



SATANA DEBERRY
DISTRICT ATTORNEY

PROSECUTORIAL DISTRICT 16
DURHAM COUNTY

510 S. DILLARD ST, 8TH FLOOR, DURHAM, NC, 27701
O 919-808-3010
F 919-808-3034

VIA EMAIL

September 19, 2023

Kimberly Rehberg
City Attorney
City of Durham

Wanda Page
City Manager
City of Durham

Mayor and City Council
City of Durham

Re: Investigation of allegations against Monique Holsey-Hyman

To All It May Concern:

On March 27, 2023, I asked the NC State Bureau of Investigation (SBI) to open an inquiry into allegations made at the March 23, 2023, Durham City Council meeting. As with any investigation, an allegation or inquiry is not on its own confirmation of a violation of the law.

BACKGROUND

On March 13, 2023, City Attorney Rehberg sent a letter to the Mayor and City Council outlining a phone conversation with Durham Planning Director Sara Young. Director Young informed Attorney Rehberg that she had been contacted by a local developer about concerning interactions with a council member. The developer, later identified as Jarrod Edens, alleged that Council Member Monique Holsey-Hyman had solicited a campaign contribution from him to secure her 'yes' vote on annexation and rezoning applications pending before Council.

Attorney Rehberg's letter stated her alarm at the allegation and informed Council that if said allegation were true, it was at least a violation of the City's Ethics Policy and at worst, a crime punishable as a Class F felony under NC law. Unsurprisingly, this letter set off alarms and a flurry of telephone and electronic communication between and amongst the Mayor, council members and staff. The communications resulted in suggestions of sanctions and investigations and a public statement read by the Mayor at the March 23, 2023, Durham City Council meeting. After tempers flared during the meeting, council members were recorded by a local media outlet arguing and cursing behind the council dais.

INVESTIGATION





SATANA DEBERRY
DISTRICT ATTORNEY

PROSECUTORIAL DISTRICT 16
DURHAM COUNTY

510 S. DILLARD ST, 8TH FLOOR, DURHAM, NC, 27701
O 919-808-3010
F 919-808-3034

I learned of the allegations when I received a phone call from SBI Special Agent in Charge Sheila Minchew on March 17, 2023. SAIC Minchew informed me that she had been contacted by Attorney Rehberg at the request of Mayor Elaine O'Neal to investigate allegations of extortion or bribery on City Council. As NC law only allows law enforcement agencies or the elected District Attorney to request an SBI investigation, SAIC Minchew called to ask my direction on the matter. After discussing the allegations and available evidence extensively with SAIC Minchew and Attorney Rehberg and given the hearsay nature of the allegations, I declined to request an investigation into the matter at that time.

However, after the events at the Council meeting on March 23, 2023, the now very public nature of the allegations and the increasingly speculative nature of media reporting, I made a request of the SBI to open an investigation on March 27, 2023. I also requested that the SBI investigate additional allegations that Holsey-Hyman had improperly solicited a City of Durham employee to engage in campaign activities on city time.

RESULTS OF SBI INVESTIGATION

On September 15, 2023, I received the report of Special Agent N. Deming of the SBI Professional Standards Division on the allegations against Council Member Holsey-Hyman.

SA Deming conducted interviews with City of Durham Mayor, Council Members, and staff. Amongst that group, every person with whom he requested an interview consented – including Holsey-Hyman. SA Deming interviewed Holsey-Hyman at length. She not only willingly answered his questions, but she also voluntarily provided documentation of her conversations with the developer, Jarrod Edens. SA Deming reviewed text messages between Holsey-Hyman and Edens and found nothing improper. In fact, Deming noted that Holsey-Hyman remained courteous, respectful, and forthcoming during a very stressful set of circumstances.

Jarrod Edens, on the other hand, avoided every attempt SA Deming made to interview him. Edens did not answer calls nor return messages left by SA Deming. When Deming did get him on the phone, Edens agreed to an interview and then did not appear. Afterwards, Deming was contacted by an attorney retained by Edens. To allay Edens' concerns about an in-person interview, Deming agreed to accept a written statement from Edens and his attorney. Edens agreed but ultimately failed to provide such a written statement. During the time in which Edens was avoiding an interview with the SBI, the development issue under question came back up for a vote before Council and was approved without participation by Holsey-Hyman. According to Deming, after the vote, Edens showed no interest in either repeating or pursuing his initial allegations made to Planning Director Young.

As to the allegation that a city staffer engaged in campaign activity, Deming was able to interview the employee in question. According to the employee, they volunteered information to Council Member Holsey-Hyman. She did not request it either directly or indirectly. The employee received a written reprimand for providing the information.





SATANA DEBERRY
DISTRICT ATTORNEY

PROSECUTORIAL DISTRICT 16
DURHAM COUNTY

510 S. DILLARD ST, 8TH FLOOR, DURHAM, NC, 27701
O 919-808-3010
F 919-808-3034

RECOMMENDATION

Given the results of the SBI investigation, there is no probable cause to pursue charges against Council Member Holsey-Hyman. In fact, the SBI was unable to discover any credible allegations against her at all. There is no evidence that she solicited a campaign contribution from Jarrod Edens or that she attempted to extort anything from him in exchange for her vote on his development project. There is also no evidence that Holsey-Hyman solicited campaign work from a city employee. Additionally, there is also no evidence that there was a coordinated effort led by any other Council Member to initiate allegations against Holsey-Hyman.

Based on the available facts and further interviews, there is no reporting party with any credible information in this matter. As far as state criminal issues are concerned, this matter is closed.

Sincerely,

Satana Deberry
District Attorney, 16th Prosecutorial District

cc. SA N. Deming, NC SBI
Ryan Willis, DysartWillis

