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Ref: Officer Gittner's CJSTC 61 form
Fraudulently filed Affidavit of Separation to FDLE

February 13, 2012

Dear Mr. Lehman:

As per our earlier telephone and email communications, we (VolusiaExposed.Com) file this complaint, in which we outline our concerns regarding the recent filing of a CJSTC 61 (Affidavit of Separation) on Volusia County Beach Patrol Officer C. Gittner. (see below web link to Gittner's CJSTC 61)

<http://volusiaexposed.com/beachsafety/gittner/gittner61redact.pdf>

In order to better explain our concerns and to assist you in your review, VolusiaExposed.Com has published an article that details our concerns, and provides the documents that support our concerns. Please refer to the below web link.

<http://volusiaexposed.com/beachsafety/gittner.html>

Documents attached to the above article, will clearly indicate. that on December 23, 2011 (the date in which Officer Gittner submitted her resignation), Officer Gittner was actively being investigated under two separation internal affairs investigations (case IA-2011-09-297 and IA-2011-12-302). The allegations attached to these investigations alleged violations of the moral character standards of FAC 11B-27.0011. (see attached copy of 11B-27.0011)

<http://www.volusiaexposed.com/corrections/smith-goddell/11B270011.pdf>

In fact, on December 14, 2011, Officer Gittner received the below attached linked letter from Internal Affairs Captain Dofflemyer, that clearly indicates that she (Gittner) is the subject officer in IA case number 2011-12-302.

<http://www.volusiaexposed.com/beachsafety/gittner/dofflemyerdec14.pdf>

Further, Volusia County Department of Public Protection Director Pozzo also clearly reminds Gittner that she is a subject officer regarding IA case number 2011-09-297 in his December 20, 2011 letter to Officer Gittner (see below attached / linked December 20, 2011 letter)

<http://www.volusiaexposed.com/beachsafety/gittner/pozzodec20.pdf>

On December 23, 2011 and while still being actively investigated under two separate internal affairs investigations (2011-09-297 and 2011-12-302), Officer Gittner submits the below resignation letter.

<http://www.volusiaexposed.com/beachsafety/gittner/gittnerresign.pdf>

It is further noted that on December 23, 2011 – Officer Gittner and the County of Volusia entered into a separation agreement whereas Gittner agrees to supply her testimony in certain pending legal matters and the County of Volusia agrees to submit her Affidavit of Separation to the Criminal Justice Standards and Training Commission (CJSTC), in a manner that would reflect that her separation from employment did not involve misconduct.

<http://www.volusiaexposed.com/beachsafety/gittner/separationagreement.pdf>

Five days later, on December 28, 2011 – Director Pozzo sent Internal Affairs Captain Dofflemyer the below memo, in which he instructs Dofflemyer to close out the 2011-12-302 investigation as of December 22, 2011, under a “no finding” determination.

<http://www.volusiaexposed.com/beachsafety/gittner/pozzodec28.pdf>

Interesting concept from a Florida law enforcement agency (Volusia Department of Public Protection -VCDPP), a sort of *ex post facto* closure of an official internal affairs investigation. What can we expect next from the VDPP, officers conducting searches and seizures prior to obtaining proper warrants, and then only if necessary, obtaining the proper warrants in a similar *ex post facto* manner?

We (VolusiaExposed) think not, regardless of any separation agreement that exist between Gittner and the County of Volusia OR any *ex post facto* closure memorandum, it is clear that on December 23, 2011, Officer Gittner was still being actively investigated under IA case number 2011-12-302.

VolusiaExposed.com has requested the closure document attached to IA investigation 2011-09-297. As of this complaint, we have been told we have received every document attached to the Gittner separation. (see below attached / linked email from Volusia County Spokesman, Dave Byron) Interestingly, there appears to be no closure document (not even the mandated CJSTC 78 form) attached to the 2011-09-297 investigation.

<http://www.volusiaexposed.com/beachsafety/gittner/byronallrecords.pdf>

Clearly, as indicated in Director Pozzo's December 20, 2011 memo (see above), she was (on that date) still being actively investigated under IA-2011-09-297. Therefore, absent a closure document (to include a CJSTC 78) it should be concluded that Officer Gittner resigned on December 23, 2011 while still being actively investigated regarding IA case number 2011-09-297. (as well as 2011-12-302).

Therefore, Officer Gittner's Affidavit of Separation (CJSTC 61) should have been submitted under a 8F status - (Unfavorable / Misconduct) - "**Voluntary separation or retirement while being investigated for violation of Section 943.13(4) or violation of moral character standards defined in Rule 11B-27.0011**"

We believe, that given the above evidence, there is cause to believe that the Volusia County Department of Public Protection knowingly engaged in a QUID PRO QUO agreement with Officer Gittner, in which they agreed to submit an affidavit (CJSTC 61) to the Florida Department of Law Enforcement that they knew presented false information. That such is (was) in violation of State of Florida criminal statutes and Florida Administrative Code, as indicated on the submitted CJSTC 61 form.

We further contend that such a corrupt endeavor was not solely pursued by the individuals that presented their signatures to evidentiary documents attached to this complaint, such as Captain Dofflemyer's *ex post facto* closure of IA-2011-12-302 or Beach Patrol Director Kevin Sweat's filing of the CJSTC 61 Affidavit of Separation. Rather, we present direct evidence (Director Pozzo's December 28, 2011 memorandum) that Director Pozzo ordered Captain Dofflemyer to back date the closure of IA-2011-12-302, and we suspect that Director Sweat was ordered to submit the CJSTC 61 form in a fraudulent manner.

Therefore, we further request, that the CJSTC / FDLE exercise their authority under F.S. 943.1395, in the particular, sub-section 6 and 6(a) of said Florida Statute. We believe these matters demand an independent investigation by the CJSTC. The CJSTC has policies in place and has exercised a past practice of receipting complaints from such sources as anonymous notifications or general publications, we suggest that this complaint be accepted under those conditions.

Florida Statute 943.1395

(6) The commission shall revoke the certification of any officer who is not in compliance with the provisions of s. [943.13\(4\)](#) or who intentionally executes a false affidavit established in s. [943.13\(8\)](#), s. [943.133\(2\)](#), or s. [943.139\(2\)](#).

(a) The commission shall cause to be investigated any ground for revocation from the employing agency pursuant to s. [943.139](#) or from the Governor, and the commission may investigate verifiable complaints. Any investigation initiated by the commission pursuant to this section must be completed within 6 months after receipt of the completed report of the disciplinary or internal affairs investigation from the employing agency or Governor's office. A verifiable complaint shall be completed within 1 year after receipt of the complaint. An investigation shall be considered completed upon a finding by a probable cause panel of the commission. These time periods shall be tolled during the appeal of a termination or other disciplinary action through the administrative or judicial process or during the period of any criminal prosecution of the officer.

Thank You for you attention in this matter.

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“Behavior which appears superficially correct, but is intrinsically corrupt, always irritates those who see below the surface.” - James Bryant Conant

