

# **OPEN LETTER**

## **To Florida State Officials**

### **Suspension Consideration Against Sheriff Wayne Ivey**

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Several Florida State Representatives  
BCC (and others)

August 16, 2022

Ref: Request for review and consideration of suspending Brevard Sheriff Wayne Ivey for "Neglect of duty" (failure to investigate) – as defined within Florida State Constitution – Article IV – Section 7.

Public Record Request (PRR to Brevard Officials)

To All Concerned:

To the administration of the Brevard County Sheriff's Office (BCSO) – please accept this as a public record request (PRR) for the documents attached to BCSO's administrative investigation into former Deputy Louie Ayala. We (VolusiaExposed.Com) outlined the particulars of our PRR within our August 8, 2022 email to your office.

<http://volusiaexposed.com/brevard/bcso/2022/deputylouieayala/aug82022email.pdf>

We (VolusiaExposed.Com) have watched with interest - the recent suspension by Governor Ron DeSantis of State Attorney (SA) Andrew Warren (13<sup>th</sup> Circuit).

<https://www.wesh.com/article/andrew-warren-desantis-suspension-response/40833106#>

From our (VolusiaExposed.Com) understanding – Mr. Warren was suspended for “neglect of duty” as defined within Article IV – Section 7 of the Florida Constitution – for merely voicing a preference – not to prosecute abortions - should any such allegations ever be presented to him.

<https://www.flsenate.gov/laws/constitution#A4>

While we do not endorse the suspension of SA Warren – we wish to memorialize **suspected** similar “neglect of duty” concerns regarding Brevard County Sheriff Wayne Ivey. **(failure to investigate and act upon violations of law)**

In February 2022 – Brevard Sheriff Deputy Louie Ayala resigned while being internally investigated for a “moral character” violation **(as defined within Florida Administrative Code 11B-27.0011)**.

<http://www.volusiaexposed.com/vcso/vcsosex2/11b270011.pdf>

We (VolusiaExposed.Com) obtained a copy of Deputy Ayala's FDLE Global Profile Sheet (GPS) – as filed by the BCSO - via a PRR with the Florida Department of Law Enforcement (FDLE). The GPS confirmed Ayala's resignation transpired while he was being investigated for a moral character violation.

<http://volusiaexposed.com/brevard/bcso/2022/deputylouieayala/ayalaGPS.pdf>

Both Florida Statutes **(F.S. 943.1395(5))** and Florida Administrative Code **(11B-27.003)** mandate that an employing law enforcement agency **MUST** complete an internal investigation regarding any suspected “moral character” violations – regardless of whether the suspect officer / deputy retires or resigns.

<http://www.leg.state.fl.us/statutes/index.cfm?>

[App\\_mode=Display\\_Statute&Search\\_String=&URL=0900-0999/0943/Sections/0943.1395.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0900-0999/0943/Sections/0943.1395.html)

<http://volusiaexposed.com/brevard/bcso/2022/deputylouieayala/11b27003.pdf>

(see highlighted pages 3-4 of the below linked May 2010 CJSTC / FDLE Bulletin)

<http://www.volusiaexposed.com/vcso/sawicki2/cjstcmay2010.pdf>

In March 2022 – VolusiaExposed.Com filed a PRR with the BCSO requesting a copy of the completed internal investigative report regarding the suspected “moral character” violation by Deputy Ayala. BCSO officials confirmed via email – that there was an on-going internal investigation on Deputy Ayala.

<http://volusiaexposed.com/brevard/bcso/2022/deputylouieayala/april2022email.pdf>

According to Florida Statutes (F.S. 112.533 2(b)) - records attached to an **“active”** internal investigation is exempt from a public record release. However – per that very same statute - **“an investigation shall be presumed to be inactive if no finding is made within 45 days after the complaint is filed”**.

[http://www.leg.state.fl.us/statutes/index.cfm?](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.533.html)

[App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0112/Sections/0112.533.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0112/Sections/0112.533.html)

Obviously over forty-five (45) days has elapsed since the start of the investigation against Deputy Ayala. **Therefore** – records attached to this internal investigation – including any reports or documents that **inspired the opening of the investigation** – are no longer exempt from public record release.

This publication has received “information” from reliable sources – that Deputy Ayala’s alleged misconduct was similar in nature to the 2016 moral character violation of former BCSO Deputy Barre Taylor.

### **SEXUAL MISCONDUCT - DETENTION EMPLOYEE WITH INMATE**

<http://volusiaexposed.com/brevard/bcso/deputytaylor82016.html>

**If** our “information” is indeed accurate – and proven to be supported by facts – then as in the Deputy Taylor case – Deputy Ayala should also be similarly criminally prosecuted for “sexual misconduct” with an jail inmate.

Obviously there are differences between what we merely **suspect** – and what we actually **know** – and can **prove**. We can prove – by documents filed by the BCSO to FDLE / CJSTC \* that Deputy Ayala resigned while being investigated for a “moral character” violation.

\* CJSTC = Criminal Justice Standards & Training Commission

From our review – we could not locate any BCSO press and social media releases which memorialized Deputy Ayala’s resignation while under investigation for misconduct.

The public has the right to know whether their sheriff is complying with all legal mandates regarding the reporting of law enforcement officer misconduct.

In March 2022 – Florida Governor Ron DeSantis appointed Sheriff Ivey to the Criminal Justice Standards & Training Commission (CJSTC) – ironically, the very governmental body empowered to ensure that law enforcement agencies comply with these internal investigative mandates.

<https://www.floridatoday.com/story/news/2022/03/14/brevard-sheriff-ivey-appointed-desantis-state-le-standards-board/7034549001/>

VolusiaExposed.Com has developed concerns that the BCSO has not - and will not - investigated these allegations attached to Deputy Ayala’s resignation.

In failing to do so – we allege a probable “neglect of duty” violation of the Florida Constitution by Brevard County Sheriff Wayne Ivey.

Within our July 21, 2022 email to CJSTC staff - we expressed these concerns, and made a public record request – which still goes unanswered. This silence - sends a message that CJSTC staff may have little to no concern as to whether the BCSO is complying with Florida State law.

<http://volusiaexposed.com/brevard/bcso/2022/deputylouieayala/july212022email.pdf>

Maybe – Florida State officials need to be more concerned about a sheriff who has apparent violations of law directly in front of him – that he refuses to investigate – instead of worrying about a State Attorney who has no violations of law in front of him – but just merely voiced a preference, to not investigate / prosecute.

Regards,

VolusiaExposed.Com

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