

WLPOA Ombudsman Report  
December 2011

Subject: Election Fraud

**I. Introduction**

Shortly after the October 31, 2010 election, multiple complaints from owner members were submitted to the Ombudsman concerning the integrity of the election, namely, an allegation of fraud. The complainants pointed to three things that suggested election tampering: 1) on the day of the election, 44 duplicate ballots were discovered by Kirk Summa, the CPA firm which audits our elections, 2) there was a significantly above-average voter response and 3) an inconsistent voting pattern from the voting results tallied over the past two years.

The purpose of the Ombudsman investigation was to determine if election tampering or election fraud had occurred in the 2010 election. This required analyzing all of the ballots from said election. The ballots were in the possession of CPA firm, Kirk Summa, in East Stroudsburg, and access to the ballots was authorized by Association Solicitor, Joseph Weismeth, Esquire. Analysis procedures were conducted at the offices of Kirk Summa. The process required multiple sessions which were arranged by appointment so that Kirk Summa could provide a staff member to be present and to observe my procedures at all times. (See attached letter from Kirk Summa.)

**II. Investigation details**

Duplicate Ballots

There were 44 duplicate ballots reported by Kirk Summa in the election summary. These ballots provided an ideal laboratory for comparing original voting returns to their copies. They enabled me to establish a fool proof template for evaluating the legitimacy of the 403 counted ballots from the 2010 election.

The following distinctions were observed about each pair of envelopes: each envelope of the pair

- 1) was mailed from a different post office,
- 2) contained a different formatting of the return address,
  - 3) showed a frequent spelling difference in the mailing address,
- 4) showed variance in ink quality,
- 5) featured distinctively different owner member signatures,
- 6) were consistently different stock (2 different envelopes were observed),
- 7) contained ballots which showed differences in fabrication, that is,
  - professionally produced v. homemade, and
- 8) the votes on the enclosed ballots were inconsistent between the pair.

Of the 8 distinctions listed above, two (2) were reliably consistent:

1. The 44 duplicates showed 100% consistency in the type of mailing envelopes used for the duplicate returns, and 100% consistency in the type of mailing envelopes used for the originals. All printing of envelopes and ballots used in the election by WLPOA was handled by Main Street Printing in Stroudsburg. In order to answer questions concerning the observable differences of the return envelopes,

Mr. Ron Bittenbender, owner of Main Street Printing, personally examined the election documents at the offices of Kirk Summa. The identification of the legitimate envelope used in the 2010 election was made by Mr. Bittenbender. (See "Envelope Analysis 2010 Election" attached.) In a written summary of his examination, Mr. Bittenbender also pointed out other features that would indicate a duplicate, or fraudulent, ballot. (See attached letter from Main Street Printing.) Those distinctions were strongly consistent but they were not 100% so I did not use them for the template.

2. The ballot from each duplicate return showed an identical voting pattern. The same candidates, without exception, were the beneficiaries of the duplicate, or fraudulent vote. By contrast, the voting patterns of the original, legitimate ballots were not identical, nor were they consistent with the duplicates.

Based on these findings, the template for this investigation would be the illegitimate mailing envelopes, further proved by the fixed voting pattern therein.

#### Election Ballots

All 403 election returns were analyzed using the aforementioned template. The results of the examination are

305 legitimate + 98 fraudulent = 403 total ballots

The voting pattern of each of the 98 fraudulent ballots was examined and found to be identical to the voting pattern observed in the duplicate ballot analysis. The same candidates were the beneficiaries of the fraudulent vote. For the election, voters were instructed to vote for three (3) candidates. The three candidates who benefited from fraudulent voting were

Tom Fels  
Jeff Reichl  
Judith Weigand

A very small number of the 98 ballots contained less than three votes. In those cases, when only two votes were cast, Jeff Reichl and Judith Weigand were the beneficiaries. When only one vote was cast, the beneficiary was either Jeff Reichl or Judith Weigand. There were no exceptions to this pattern.

Adding the 98 fraudulent votes of the election to the 22 duplicate/fraudulent votes found in the set of 44 duplicates, a grand total of 120 fraudulent votes were injected into the election process of WLPOA. This translates to an election where approximately

***1 out of every 4 votes was fraudulent.  
Only 305 of the 403 votes were legitimate.***

### **III. Conclusions**

1. The complaints of election fraud are confirmed.
2. By removing the fraudulent ballots, it appears that the election results would have been different.

### **IV. Recommendations**

1. The 2010 election should be immediately decertified.
2. All Directors on the Board who were candidates in the 2010 election should immediately recuse themselves from all activities and duties of a Director.
3. The remaining Board of Directors should request an immediate recount of the elections by Kirk Summa, CPA.
4. Based on Kirk Summa's recount, certify the election and seat the duly elected Board members.
5. Report the recount results to the community via the Winonagram or special edition of the Winonagram.

If the Board of Directors fails in its obligation to serve the owner members by acting on this issue, then any owner member(s) in good standing could, and should, challenge the 2010 election by filing a petition in the Monroe County Court of Common Pleas. The Ombudsman's report belongs to the owner members of Winona Lakes.

## V. Closing Comments

This inquiry was not exhaustive. Additional research and investigation could be done but it would be costly to the community. What's more, expert analysis and reporting would only serve to underscore the conclusions of this investigation so they were not pursued. If it were deemed necessary, the following detail items might be examined:

1. Paper analysis. Purpose: to identify differences, if any, in the paper products used for the election. Original stock from Main Street Printing would be compared to the fraudulent stock.
2. Ink analysis. Purpose: to identify differences in the ink used for printing ballots and envelopes, comparing those produced by Main Street Printing to those which were not. The analysis could determine printing sources such as computer printer, copy machine, etc.
3. Paper cutting technique. Purpose: to demonstrate differences in the quality of the cut that is made to create the voting ballot. A print shop uses a commercial cutting machine. Non-commercial cutting equipment and techniques produce a different type of cut.
4. Return address analysis. Purpose: to determine how address formatting is handled by the computers of Winona Lakes and Main Street Printing, and to compare that with the formatting printed on the duplicate and fraudulent envelopes.
5. Handwriting analysis. Purpose: to confirm voter fraud by forgery and to possibly identify the perpetrators of the fraud. (Given that many of the fraudulent ballots were mailed from postal centers in New York, the perpetrators may be subject to felony charges.)

All details of this investigation were witnessed by and approved by Kirk Summa CPA, who maintained oversight throughout. Furthermore, all attachments in this document, including a copy of this document, are in the possession of Kirk Summa.

This report is respectfully submitted to the Board of Directors, the owner members of WLPOA and the Association Solicitor.

Jeffrey S. LeFevre  
Ombudsman  
December 2010

**KIRK, SUMMA & CO., LLP**  
CERTIFIED PUBLIC ACCOUNTANTS  
P.O. BOX 307  
ONE DANSBURY SQUARE  
EAST STROUDSBURG, PENNSYLVANIA 18301  
570-421-0753  
FAX # 570-421-3615

OTHER OFFICES  
ALLENTOWN, PA  
610-770-9889  
BRODHEADSVILLE, PA  
570-992-5876

DALE E. KIRK, C.P.A.  
KEYVIN D. SUMMA, C.P.A.

December 23, 2010

To the Board of Directors  
Winona Lakes Community Association  
104 Winona lakes  
East Stroudsburg, PA 18302

Re: Agreed Upon Procedure - October 31, 2010 Election

Gentlemen,

Our Firm was engaged to count the election ballots on October 16, 2010 which was postponed by the Association until October 31, 2010. We issued an Independent Accountants' Report on applying agreed-upon procedures on the same date.

Our report indicated 44 ballots were disqualified as a result of duplicate ballots being received for the same property owners. On that date, we informed the election committee that those ballots would not be counted and they may wish to investigate the matter further.

We had several meetings with the approval of the Association's counsel and approval of the board to meet with Jeffrey S. LeFevre representing the Winona Lakes Property Owners Association. Mr. LeFevre inspected the ballots in our presence to ensure that the integrity of the originals would be preserved.

The following issues came to our attention subsequent to October 31, 2010 that we want to inform you of:

- Some envelopes styles differed from those provided by the printer with regard to an undetermined amount of ballots returned.
- Differences in return addresses on various envelopes were noted.
- The print style on some ballots was different than the ballots prepared by the printer.

Our firm was engaged to collect and count in the presence of members of the election committee. We were not engaged and cannot render an opinion whether the ballots may or may not have been altered.

If you have any questions, feel free to contact us.

Very truly yours,



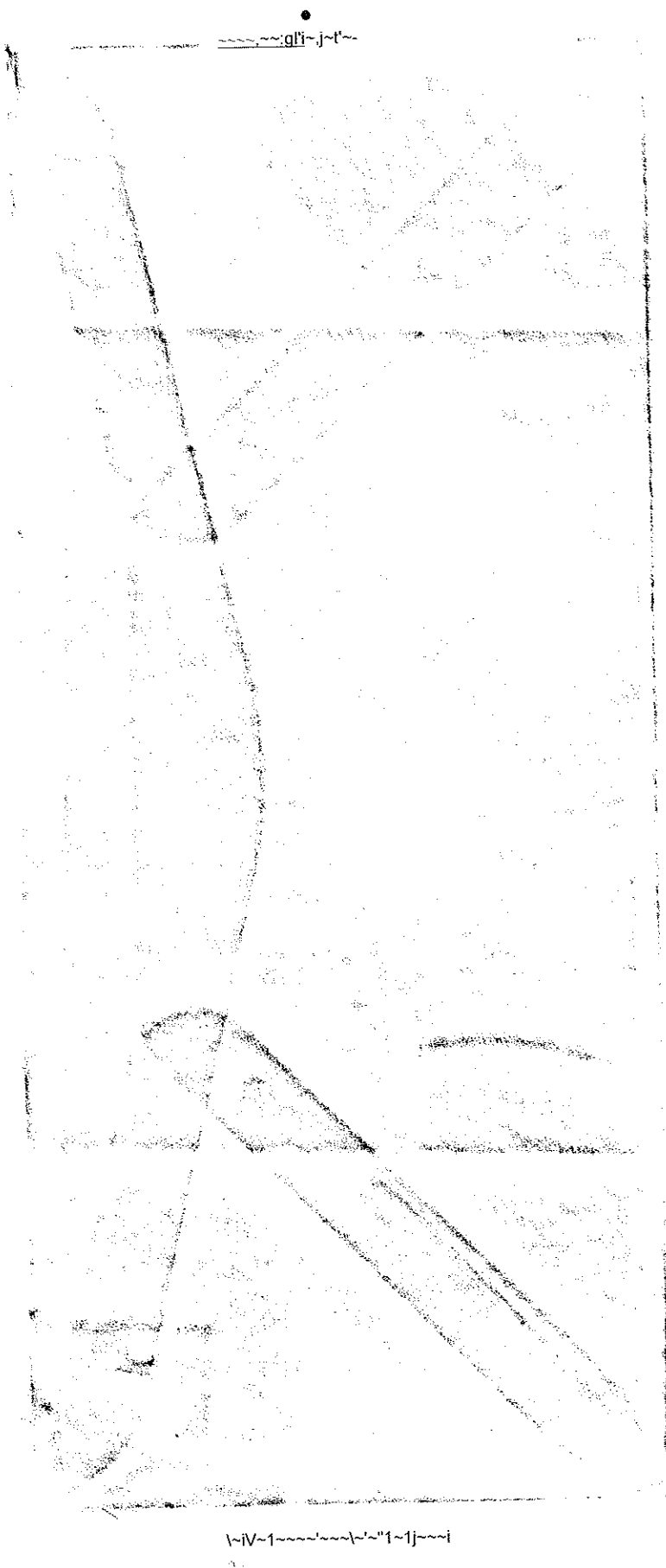
Kevin D. Summa  
Certified Public Accountant

-----Original Message-----

**From:** Chris [mailto:mainstreetprinting1@frontier.com]  
**Sent:** Wednesday, December 15, 2010 03:44 PM  
**To:** josh@kirksumma.com  
**Subject:** fraudulent ballots

Regarding the Winona Lakes POA ballots After looking at the original layout for the envelopes (#9 return) we discovered we spelled East Stroudsburg wrong (Stroudsburg). So, any envelope coming back to you with correct spelling, was a fake. Plus, the envelope was a different brand from what I use (the flap was different). Also, ballot had wavy lines, mine are straight. Ron Bittenbender Main Street Printing 408 Main Street Stroudsburg PA 18360  
Phone: 570-424-0800 Fax: 570-421-5125 mainstreetprinting1@frontier.com

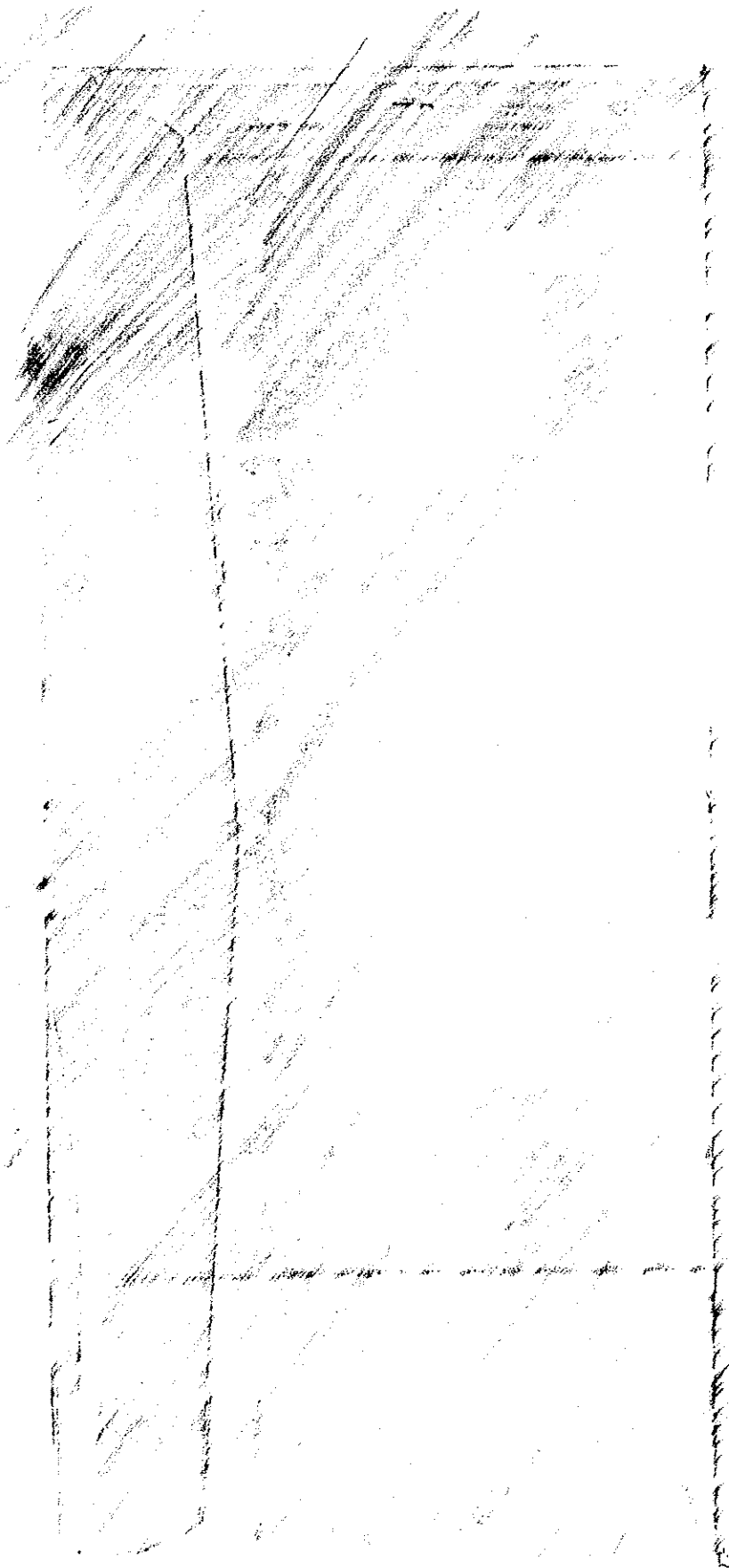
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Envelope Analysis 2010 Election  
Document 1  
Original envelope from Main Street Printing

Features

- 45 degree end folds
- V-shaped top flap



Envelope Analysis 2010 Election  
Document 2  
Duplicate envelope.  
Not from Main Street Printing.

Features

- 90 degree end folds
- Slim, slightly V-shaped top flap

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