accounts

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Department of  
**Examiners of Public Accounts**

**SUMMARY**

**Office of District Attorney  
Thirty-Seventh Judicial Circuit  
Lee County, Alabama  
September 1, 2018 through November 30, 2020**

The Office of District Attorney, Thirty-Seventh Judicial Circuit, Lee County, Alabama, (hereinafter referred to as the “District Attorney”) is responsible for law enforcement activities in the county. This includes the operation and administration of duties for which they were elected or appointed, in accordance with the *Code of Alabama 1975*, Section 12-17-184, which includes, but is not limited to: (1) To attend on the grand juries, advise them in relation to matters of law, and examine and swear witnesses before them; (2) To draw up all indictments and to prosecute all indictable offenses; (3) To prosecute and defend any civil action in the circuit court in the prosecution or defense of which the state is interested; and (4) To, at any time the grand jury is not in session, issue subpoenas and to administer oaths to individuals and examine them as to any violation of the criminal laws of the state. In addition, the District Attorney is responsible for the Restitution Recovery Division which accounts for restitution, District Attorney Fees, and Circuit Court fees for cases in default in the Circuit Court. The Restitution Recovery Division was established by Act Number 95-725, Acts of Alabama. The District Attorney is also responsible for the Worthless Check Unit which accounts for fees from service charges and restitution collected for processing worthless checks. The Worthless Check Unit is established by the *Code of Alabama 1975*, Section 12-17-224. The District Attorney is also responsible for the Child Support Enforcement Fund which accounts for the cost reimbursement and incentive money paid by the State Department of Human Resources for the purpose of enforcing the support obligations owed by absent parents, locating absent parents, establishing paternity and obtaining child and spousal support. The *Code of Alabama 1975*, Sections 12-17-226 through 12-17-226.18, provides for the establishment of a Pre-Trial Diversion program in Lee County.

Honorable Brandon Hughes served as District Attorney during the examination period until November 10, 2020. Honorable Jessica Ventiere served as District Attorney, Pro Tem from November 18, 2020 through the remainder of the examination period.

This report presents the results of an examination of the District Attorney and a review of the District Attorney's compliance with applicable laws and regulations of the State of Alabama in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12.

### **FINDINGS**

Instances of noncompliance with state and local laws and regulations and other matters were found during the examination, as shown on the Schedule of State and Local Compliance and Other Findings, and they are summarized below.

- ◆ 2020-001 relates to the failure of the District Attorney to submit certain information to the Department of Examiners of Public Accounts at the end of each fiscal year.
- ◆ 2020-002 relates to the failure of the District Attorney to establish procedures to ensure that all money was deposited daily.
- ◆ 2020-003 relates to the failure of the District Attorney to establish procedures to ensure that all credit card expenditures were adequately documented.
- ◆ 2020-004 relates to the failure of the District Attorney to establish procedures to ensure that amounts were remitted to the Office of Prosecution Services on a monthly basis as required by the *Code of Alabama 1975*, Section 12-17-233.
- ◆ 2020-005 relates to the failure of the District Attorney to establish procedures to ensure that all equipment purchases were added to the inventory listing.
- ◆ 2020-006 relates to the failure of the District Attorney to establish procedures to ensure that only allowable law enforcement expenses were paid from the District Attorney's Fund.
- ◆ 2020-007 relates to the failure of the District Attorney to establish additional accounting procedures for the Worthless Check Unit in accordance with the *Minimum Accounting Requirements for the Office of District Attorney*, prescribed by the Chief Examiner of Public Accounts. This finding was previously reported as Finding 2018-002.



### **CHARGES AGAINST THE OFFICIAL AND AN EMPLOYEE**

As reflected on Exhibit 3, charges against the District Attorney and Office Manager resulted from unallowable disbursements in the District Attorney's Fund. Official demand was made on the District Attorney and Office Manager to pay the charges. They declined to pay the charges. At a meeting before the Chief Examiner, the Office Manager provided evidence to constitute just cause for relieving charges in the amount of \$3,406.10; therefore, relief was granted to the Office Manager for these charges. The District Attorney failed to appear at a meeting before the Chief Examiner and show just cause as to why the amount charged to him should be relieved; therefore, relief was accordingly denied as evidenced by the Order of the Chief Examiner contained in this report. The charges remain due and unpaid, and, as a result, this report will be certified to the Attorney General for collection.

### **EXIT CONFERENCE**

The Officials were invited to an exit conference to discuss the results of this examination. Jessica Ventiere, District Attorney, Pro Tem, Thirty-Seventh Judicial Circuit attended the exit conference. Also in attendance were representatives from the Department of Examiners of Public Accounts: David J. Lane, Audit Manager; and Larcus Fuller, Examiner.

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*Schedule of State and Local  
Compliance and Other Findings*

***Schedule of State and Local Compliance and Other Findings***  
***For the Period September 1, 2018 through November 30, 2020***

Ref. No.	Finding/Noncompliance
2020-001	<p><b><u>Finding:</u></b>  <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts pursuant to the <b><i>Code of Alabama 1975</i></b>, Section 41-5A-21, require each District Attorney to submit certain information to the Department of Examiners of Public Accounts at the end of each fiscal year. These items include a certificate of compliance with Minimum Accounting Requirements; a cashbook detailing receipts, disbursements and balances for all funds maintained by the District Attorney; the September 30<sup>th</sup> bank reconciliation for all accounts; the returned check register for all accounts; and the summary of receipts, disbursements and cash balances for all funds. This information is required to be submitted no later than December 31<sup>st</sup>, following the end of each fiscal year. Testing revealed that the District Attorney failed to submit the required items for the 2019 fiscal year. Procedures were not in place to ensure that these items were properly submitted. As a result, the District Attorney failed to comply with the <i>Minimum Accounting Requirements for the Office of District Attorney</i>.</p> <p><b><u>Recommendation:</u></b>  The District Attorney should establish procedures to ensure compliance with the <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts.</p>
2020-002	<p><b><u>Finding:</u></b>  <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts pursuant to the <b><i>Code of Alabama 1975</i></b>, Section 41-5A-21, requires that money received by the District Attorney's Office to be properly safeguarded and deposited on a daily basis. During the examination period, Worthless Check Unit money collected was not always deposited in the bank account daily. The District Attorney did not have procedures in place to ensure that all money collected was deposited daily. As a result, money that had been collected but not deposited into the bank account was exposed to loss or theft.</p> <p><b><u>Recommendation:</u></b>  The District Attorney should establish procedures to ensure that money received by the District Attorney's Office is deposited on a daily basis as required by the <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts.</p>

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***Schedule of State and Local Compliance and Other Findings***  
***For the Period September 1, 2018 through November 30, 2020***

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Ref. No.	Finding/Noncompliance
2020-003	<p><b><u>Finding:</u></b> The <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts pursuant to the <b><i>Code of Alabama 1975</i></b>, Section 41-5A-21, require officials/employees to, immediately upon returning from official travel, turn in all credit card receipts, with invoices attached, and a brief memorandum disclosing the nature and reason for the travel. During the examination period, numerous credit card expenditures for travel were not adequately documented with a memorandum disclosing the nature and reason for the travel. The District Attorney did not have procedures in place to ensure that all credit card travel expenditures were adequately documented. As a result, credit card charges could have been paid that were not for official business of the District Attorney's Office.</p> <p><b><u>Recommendation:</u></b> The District Attorney should establish adequate procedures to ensure that credit card travel expenditures are adequately documented as required by the <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts.</p>
2020-004	<p><b><u>Finding:</u></b> The <b><i>Code of Alabama 1975</i></b>, Section 12-17-233, requires the District Attorney's office to remit, on a monthly basis, 10 percent of the money collected for the district attorney or solicitor fund to the Office of Prosecution Services. During the examination period, these remittances were not made on a monthly basis. The District Attorney did not have procedures in place to ensure that monthly remittances were made to the Office of Prosecution Services. As a result, the District Attorney's Office failed to comply with the provisions of the <b><i>Code of Alabama 1975</i></b>, Section 12-17-233.</p> <p><b><u>Recommendation:</u></b> The District Attorney should establish adequate procedures to ensure that monthly remittances are made to the Office of Prosecution Services as required by the <b><i>Code of Alabama 1975</i></b>, Section 12-17-233.</p>

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***Schedule of State and Local Compliance and Other Findings***  
***For the Period September 1, 2018 through November 30, 2020***

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Ref. No.	Finding/Noncompliance
2020-005	<p><b><u>Finding:</u></b> The <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts pursuant to the <b><i>Code of Alabama 1975</i></b>, Section 41-5A-21, require that an inventory be maintained of all equipment purchases made by the District Attorney's Office. During the examination period, all equipment purchases were not added to the inventory listing. The District Attorney did not have procedures in place to ensure that all equipment purchases were added to the inventory listing. As a result, the District Attorney's Office was exposed to the potential loss or misappropriation of equipment.</p> <p><b><u>Recommendation:</u></b> The District Attorney should establish procedures to ensure that all equipment purchases are added to the inventory listing as required by the <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts.</p>
2020-006	<p><b><u>Finding:</u></b> The <b><i>Code of Alabama 1975</i></b>, Section 12-17-197, provides for a District Attorney's Fund to account for district attorney fees collected by the courts to be used for the payment of law enforcement expenses incurred by the District Attorney. During the examination period, disbursements for meals, flowers, food items, events, donations and legal fees were made from the District Attorney's fund that did not appear to be for allowable law enforcement purposes. The District Attorney did not have procedures in place to ensure that only allowable law enforcement expenses were paid from the District Attorney's Fund. As a result, it appears resources in the District Attorney's Fund were used for unallowable purposes and charges against the District Attorney and Office Manager are reflected on Exhibit 3.</p> <p><b><u>Recommendation:</u></b> The District Attorney should establish procedures to ensure that only allowable law enforcement expenses are paid from the District Attorney's Fund.</p>

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***Schedule of State and Local Compliance and Other Findings***  
***For the Period September 1, 2018 through November 30, 2020***

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<b>Ref. No.</b>	<b>Finding/Noncompliance</b>
2020-007	<p><b><u>Finding:</u></b> The District Attorney operates a Worthless Check Unit (the “Unit”) pursuant to the provisions of the <i>Code of Alabama 1975</i>, Section 12-17-224. The <i>Minimum Accounting Requirements for the Office of District Attorney</i>, prescribed by the Chief Examiner of Public Accounts pursuant to the <i>Code of Alabama 1975</i>, Section 41-5A-21, require the District Attorney to design a complete system of internal accounting controls applicable to the operations of the office, including accounting procedures and internal controls, to ensure proper accounting for and recording of all transactions of the Unit. If any money received has not been disbursed, these amounts must be identified and documentation must be maintained showing why the amount was not paid. The District Attorney did not have controls and procedures in place to ensure the identification of amounts remaining on hand in the Unit. As a result, all money collected was not distributed and unidentified amounts of money remained on hand at the conclusion of the examination. This finding was previously reported as Finding 2018-002.</p> <p><b><u>Recommendation:</u></b> The District Attorney should establish controls and procedures to ensure that all amounts on hand in the Worthless Check Unit are identified and properly distributed.</p>

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# *Financial Information*

**Summary of Receipts, Disbursements and Cash Balances**  
**September 1, 2018 through November 30, 2020**

	District Attorney's Fund	Worthless Check Unit	Child Support Enforcement Fund	Total
<b>Receipts</b>				
District Attorney Fees	\$ 232,638.88	\$ 43,337.30	\$	\$ 275,976.18
Bail Bond Fees	226,869.85			226,869.85
Court Fees	526,402.84			526,402.84
State Incentives and Cost Reimbursements			1,025,204.86	1,025,204.86
Restitution		74,636.60		74,636.60
Restitution Recovery Fees	171,850.74			171,850.74
Pretrial Diversion Fees	190,119.94			190,119.94
Solicitor Fees	649,141.03			649,141.03
Interest	628.74	12.86	12,014.17	12,655.77
Donations, Miscellaneous	21,876.22			21,876.22
Total Receipts	<u>2,019,528.24</u>	<u>117,986.76</u>	<u>1,037,219.03</u>	<u>3,174,734.03</u>
<b>Disbursements</b>				
Personnel Costs	2,160,000.00			2,160,000.00
Office of Prosecution Services	55,850.63			55,850.63
Equipment Purchase	39,822.60			39,822.60
Professional Services	27,458.55		1,275.00	28,733.55
Repairs and Maintenance	210.00			210.00
Supplies, Memberships, and Dues	36,944.10		13,143.95	50,088.05
Rentals and Leases	13,779.56		12,150.00	25,929.56
Transportation Equipment Operation	44,634.50			44,634.50
Travel	73,712.83		292.83	74,005.66
Utilities and Communications	33,776.24			33,776.24
Miscellaneous	71,365.36		90.00	71,455.36
Computer Services	85,599.19			85,599.19
Computer Software	23,756.79			23,756.79
Legal Publications	9,923.30			9,923.30
Restitution	160,000.00	70,458.14		230,458.14
Total Disbursements	<u>2,836,833.65</u>	<u>70,458.14</u>	<u>26,951.78</u>	<u>2,934,243.57</u>
Excess of Receipts Over/(Under) Disbursements	<u>(817,305.41)</u>	<u>47,528.62</u>	<u>1,010,267.25</u>	<u>240,490.46</u>
<b>Operating Transfers In/(Out)</b>				
Transfers In	43,337.30			43,337.30
Transfers Out		(43,337.30)		(43,337.30)
Total Operating Transfers	<u>43,337.30</u>	<u>(43,337.30)</u>		
Excess of Receipts and Transfers In Over/ (Under) Disbursements and Transfers Out	<u>(773,968.11)</u>	<u>4,191.32</u>	<u>1,010,267.25</u>	<u>240,490.46</u>
Cash Balances - September 1, 2018	966,923.49		1,159,300.18	2,126,223.67
Cash Balances - November 30, 2020	<u>\$ 192,955.38</u>	<u>\$ 4,191.32</u>	<u>\$ 2,169,567.43</u>	<u>\$ 2,366,714.13</u>

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## *Description and Source of Funds*

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The following is a brief summary and description of the different funds that were utilized by the Office of District Attorney, Thirty-Seventh Judicial Circuit, Lee County, Alabama, for the period September 1, 2018 through November 30, 2020.

- ◆ **District Attorney's Fund** – accounts for court fees received from the Circuit Clerk in Lee County and for fees received from the Worthless Check Unit for processing worthless checks and disbursements made to defray the reasonable expenses incurred by the District Attorney and the administrative expenses of the Worthless Check Unit program.
  
- ◆ **Worthless Check Unit** – accounts for fees from service charges and restitution collected for processing worthless checks. The Worthless Check Unit is established by the *Code of Alabama 1975*, Section 12-17-224.
  
- ◆ **Child Support Enforcement Fund** – accounts for the receipt and disbursement of cost reimbursement and incentive money paid by the State Department of Human Resources for the purpose of enforcing the support obligations owed by absent parents, locating absent parents, establishing paternity and obtaining child and spousal support.

**Schedule of Charges**  
**September 1, 2018 through November 30, 2020**

Person/Official Charged	Date	Fund/ Account	Amount Charged	Amount Paid	Amount Relieved By Chief Examiner	Amount Unpaid	Description of Charge
<b>Directly Charged To:</b>							
Brandon Hughes, District Attorney, 37th Judicial Circuit, Lee County	09/01/2018-11/30/2020	District Attorney's Fund	\$ 3,983.66	\$	\$	\$ 3,983.66	The District Attorney made disbursements from the District Attorney's Fund contrary to allowable uses specified in the enabling legislation. Unallowable disbursements were made to purchase food and meals; rent an event tent and tables; and purchase trophies in order to show appreciation and build rapport with various individuals who work in conjunction with law enforcement, law enforcement agencies and affiliated organizations.
Brandon Hughes, District Attorney, 37th Judicial Circuit, Lee County	09/01/2018-11/30/2020	District Attorney's Fund	1,000.00			1,000.00	The District Attorney made disbursements from the District Attorney's Fund contrary to allowable uses specified in the enabling legislation. An unallowable donation was made to the Boys & Girls Clubs of Greater Lee County.
Brandon Hughes, District Attorney, 37th Judicial Circuit, Lee County	09/01/2018-11/30/2020	District Attorney's Fund	14,000.00			14,000.00	The District Attorney made disbursements from the District Attorney's Fund contrary to allowable uses specified in the enabling legislation. Unallowable disbursements were made for legal fees.
Total Directly Charged to Brandon Hughes			<u>18,983.66</u>			<u>18,983.66</u>	
<b>Jointly Charged To:</b>							
Brandon Hughes, District Attorney, 37th Judicial Circuit, Lee County	09/01/2018-11/30/2020	District Attorney's Fund	384.28			384.28	The District Attorney and Office Manager made disbursements from the District Attorney's Fund contrary to allowable uses specified in the enabling legislation. Unallowable disbursements were made to purchase items for a Back the Badge event. At a meeting with the Chief Examiner, the Office Manager showed just cause as to why she should not have to pay the amounts due; therefore, the Chief Examiner relieved all amounts due from the Office Manager. The District Attorney failed to appear and show just cause as to why the amounts due should not be paid; therefore, no relief was granted to the District Attorney, as indicated by the attached Order of the Chief Examiner.
Sarah Herren, Office Manager							
Brandon Hughes, District Attorney, 37th Judicial Circuit, Lee County	09/01/2018-11/30/2020	District Attorney's Fund	2,249.07			2,249.07	The District Attorney and Office Manager made disbursements from the District Attorney's Fund contrary to allowable uses specified in the enabling legislation. Unallowable disbursements were made to purchase food items and flowers. At a meeting with the Chief Examiner, the Office Manager showed just cause as to why she should not have to pay the amounts due; therefore, the Chief Examiner relieved all amounts due from the Office Manager. The District Attorney failed to appear and show just cause as to why the amounts due should not be paid; therefore, no relief was granted to the District Attorney, as indicated by the attached Order of the Chief Examiner.
Sarah Herren, Office Manager							
Sub-Total Forward			<u>\$ 21,617.01</u>	<u>\$</u>	<u>\$</u>	<u>\$ 21,617.01</u>	

**Schedule of Charges**  
**September 1, 2018 through November 30, 2020**

Person/Official Charged	Date	Fund/ Account	Amount Charged	Amount Paid	Amount Relieved By Chief Examiner	Amount Unpaid	Description of Charge
Sub-Total Brought Forward			\$ 21,617.01	\$	\$	\$ 21,617.01	
Brandon Hughes, District Attorney, 37th Judicial Circuit, Lee County	09/01/2018-11/30/2020	District Attorney's Fund	766.87			766.87	The District Attorney and Office Manager made disbursements from the District Attorney's Fund contrary to allowable uses specified in the enabling legislation. Unallowable disbursements were made to purchase food items for Christmas parties. At a meeting with the Chief Examiner, the Office Manager showed just cause as to why she should not have to pay the amounts due; therefore, the Chief Examiner relieved all amounts due from the Office Manager. The District Attorney failed to appear and show just cause as to why the amounts due should not be paid; therefore, no relief was granted to the District Attorney, as indicated by the attached Order of the Chief Examiner.
Sarah Herren, Office Manager							
Brandon Hughes, District Attorney, 37th Judicial Circuit, Lee County	09/01/2018-11/30/2020	District Attorney's Fund	5.88			5.88	The District Attorney and Office Manager were unable to provide documentation for disbursements from the District Attorney's Fund. Due to lack of documentation, we were unable to determine if they were made for allowable uses specified in the enabling legislation. At a meeting with the Chief Examiner, the Office Manager showed just cause as to why she should not have to pay the amounts due; therefore, the Chief Examiner relieved all amounts due from the Office Manager. The District Attorney failed to appear and show just cause as to why the amounts due should not be paid; therefore, no relief was granted to the District Attorney, as indicated by the attached Order of the Chief Examiner.
Sarah Herren, Office Manager							
Total Jointly Charged to Brandon Hughes and Sarah Herren			3,406.10			3,406.10	
Totals			<u>\$ 22,389.76</u>	<u>\$</u>	<u>\$</u>	<u>\$ 22,389.76</u>	

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*Order of the Chief Examiner*

## ORDER OF THE CHIEF EXAMINER

**RE: OFFICE OF DISTRICT ATTORNEY  
37<sup>TH</sup> JUDICIAL CIRCUIT  
SEPTEMBER 1, 2018 THROUGH NOVEMBER 30, 2020**

This matter of amounts due from the Office Manager for Office of District Attorney, 37<sup>th</sup> Judicial Circuit was brought before me on the 28<sup>th</sup> day of April 2021, pursuant to the provisions of the *Code of Alabama 1975*, Section 41-5A-20. The Office Manager appeared before me on that date, and I am of the opinion that the Office Manager has provided evidence to constitute just cause for relieving charges in the amount of \$3,406.10. Therefore, relief from these charges is granted accordingly.

Entered this the 29<sup>th</sup> day of April, 2021.



**Rachel Laurie Riddle  
Chief Examiner**



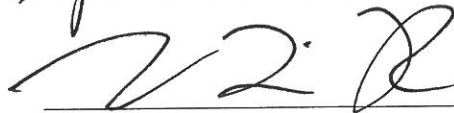
## ORDER OF THE CHIEF EXAMINER

**RE: OFFICE OF DISTRICT ATTORNEY  
37<sup>TH</sup> JUDICIAL CIRCUIT  
SEPTEMBER 1, 2018 THROUGH NOVEMBER 30, 2020**

This matter of amounts due from the Former District Attorney for the Office of District Attorney, 37<sup>th</sup> Judicial Circuit was brought before me on the 28<sup>th</sup> day of April 2021, pursuant to the provisions of the *Code of Alabama 1975*, Section 41-5A-20. I am of the opinion that the Former District Attorney has failed to show just cause why the amounts due should not be paid.

Therefore, relief is denied.

Entered this the 29<sup>th</sup> day of April, 2021.



**Rachel Laurie Riddle  
Chief Examiner**