



JOHN H. MERRILL
SECRETARY OF STATE

December 21, 2021

Via Hand Delivery

Mr. Ed Packard
[REDACTED]

Re: Notice of Pre-Dismissal Conference

Dear Mr. Packard:

Pursuant to Rule 670-X-18-02 of the State Personnel Board Rules and Regulations, it has been recommended to me by Chief of Staff David Brewer and General Counsel Hugh Evans, III that you be dismissed from employment with the Alabama Secretary of State's Office. The aforesaid recommendation was made based on as follows in this letter.

On Friday, December 3, 2021, at approximately 4:45 p.m. a female reporting employee and co-worker of yours reported to their supervisor, Deputy Chief of Staff & Director of Elections Clay Helms, certain behavior of yours which is contrary to the agency's Policy against Sexual Harassment. Immediately thereafter, on Friday, December 3, 2021, at approximately 5:00 p.m., the Deputy Chief of Staff and Director of Elections and the female reporting employee informed the Chief of Staff of the situation.

Upon the conclusion of the investigation conducted by the Chief of Staff and General Counsel they have determined that you violated the agency's Policy against Sexual Harassment based on the foregoing.

On November 30, 2021, on or about 7:48 p.m. you texted to the female reporting employee pornographic imagery to their personal cell phone. The female reporting employee described this incident to their supervisor and the Chief of Staff, on December 3, 2021, as "the straw that broke the camel's

back." During the December 3, 2021 meeting where the female reporting employee informed this agency of the aforesaid behavior, she described that other behavior of yours had been exhibited to her for several months prior to the pornography being sent to her. Examples include, as follows:

1. Between May 2021 and November 30, 2021, on approximately 3 or 4 occasions, Mr. Packard initiated conversations with a female employee of a sexual nature. Those comments included jokes of a sexual nature as well as comments and jokes about the details surrounding the affair that Secretary Merrill had been involved in. Those comments included such things as, "I hear that a lot of people across the state are now calling Secretary Merrill 'Peggy'," as well as jokes that referenced anal sex.
2. On one occasion, the female employee was wearing jeans and had her phone in her back pocket. Mr. Packard made the comment "it's funny how you can see the outlines of peoples phones in their back pockets". After that comment, the female employee would wear a cardigan when she wore jeans to the office.
3. During the summer of 2021, Mr. Packard told the female employee a sexually explicit joke. While she doesn't recall the specifics of the joke, the punchline involved Mr. Packard saying "my penis."
4. Mr. Packard on more than one occasion during this time period, would discuss the sex life of a former employee whom he kept in touch with.
5. On November 8, 2021 Mr. Packard once again brought up the situation involving Secretary Merrill and again referring to him as "Peggy." On this date Mr. Packard also texted the female employee a snippet of a newspaper article referencing the Secretary's situation.
6. On November 29, 2021, Mr. Packard and the female employee were discussing the new Photo ID posters and trying to guess who the next celebrity participant would be. Mr. Packard said he knew the answer and texted the female employee a picture of a meme of the woman Secretary Merrill had been involved with on a mock up poster of a photo ID ad. The caption read "let them know your box is ready for their ballot." The female employee interpreted this as a sexual joke.

7. There were numerous occasions when Mr. Packard would walk behind the female employee's desk to get a two-hole punch and "hover" over the female employee.
8. There were several occasions when the female employee would notice Mr. Packard "watching" her.
9. On November 30, 2021, Mr. Packard texted to the female employee a pornographic image. Mr. Packard acknowledged that he had sent the image, albeit accidentally.
10. On Friday December 3, 2021, the female employee reported these events to her supervisor, who in turn reported them to the Chief of Staff.
11. During this time period, the female employee was made to feel uncomfortable, and became concerned when working alone with Mr. Packard. Because of the age difference between herself and Mr. Packard, and the fact she considered Mr. Packard to be above her in the organizational chain of command, she was afraid to say anything to Mr. Packard or to report it.
12. At no time did the female employee initiate, encourage or voluntarily participate in the conversations.

If true, your actions constitute the following violations:

1. Violation of the Policy against Sexual Harassment as set forth in the Alabama Secretary of State Employee handbook.
2. Rule 670-X-19-.01 (b) of the State Personnel Board Rules and Regulations:
 - (10) Serious violation of any other department rule.
 - (12) Disruptive conduct of any sort.
 - (13) Conduct unbecoming a state employee.

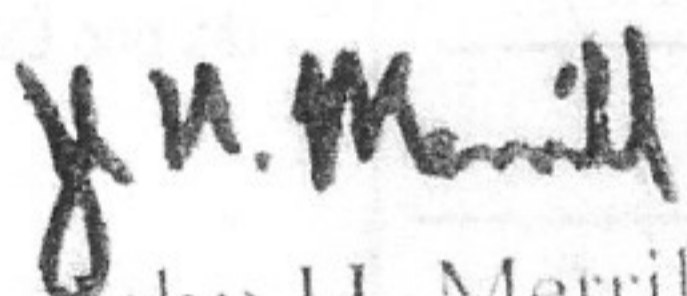
As your prior disciplinary record has been considered, a review of your past disciplinary history indicates that you received the following disciplinary actions:

1. February 12, 2004 - Written Confirmation of Oral Reprimand - Disruptive Behavior.
2. June 4, 2004 - Written Reprimand - Insubordination.
3. July 12, 2004 - Written Reprimand - Failure to Follow Directions.

4. August 17, 2004 - Written Reprimand - Failure to Perform Job Properly and Continued Inattention to Completing Assigned Tasks.
5. October 1, 2004 - Written Counseling - Cease and Desist from Actions not benefiting the Office.
6. January 25, 2005 - Written Reprimand - Disruptive Behavior.
7. December 20, 2005 - Written Counseling - Engaging in Conduct which undermines the Office.
8. December 21, 2005 - Written Reprimand - Failure to Perform Job.
9. February 22, 2006 - Written Counseling - Inaccurate Work Product Produced.
10. January 12, 2007 - Written Reprimand - Inaccurate Work Product Produced.
11. September 1, 2015 - Written Reprimand - Failure to meet full expectations as Director of Elections.
12. January 26, 2017 - Involuntary Demotion Upheld by State Personnel Director. /
13. November 22, 2021 - Written Counseling - Failure to follow instruction.

I have scheduled a pre-dismissal conference for you on December 28, 2021 at 1:00 p.m. in my Office. This conference is an opportunity for you to tell "your side of the story." If you desire, you may have a lawyer present, but only for observation purposes. This meeting may be recorded. After listening to your response, I will inform you by letter of my decision which may be appealed, if you disagree with my decision, to the Alabama State Personnel Board within ten (10) days thereafter.

Sincerely,



John H. Merrill
Secretary of State

cc: State Personnel Director

Brewer, David

From: Edward Packard [REDACTED]
Sent: Tuesday, December 28, 2021 4:38 PM
To: Helms, Clay
Cc: Evans2, Hugh; Farrow, Shemekwa; Brewer, David; Merrill, John
Subject: Resignation

Clay ...

I am resigning from the Secretary of State's office effective today at 5:00pm.

In a bit, I will email you a signed letter, the original of which will be mailed to you.

Thank you.

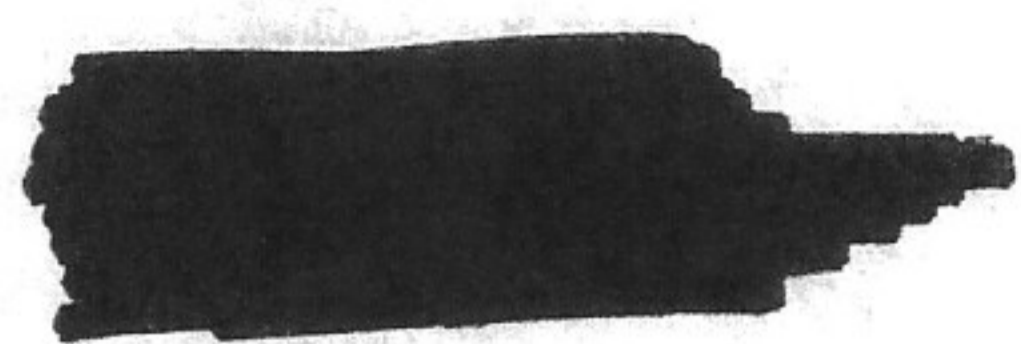
— Ed

Ed Packard
[REDACTED]

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-- Ed

Ed Packard
[REDACTED]

From:
Sent:
To:
Cc:
Subject:
Attachments:



DELIVERED BY THE US POSTAL SERVICE AND EMAIL

Mr. Clay Helms
Director of Elections
State of Alabama
PO Box 5616
Montgomery, Alabama 36103

Dear Mr. Helms:

I am writing to follow up my email message of December 28, 2021, in which I gave notice that I was resigning from employment at the Secretary of State's office as of that day at 5:00pm.


As you know, I am also retiring from employment with the State of Alabama. The effective date for my retirement is February 1, 2022.

I have enjoyed my career at the Secretary of State's office. I am gratified that I have had the ability to participate in the efforts to efficiently administer elections in the Great State of Alabama, elections that have been free and fair. Mostly, though, I am proud that the elections I have helped administer for over more than 24 years have been marked with integrity.

I am blessed to have had the opportunity over so many years to serve the good people of Alabama.

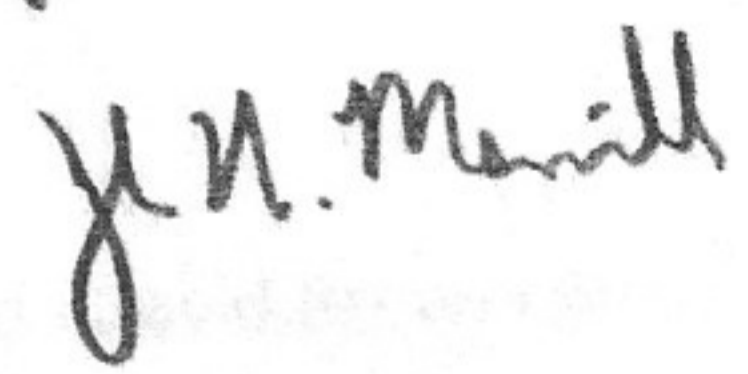
I am grateful to have worked with such fine colleagues as the elected officials, appointees, and staff in the offices of the various Judges of Probate, Circuit Clerks, Boards of Registrars, Sheriffs, and City Clerks.

Regards,


Edward Packard

cc: Secretary John Merrill
David Brewer

Accepted

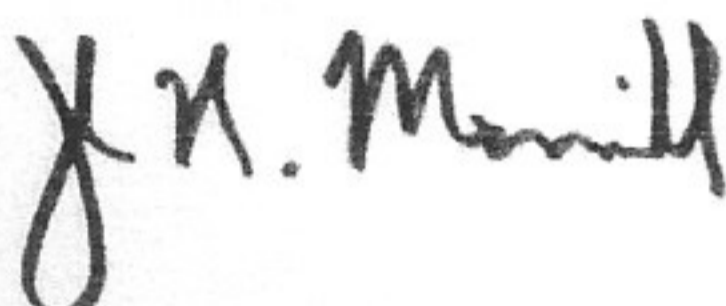


Brewer, David

From: Merrill, John
Sent: Wednesday, December 29, 2021 12:11 PM
To: Brewer, David
Cc: Evans2, Hugh
Subject: Re: Letter of Resignation
Attachments: image001.png; image002.png; image003.png; image004.png; Edward Packard - Letter to Clay Helms - 2021-12-29.pdf

I have reviewed Ed Packard's letter of resignation. I am accepting that letter and approving it as submitted for our consideration.

John H. Merrill
Secretary Of State



Sent from my iPhone

On Dec 29, 2021, at 12:00 PM, Brewer, David <David.Brewer@sos.alabama.gov> wrote:

Mr. Secretary:

Ed Packard submitted a letter of resignation which is attached. After you review it, can you immediately approve and accept it today by email back to me indicating your approval/acceptance so I can prepare the paperwork? Thank you,

DAVID A. Z. BREWER
Deputy Secretary of State and Chief of Staff
Office of the Honorable John H. Merrill
Secretary of State, State of Alabama
600 Dexter Avenue, Suite S-105
Montgomery, Alabama 36130
(334) 242-7207 Office
(334) 324-6195 Cell

From: Edward Packard [REDACTED]
Sent: Wednesday, December 29, 2021 8:40 AM
To: Helms, Clay <Clay.Helms@sos.alabama.gov>
Cc: Merrill, John <John.Merrill@sos.alabama.gov>; Brewer, David <David.Brewer@sos.alabama.gov>; Evans2, Hugh <hugh.evans2@sos.alabama.gov>; Farrow, Shemekwa <shemekwa.farrow@sos.alabama.gov>
Subject: Letter of Resignation

STATE OF ALABAMA PERSONNEL DEPARTMENT
RECOMMENDATION FOR PERSONNEL ACTION

1. Name of Employee Edward P Packard First MI Last		2. Social Security Number [REDACTED]	3. Salary \$2,933.10	SMREG
4. Position Number 4333402	5. Class Title/Code Administrator of Elections (11971)		6. Class Option Title/Code ()	
7. Department/Code Secretary of State (046)	8. Division/Code ()	9. Effective Date 12/28/2021		
INSTRUCTIONS		KIND OF ACTION		
Item 11 requires signature of both department heads. Items 11, 13, 14, 15, 21 require approval of Personnel Director before action is official. Items 12, 13, 14, 15 must have copy of letter to employee attached. If voluntary demotion, letter from employee should be attached. Item 17 should have copy of letter of resignation or confirmatory letter from department attached.		10. Transfer within department <input type="checkbox"/> 11. Transfer to another department <input type="checkbox"/> 12. Suspension <input type="checkbox"/> 13. Demotion <input type="checkbox"/> 14. Layoff <input type="checkbox"/> 15. Dismissal <input type="checkbox"/> 16. Separation by death <input type="checkbox"/> 17. Resignation See attached letter <input checked="" type="checkbox"/> 18. Retirement <input type="checkbox"/> Disability <input type="checkbox"/> Service <input type="checkbox"/> 19. Expiration of temporary appointment <input type="checkbox"/> 20. Expiration of provisional appointment <input type="checkbox"/> 21. Leave Without Pay <input type="checkbox"/> 22. Returned from LWOP <input type="checkbox"/> 23. Military Leave Without Pay <input type="checkbox"/> 24. Returned from Military LWOP <input type="checkbox"/> 25. Other <input type="checkbox"/>		
ITEMS AFFECTED BY ACTION	FROM:	TO:		
26. Department/Code (Items 10 and 11)	()	()		
27. Division/Code (Items 10 and 11)	()	()		
28. County of Employment/Code (Items 10 and 11)	()	()		
29. Class Title/Code (Items 10, 11, 13)	()	()		
30. Class Option/Code (Items 10, 11, 13)	()	()		
31. Dates (Items 12, 21, 22, 23 and 24)				
32. Salary (Item 13)				
33. Position Number (Items 10, 11 and 13)				
34. If action is item 13, 15, 17 or 18, is reemployment recommended? (Y/N)		N	(If "No", explanation must be given.)	
35. Remarks Resignation Letter Attached				
36. Signed (Appointing Authority) <i>J. N. Merrill</i>		Date <i>January 5, 2022</i>		
37. Signed (Appointing Authority)		Date		
38. Approved (Personnel Director) <i>Jackie Stephens</i>		Date <i>1-5-22</i>		

2022 JAN -4 AM 10:27
 STATE OF ALABAMA