

ARREST WARRANT APPLICATION

STATE OF CONNECTICUT

JD-CR-64b Rev. 3-11
C.G.S. §54-2a
Pr. Bk. Sec. 36-1, 36-2, 36-3

SUPERIOR COURT

www.jud.ct.gov

For Court Use Only	
Supporting Affidavits sealed	
<input type="checkbox"/> Yes	<input type="checkbox"/> No

Police Case number 2000001831	Agency name Fairfield Police Department	Agency number CT0005100
Name (Last, First, Middle Initial) Mayer, Robert, A.	Residence (Town) of accused New Canaan	Court to be held at (Town) Geographical Area number

Application For Arrest Warrant

To: A Judge of the Superior Court

The undersigned hereby applies for a warrant for the arrest of the above-named accused on the basis of the facts set forth in the: Affidavit Below. Affidavit(s) Attached.

Date 1/27/2020	Signed (Prosecuting authority) <i>Jambelyn C. Sasa</i>	Type/print name of prosecuting authority SASA
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Affidavit

The undersigned affiant, being duly sworn, deposes and says:

1. The undersigned, Lieutenant John Bucherati, being duly sworn, does depose and state that he is a member of the Fairfield Police Department since October 30, 1990. At all times mentioned herein I was acting as a member of said department. The following facts and circumstances are stated from personal knowledge and observations as well as information received from other police officers acting in their official capacity and from official police reports and statements made by prudent and credible witnesses.

2. On January 16, 2020, Deputy Chief Smith requested that this affiant respond to Independence Hall, 725 Old Post Road, Fairfield, to investigate a possible larceny concerning several files that were missing from Chief Fiscal Officer Robert Mayer's Office. Mayer's employment with the Town as the CFO was terminated on Wednesday, January 15, 2020 by the First Selectwoman, Brenda Kupchick.

3. This affiant along with Fairfield Police Sgt. Riendeau responded to Independence Hall where we met the Town Chief Administrative Officer, Thomas Bremer. Bremer explained that Mayer, along with the Human Resources Director Emmet Hibson, had their employment terminated on January 15, 2020 at approximately 3:00pm. Both employees were escorted out of the building. Mayer, at that time, was allowed to keep his keys to the building, however, he did not clean out his office of any personal items. According to Bremer, Mayer was supposed to return on Saturday, January 18th, 2020, to clear out his office of all personal belongings. Mayer left Independence Hall shortly after receiving notice of his

(This is page 1 of a 7 page Affidavit)

Date 1/24/2020	Signed (Affiant) <i>[Signature]</i>
Jurat Subscribed and sworn to before me on (Date) 1-24-20	Signed (Judge/Clerk, Commissioner of Superior Court, Notary Public) <i>[Signature]</i>

Finding

The foregoing Application for an arrest warrant, and affidavit(s) attached to said Application, having been submitted to and considered by the undersigned, the undersigned finds from said affidavit(s) that there is probable cause to believe that an offense has been committed and that the accused committed it and, therefore, that probable cause exists for the issuance of a warrant for the arrest of the above-named accused.

Date and Signature <i>[Signature]</i>	Signed at (City or town) Bridgewater	On (Date) 1/27/20	Signed (Judge, Judge Trial Referee) <i>[Signature]</i>	Name of Judge/Judge Trial Referee Ken S. Russo
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Affidavit - Continued

termination, and announcing that information to his immediate staff.

4. On January 16th, 2020, when employees began arriving to work in the morning, they discovered that someone had been in Mayer's office and that many manila file folders containing work files were missing. These folders were kept on a table which was located against a wall, separate from Mayer's desk. Clearly visible on this table were lines of dust, and it was readily apparent that something which had been stored on the table for some time was recently removed. The width of the lines of dust is consistent with that of standard manila file folders. This affiant also noted that there were several personal effects such as pictures, children's toys, and other memorabilia that clearly belonged to Mayer still present in the office. There was no forced entry into the office, and the only thing that appeared to be missing or disturbed was the file folders.

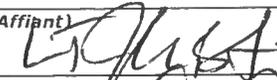
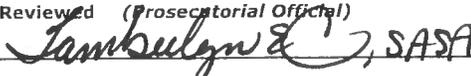
5. According to Caitlin Bosse, who is the Town Controller, and now acting CFO, Mayer stored several work files in manila folders on the table in question. She did not know exactly what was contained in those files, but indicated that they were probably related to ongoing Town projects and issues that the Finance Department was involved in.

6. A Finance Department employee, Kiva Barry, pointed out to me that someone had called the Town's voicemail system from the phone located in Mayer's office on his desk. The entry into the visual call log had been overwritten, but the voice mail extension, 7333, was dialed from that phone at approximately 7:00am on the 16th, or shortly thereafter.

7. Independence hall has no video surveillance system in place and there is no access control other than issued physical keys. According to James Ryan, the building supervisor, the alarm system does not log activation and deactivations; only active alarms. The garbage and shredders in and around the office were checked for the missing files with negative results. No employees in the office could provide any information regarding the whereabouts of the files.

8. Sgt. Riendeau and this affiant called Robert Mayer from the Fairfield Police Department Detective Bureau Sgt's office at approximately 1400 hrs on January 16, 2020. We both identified ourselves over the phone. Mayer, because he had been employed by the Town for the past 8 years, was familiar with me and agreed to talk to us over the phone. He was asked about the missing documents and if he would be willing to come to the Fairfield Police Department to answer questions. Mayer immediately stated that he

(This is page 2 of a 7 page Affidavit)

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Affidavit - Continued

did go to Town Hall this morning and remove some "work" files that he wanted. When asked why he would want those files, since he was no longer employed by the Town, he stated that he wanted to use them to put together a resume so he could find another job. Mayer asked if what he did was wrong, and I explained to him that since he was no longer employed by the town, he had no reason to remove Town owned work documents. I asked Mayer if he would gather up the documents that he had taken and bring them back to the Police Department. Mayer agreed to do so.

9. Shortly after 1500hrs on January 16th, Robert Mayer came to the Fairfield Police Department carrying a single cardboard box filled with folders, files, and other paperwork. There was also a rolodex and some keys sitting on the top of the paperwork. Mayer was brought into the detective bureau interview room. Mayer was advised that he was not under arrest and was free to leave at any time. Mayer was then questioned regarding the documents. He admitted going to his office around 7:10 am or so and removing the files that he had placed on the table to the side of his desk. Mayer claims that he also took some personal effects, but the box he had was not big enough. He stated that his employment was terminated on the 15th and he was supposed to come back on Saturday the 18th to pick up his belongings. He admitted to getting a letter from the town attorney which he did not read. Mayer said he was surprised they (meaning the Town of Fairfield Administration) did not ask for his keys.

10. Mayer stated that he wanted to clean out his office and be out of there before anyone else came in. He admitted to checking his voice mail, which corroborates Kiva Barry's statement that the voicemail extension was dialed from Mayer's office phone at approximately 7:10hrs. When asked what exactly the files that he took were, he didn't provide an exact description other than they were files that he put on his table that he could go through to help him prepare a resume. There was a Town of Fairfield Budget book that was lying in the box that Mayer pointed out. He stated that he did not realize that by removing those files, it would be illegal.

11. Mayer further stated that he did not think of the files as Town property, and when asked why he didn't think as such, he just stated "I guess I wasn't thinking." Mayer states the files that he returned are intact and nothing else was missing.

12. I specifically asked Mayer if there was anything in the files that he took from the office that pertained to the ongoing criminal investigation regarding Fairfield Police Case # 17-25059 which is commonly known as the "Julian" case or the "Fill Pile" case. Mayer stated that while he was driving to the Police

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Department, he did think of that and then thought to himself "Fuck." I asked him why he would think "Fuck" and he said he thought about the Julian matter. He said he did not think anything in the files was related to the Julian matter and maintained he was not involved at all, and did not destroy any documents or files. Mayer started looking through the box and pointed out some files, one of which he described as a "FEMA" file.

13. Mayer did confirm that he took the files for himself. When I asked Mayer if he thought about the next person that would be taking his place and if he/she would need those files, he stated that he really wasn't worried about the next person in his seat.

14. When the interview with Mayer in the Detective Bureau was concluded, we moved to the Chief's conference room where Mayer, this affiant, Sgt. Riendeau, Fairfield Town Attorney Jim Baldwin, Fairfield Town Chief Administrative Officer Tom Bremer, and Fairfield Town Controller Caitlin Bosse all met to discuss this matter. Mayer did not ask to leave at any time. At one point, Fairfield Det. Sgt. Hine came into the room and asked Mayer questions regarding Fairfield Case # 17-25059. During the time that Sgt. Hine was questioning Mayer, Attorney Baldwin showed me an email that he personally had sent to Mayer on January 14, 2020 at 07:52hrs. The email read as follows:

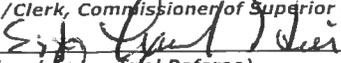
Bob:

The State's attorney needs to see all filings and correspondence concerning the FEMA application/denial for Penfield Pavilion. Please put together at your earliest possible convenience.

Thanks, Jim

15. When Sgt. Hine was finished, this affiant asked Mayer if he had received the aforementioned email, and he responded that he did. He stated he understood what was being asked of him, and that it was the States Attorney's office that was seeking the files. Mayer did indicate that he acknowledged the request and sent Baldwin the requested information. Mayer still could not provide a valid reason for taking the files from his office, but did acknowledge that this looked bad. I did not ask any further questions. Mayer and Bremer made arrangements in regards to Mayer's belongings and Mayer then left the police department. I examined the box of files and documents that Mayer had provided me. I identified 38 individual items and several loose documents in the box.

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16. Of particular note are three files that were found. One file marked #15 is the folder specifically labeled "Penfield/FEMA". This folder contains many hand written notes which detail reasons for the FEMA denial of reimbursement for the Penfield Pavilion. These notes also contained information regarding the Town's appeal and possible counter arguments. Clearly, this folder should have been turned over to Attorney James Baldwin or the State's Attorney as per the email request received by Mayer on the 14th which asked for "all filings and correspondence concerning the FEMA application/denial for Penfield Pavilion."

17. Another item of note is item #16, which is another folder labeled FEMA. Inside this folder are several more documents and notes pertaining to the Penfield Pavilion FEMA reimbursement. There is a copy of a letter from Senator Richard Blumenthal and Representatives Murphy and Himes addressed to the regional FEMA administrator regarding the Penfield Pavilion appeal. There is also a printout of a presentation entitled "Penfield Pavilion FEMA Reimbursement." There are also other documents and notes concerning the Penfield Pavilion FEMA denial. Again, this folder should have been turned over to either Town Attorney James Baldwin or the State's attorney's office pursuant to the email request previously mentioned.

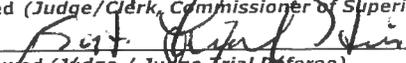
18. The last item of note is folder #21. This contained material concerning Fairfield Police Case # 17-25059, the "Julian Case". It contained information concerning DPW audits and contamination clean up estimates. It also contained information from environmental companies regarding potential contaminated sites in Town. Fairfield Case # 17-25059 is currently an ongoing criminal investigation, with multiple Town of Fairfield employees currently awaiting trial on various criminal charges.

19. All three of the aforementioned files are related to Fairfield Police Case # 17-25059. Mayer, in his position as Chief Financial Officer for the Town of Fairfield for several years, is familiar and aware of the circumstances of that case and pending criminal proceedings.

20. There was nothing that I located in the box of items turned over by Mayer to me other than the Rolodex containing phone numbers that could be mistaken or considered personal property. All of the items that I saw were products of Mayer's work as the Town Chief Financial Officer or were clearly the property of the Town of Fairfield Finance Department.

21. This affiant met with Fairfield Town Attorney Jim Baldwin on 01/21/2020. I showed him folders # 15

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and # 16 which concerned the Penfield Pavilion FEMA denial and appeals. This was the first that Baldwin had seen of these files. He indicated that despite his previous email asking for the Penfield FEMA documents on behalf of the States Attorney's office, he did not receive the contents of those folders.

22. This affiant obtained emails that Mayer had sent to Attorney Baldwin after Baldwin's aforementioned request. On January 14th, Mayer sent Baldwin the following PDF Files and emails :

1. Penfield PD 4087 pw 680(1).pdf - sent 01/14/2020 at 14:05 hrs.
2. FEMA PW 680 - Denial Letter.pdf sent 01/14/2020 at 14:07 hrs.
3. PW 680 First appeal exhibit 13 and FEMA appeal 2 exhibit 20 FEMA determination and analysis.pdf - sent 01/14/2020 at 14:13hrs
4. Mayer sends an email to Baldwin CC Tom Bremer which states "The complete 1st and 2nd appeals the Town sent to the grantee (the state) will be sent to you by engineering." - sent 01/14/2020 at 14:23hrs.
5. Fairfield 4087 pw680 Penfield 2nd appeal.pdf - sent 01/14/2020 at 14:29hrs

23. At 17:06 hrs on January 14th, Baldwin replies to Mayer " I hanks Bob! I think I got 'em all." The contents of the aforementioned files concerning Penfield Pavilion and FEMA are not included in any of the emails that Mayer sent to Attorney Baldwin.

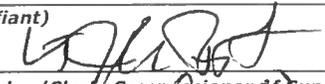
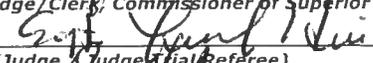
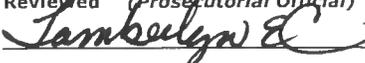
WHEREFORE, Robert A. Mayer had his employment as the Chief Financial Officer terminated by the Town of Fairfield on January 15th, 2020.

WHEREFORE on January 16th, 2020, Robert A. Mayer admittedly entered 725 Old Post Road and removed several work related files from his office after having his employment with the Town terminated.

WHEREFORE the files removed by Mayer were a work product that Mayer created or maintained pursuant to his employment as the Chief Fiscal Officer, and were thus the property of the Town of Fairfield.

WHEREFORE several of the files that Mayer removed contained information that was specifically requested by the States Attorney's office via the Town of Fairfield Attorney concerning an ongoing criminal investigation and proceedings.

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Affidavit - Continued

This affiant has probable cause to believe that Robert A. Mayer, DOB 07/15/1942 did commit the crimes of Burglary in the Third Degree - 53a-103, Larceny in the Third Degree - 53a-124 and Tampering with or Fabricating Physical Evidence - 53a-155 and respectfully requests that an arrest warrant be issued.

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<i>Jambertson E</i>	SASA 1/27/2020	<i>[Signature]</i>	1/27/20