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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/08/2010

Brandon Mercer, DOB 10/15/974, News Director, FOX40 News, 4655 Fruitridge Rd., Sacramento CA 95820 was interviewed telephonically at telephone 916-501-8293. After being advised of the identity of the interviewing agent and the nature of the interview, Mercer provided the following information

Mercer is the news director of FOX40 News in Sacramento area. Proximately 80 employees work in the news room. Mercer supervises television and website operations. He also oversees human relations, budgets, sets, directing, and news crews in the field. FOX40 News provides media content to the Fox 40 television station which operates on Channels 40 and 41 and provides media coverage in the Sacramento Central Valley region.

FOX40 News is an entity owned by Tribune Media Corporation, which is a media company based in Chicago, Illinois. Fox network provides television programming to its syndicates. Fox network provides approximately 2 hours per day of programming, the remaining 22 hours of content is created or obtained and then broadcast by Fox 40.

In approximately late October 2010, Matthew Keys, a former employee whose job title was "web producer," was terminated by Mercer. Keys was employed by FOX40 News as a web producer and was responsible for maintain the web page, as well as the Facebook and Twitter pages. In Mercer's opinion, Keys was an active blogger, very smart, and intelligent. However, Keys became insubordinate and was eventually terminated for his improper actions.

On about October 28, 2010, Keys posted some derogatory information on the FOX40 News Twitter account. As a result of this inappropriate action, Keys was promptly counseled and on that same date told to go home and take the next day off as well. It was the intent of Mercer, at this time, for Keys to take some time to cool off and come back the following week.

However, while at home, Keys accessed the Twitter and Facebook accounts of FOX40 News and caused further problems which eventually resulted in Keys dismissal.

Investigation on 12/3/2010 at Sacramento, CA

File # 288A-SC-123 44639-6 Date dictated _____

by SA John M. Cauthen 1208jmc01.302

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On about Thursday, 10/28/2010, the time Keys was placed on administrative leave, his access to his Tribune e-mail accounts were blocked. However his access to the Twitter and Facebook accounts were not.

By way of background, both Twitter and Facebook are sources of revenue for FOX40 News insomuch as they provide feeds to the FOX40 News webpage for which fees are earned. FOX40 News had about 8000-9000 followers on Twitter and about 10,000 Facebook followers. It was Keys responsibility as a Web producer to create and maintain these Web pages.

Keys created and maintained the Twitter And Facebook accounts using his own (non-FOX40 News) e-mail account. While he was on administrative leave, Keys changed the passwords to both Twitter and Facebook accounts. As a result of this, no one from Fox news could access the accounts nor make any changes.

Mercer does not know what e-mail accounts Keys used to open the Twitter account. However, once Keys had been placed on administrative leave, Mercer discovered that the account could no longer be updated and that FOX40 News no longer had control over it. Keys also deleted about 6,000 followers from the FOX40 News Twitter account. Prior to this event, as noted above, there were approximately 8 to 9000 followers on Twitter, but after Keys to control the account, the site only had 2 to 3000 followers on it.

Keys also, in an unauthorized manner, from the Twitter account, sent out news headlines. The news headlines were from FOX40 News' competition. Keys sent out news headlines from other news stations using "Twitter feeds". This went on for 4 days before Mercer was able to control it. Mercer was able to regain control the Twitter account by filling out an affidavit concerning the events pertaining to Keys. Twitter then agreed to have to have Keys removed from the system and FOX40 News applied as the administrator of the account.

Originally, Mercer instructed Keys to report back to work on Monday, 11/01/2010 to discuss his continued employment. In the meantime, Mercer took steps to prevent Keys from accessing his work email accounts. Mercer asked his IT manager to do this. It was not Mercer's intent to fire Keys at this point.

However, on 10/31/2010, a Sunday, Keys came into the office and removed his personal items as well as some work files

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from the office. As it currently stands, Keys still has possession of a company owned modem and his identity badge.

The Fox news Facebook page has 2 parts. The first work is called Fox 40 life. The 2nd part is called FOX40 News. Both of these were opened and maintained by Keys. These accounts were opened at using e-mail address matthew.keys@Fox40.com.

Sometime after 10/28/2010, Keys was asked to return control of the Facebook pages to Fox News. Keys eventually did agree to do this, but not immediately. In order to regain control of the FOX40 News Facebook page, Mercer accessed the account directly using matthew.keys@fox40.com email which Mercer had access to as a result of the FOX40 News IT manager giving it to him.

After Keys was terminated, he argued that the Facebook and Twitter accounts were his property because he created and maintained these accounts.

By November 3 or 4th, everything was back to normal except some FOX40 News Facebook pages which Keys did not appear to be using and did not appear to be consequential to Fox news. One of these accounts was called Fox 40 Business, but there were others.

Mercer is aware that Keys owns an Apple Macintosh laptop. Mercer has seen Keys with this laptop. As noted above, Mercer also believes that Keys is in possession of a FOX40 news company owned modem. Mercer indicated that Keys has argued in the past that he had returned these items but Mercer does not believe that he has.

Mercer provided the following information on Keys:

Address: 3381 Shadowed Tree Dr., Apartment 327, Sacramento, CA 95834

Social Security number: 560-93-8615

DOB: 2/5/87

Telephone: (916) 572-5895, this is Keys' Google number

(916) 769 4493

(916) 265 0941

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E-mail: matthew@radiomattthew.com

 Mercer indicated that "Radio Matthew" is Keys' blogging name.

 Mercer indicated that he would provide all e-mail correspondence between himself and Keys which had occurred since 10/28/2010. Mercer indicated that the vast majority of communications between himself and Keys were via e-mail.