



Brevard County Sheriff's Office
Titusville, Florida

MEMORANDUM

TO: Chief Deputy Doug Waller

FROM: Agent Kirk Geweniger, Staff Services *(KG)*

DATE: July 29, 2016

RE: Administrative Investigation 2016-CI-019
Investigative Technician Hallie DeV Vaughn-Lombard

Exemptions applied: 119.071(4)

Summary:

On Thursday, March 3, 2016, Deputy George Picco responded to the residence of Mrs. Hallie Lynn Devaughn-Lombard. Mrs. Lombard is a Brevard County Sheriff's Office employee and is assigned to our Criminal Investigative Services unit as an Investigative Technician. Mrs. Lombard shares her home with her husband, Mr. [REDACTED] and their children. The response was in reference to Mrs. Lombard and her husband requesting to make a report as the victims of a fraud/forgery (2016-075879). Deputy Picco made contact with Mr. and Mrs. Lombard and conducted a sworn audio-recorded interview and collected signed sworn affidavits from both. In essence, the details are as follows:

On September 19, 2015, Mr. and Mrs. Lombard alleged to have had a group of friends at their residence, all of which had permission to be there and had access to the inside/outside of the residence.

A few days after the gathering, Mrs. Lombard stated she was contacted by one of her banking institutions, Wells Fargo, indicating that she had insufficient funds in her checking account. After receiving the call from Wells Fargo, she then searched her residence for the Wells Fargo checkbook and discovered it was missing. She stated she had also discovered that her husband's checkbook, debit card, and login information belonging to his account with the Pentagon Federal Credit Union were missing. Mr. and Mrs. Lombard stated they did not file a police report at that time of the discovery of the theft and fraud.

Mrs. Lombard's sworn statement reflected that she checked her account and verified six (6) checks had been uttered against her Wells Fargo account, without her knowledge

and/or permission. The six (6) checks totaled \$2,900.00 and were written and uttered between September 19th and 23rd, 2015. Mrs. Lombard reported that all of the checks were fraudulently signed using her name. Mrs. Lombard found that all of the checks had been deposited via a mobile deposit application into her husband's Pentagon Federal Credit Union account. Mrs. Lombard then notified Wells Fargo of the fraudulent activity on the account, which led the Pentagon Federal Credit Union to reimburse Wells Fargo and the funds were distributed back into Mrs. Lombard's account.

Mrs. Lombard reported that In November or December of 2015, Pentagon Federal Credit Union notified her and her husband informing them that they had a negative balance of \$4,774.59 in their account. When her husband attempted to log onto their account, the log in information would not work so they contacted Pentagon Federal Credit Union and advised the activity on the account was fraudulent. Pentagon Federal Credit Union indicated that they would initiate an investigation into the incident.

Mrs. Lombard advised that in February 2016, Pentagon Federal Credit Union again contacted them requesting they file a police report and in return they requested copies of all the fraudulent transactions for evidentiary purposes. On or about March 2, 2016, they received the documents from Pentagon Federal Credit Union, which is why they stated the incident was not reported until March 3, 2016. Following the sworn interview of Mr. and Mrs. Lombard, they completed and signed separate sworn Forgery and theft affidavits attesting to the information they provided to Deputy Picco.

On March 21, 2016, Agent Laura Lister of the Brevard County Sheriff's Office Economic Crimes Task Force received, reviewed and submitted subpoenas for Wells Fargo and Pentagon Federal Credit Union to produce account information based on the case that was referred to her by Deputy Picco.

Shortly after being assigned this case, Agent Leister received a call from Fraud Investigator Ashley Delaney with Launch Federal Credit Union. Delaney advised Leister that she was investigating fraudulent activity on the account of Mr. and Mrs. Lombard and that transactions by the two of them appeared suspicious in nature. Delaney inquired if Mr. [REDACTED] filed a case report with the Brevard County Sheriff's Office regarding fraudulent transactions at Launch Federal Credit Union. Agent Leister advised the Lombard's report did not indicate any fraudulent transactions pertaining to their account with Launch Federal Credit Union. Sergeant Jacqueline Hearon then assumed the investigation, prepared and submitted a subpoena for Launch Federal Credit Union requesting any and all information regarding Mr. & Mrs. Lombard's account(s).

Sgt. Hearon advised that upon receiving and reviewing the Lombard's financial information from Wells Fargo, Pentagon Federal Credit Union, and Launch Federal Credit Union, it appeared to her that Mr. and Mrs. Lombard were possibly involved in, or had knowledge of criminal activity pertaining to their financial accounts. The information was not consistent with the sworn report they filed on March 3, 2016. The Lombard's financial information obtained through the subpoenas indicated the following:

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On July 27, 2015, the Wells Fargo account was created on-line as an "everyday checking account." The account listed the sole owner of the account as Hallie Devaughn-Lombard, Merritt Island, Florida, and listed her employer as the Brevard County Sheriff's Office. Mrs. Lombard provided her Florida driver's license as proof of her identity allowing her to open the account through the Wells Fargo on-line service. After the account was opened, \$40.00 was deposited into the account. No other transactions occurred on the account until September 8, 2015.

On September 8, 2015, checks were ordered via the Wells Fargo on-line service check provider "Hartland Clarke". (*Note: Wells Fargo does not automatically send checks to the member, the member has to order checks through their on-line service.*) The Wells Fargo statement listed the Hartland Clarke check order and a debit of \$20.00 from Mrs. Lombard's account.

The Wells Fargo statement only listed three possible legitimate transactions on Mrs. Lombard's account. The beginning balance in the Wells Fargo account as of September 7, 2015, was \$40.00.

- September 8, 2015-Hartland Clarke check order in the amount of \$20.00.
- September 10, 2015-debit purchase Bartman Enterprise in the amount of \$17.00.
- September 21, 2015-debit purchase Paypal in the amount of \$16.99.

The debit purchases totaled \$53.99, leaving Mrs. Lombard's account with a negative balance of \$13.99. Nine business days after the checks had been ordered through the on-line check service, several check transactions occurred that appeared to be written by Mrs. Lombard and deposited into Mr. Lombard's personal Pentagon Federal Credit Union account.

- On 9/21/2015, check #219, dated 9/19/2015, made payable to [REDACTED], in the amount of \$500.00. The check was purported to be signed by Mrs. Lombard and deposited into a Pentagon Federal Credit Union account, belonging to Mr. [REDACTED]. The check was endorsed with a unique signature and deposited through a mobile application.
- On 9/21/2015, check #220, dated 9/20/2015, made payable to [REDACTED], in the amount of \$500.00. The check was purported to be signed by Mrs. Lombard and deposited into a Pentagon Federal Credit Union account, belonging to Mr. [REDACTED]. The check was endorsed with a unique signature and deposited through a mobile application.
- On 9/21/2015, check #214, dated 9/21/2015, made payable to [REDACTED] in the amount of \$500.00. The check was purported to be signed by Mrs. Lombard and deposited into a Pentagon Federal Credit Union account, belonging to Mr. [REDACTED]. The check was endorsed with a unique signature and deposited through a mobile application.

- On 9/22/2015, three (3) Not Sufficient Fund (NSF) fees were applied to the account reference the above three checks being returned "check reversal" at \$35.00 each and totaling \$105.00.
- On 9/22/2015, check #216, dated 9/22/2015, made payable to [REDACTED] in the amount of \$500.00. The check was purported to be signed by Mrs. Lombard and deposited into a Pentagon Federal Credit Union account, belonging to Mr. [REDACTED]. The check was endorsed with a unique signature and deposited through a mobile application.
- On 9/22/2015, check #217, dated 9/22/2015, made payable to [REDACTED] in the amount of \$500.00. The check was purported to be signed by Mrs. Lombard and deposited into a Pentagon Federal Credit Union account, belonging to Mr. [REDACTED]. The check was endorsed with a unique signature and deposited through a mobile application.
- On 9/23/2015, two (NSF) fees were applied to the account reference the above three checks being returned "check reversal" at \$35.00 each and totaling \$70.00.
- On 9/23/2015, check #213, dated 9/23/2015, made payable to [REDACTED] in the amount of \$400.00. The check was purported to be signed by Mrs. Lombard and deposited into a Pentagon Federal Credit Union account, belonging to Mr. [REDACTED]. The check was endorsed with a unique signature and deposited through a mobile application.
- On 9/24/2015, a (NSF) fees were applied to the account reference the above three checks being returned "check reversal" at \$35.00.
- On 09/28/2015 a monthly service of \$10.00 was applied to the account.

All of the above listed checks were returned in a check reversal. Meaning, Wells Fargo and Mrs. Lombard were not responsible for the amounts of the checks. However, the account accrued fees and charges totaling \$213.99 to which Mrs. Lombard was responsible for paying. On 11/12/2015, Mrs. Lombard responded to Wells Fargo and completed a deposit in the amount of \$200.00 to pay for the fees and charges. Currently the account has a negative balance of \$13.99.

Reviewing the Pentagon Federal Credit Union Statements for Mr. Lombard's account showed the accounts totaled an ending negative balance as of 9/6/2015 of \$415.00. However, the checking account had a negative balance of \$30.00. Additional transactions to the account started to occur on 9/17/2015:

- 9/17/2015 an unknown mobile check deposit in the amount of \$700.00.
- 9/18/2015 mobile Wells Fargo check #219, in the amount of \$500.00.

- 9/18/2015 ATM withdraw in the amount of \$503.00.
- 9/19/2015 mobile Wells Fargo check #220 deposit in the amount of \$500.00.
- 9/19/2015 ATM withdraw in the amount of \$503.00.
- 9/21/2015 mobile Wells Fargo check #214 deposit in the amount of \$500.00.
- 9/21/2015 ATM withdraw in the amount \$503.00.
- 9/22/2015 mobile Wells Fargo check #216 deposit in the amount of \$500.00.
- 9/22/2015 ATM withdraw in the amount of \$503.00.
- 9/22/2015 mobile Wells Fargo check #217 deposit in the amount \$500.00.
- 9/22/2015 debit purchase in the amount of \$131.90.
- 9/23/2015 Wells Fargo mobile check #220 deposit in the amount of \$400.00.
- 9/23/2015 ATM withdraw in the amount of \$503.00.
- 9/23/2015 debit transaction fee "City of Cocoa" \$2.99.
- 9/23/2015 debit transaction to BJ fuel in the amount of \$41.00.
- 9/23/2015 debit card purchase Amazon Market Place.
- 9/23/2015 debit card payment "City of Cocoa" in the amount of \$149.78.
- 9/24/2015 refund fee in the amount \$30.00.
- 9/24/2015 fund transfer from Mr. Lombard's savings account in the amount \$2,951.89. Making the balance zero, but actually caused the savings to have a negative balance of \$4,774.59.

Due to the lengthy delay in reporting this fraud, no video surveillance from any of the locations to include the ATM machine was available for review to determine who completed the transactions and/or withdraws from the ATM.

The review of Mr. Lombard's Pentagon Federal Credit Union account clearly showed that all the Wells Fargo checks from Mrs. Lombard's account were deposited into this account. The review showed that with each deposit of checks from Wells Fargo there was an ATM withdrawal in Merritt Island, Florida. There was also a deposit of another check in the amount of \$700.00 that was also returned as (NSF) that did not come from the Wells Fargo account. It has not been determined what bank the \$700.00 check was drawn on. The endorsement signature on all the Wells Fargo checks were unique and were compared to the sworn affidavits Mr. and Mrs. Lombard completed when making this fraud report. Neither Mr. nor Mrs. Lombard's signatures matched with any convincing evidence with the signature endorsement on the back of the Wells Fargo checks. However, a comparison of Mr. Lombard's Florida driver's license that was issued on December 2, 2014, appears to match the endorsement signatures on the back of the Wells Fargo checks.

The information from Launch Federal Credit Union determined the account was opened by Mr. [REDACTED] on October 21, 2015. The account showed a balance of \$495.00 at the beginning after a membership fee of \$5.00 was completed. The first transaction to the account shows a date on the statement of October 20, 2015, which is one day prior to what the paperwork identifies as the date the account was opened. The first two transactions are as follows:

- 10/20/2015, check #346, made payable to [REDACTED], dated 10/16/2015, in the amount of \$500.00, was deposited into Mr. Lombard's account by teller #167. The check was drawn on a Navy Federal Credit Union account, belonging to Mrs. Hallie DeVaughn (AKA Mrs. Lombard). The check was purported to be signed by Mrs. Lombard and was endorsed with a unique signature.

NOTE: The signature on check appeared to be the same unique signature that appeared on the previous listed Wells Fargo checks. This check appeared to have been written by the same author as the Wells Fargo checks. There was no report to Brevard County Sheriff Office or the bank that this was a fraudulent check.

- 11/17/2015, Mr. Lombard attempted to complete two money transfers from his Pentagon Federal Credit Union account in the amount of \$5.00 and \$50.00. Both of these transactions were returned as (NSF). These money transfers occurred after Mr. Lombard had knowledge of the negative balance in the account.

Reviewing the other transactions in Mr. Lombard's account, similarities were observed in the transaction history between the Pentagon Federal Credit Union account and the Launch Federal Credit Union account. This was deemed as an important detail because Mr. Lombard reported his Pentagon Federal Credit Union debit card stolen and all the transactions after September 6, 2015, as fraudulent. These similar transactions are debit transactions to Amazon.com, Amazon Market Place, Chevron/Sunrise Food Store, City of Cocoa, Hungry Howie's (Merritt Island), BJ Fuel, and Pet Supermarket (Merritt Island).

Mrs. Lombard was added to the Launch Federal Credit Union on October 16, 2015, and the account was listed as a joint account at that time.

Launch Federal Credit Union also provided four different transactions that were disputed by Mr. Lombard and appeared suspicious to the fraud investigator. The disputed transactions were as follows:

- 12/2/2015, Mr. Lombard completed a disputed transaction form regarding his debit card ending in #2866. He advised debit transaction dated 12/1/2015 to merchant "CK Dealer" in the amount of \$22.29 was completed without his knowledge and/or permission. Mr. Lombard also advised that debit card transaction dated 12/1/2015 to merchant "Shell World-Key Largo, Florida" in the amount \$236.89 was fraudulent. Launch FCU felt this was suspicious because there were other debit transactions in Key Largo Florida that were not disputed.

- 1/28/2016, Mr. Lombard completed a disputed transaction form regarding a transaction dated 12/24/2015, to merchant Kohls in the amount of \$149.10. Launch felt this transaction was suspicious because the \$149.10 transaction was made at 6:02, prior to the \$49.98 good transaction also conducted at Kohls.
- 2/23/2016, Mr. Lombard completed a disputed transaction form regarding a transaction dated 2/3/2016. Mr. Lombard claims that he purchased a television set in the amount of \$645.08, but Sears gave him a military discount and only charged him \$617.69. When Mr. Lombard got his statement he noticed two charges one for the \$645.08 and another for \$617.69. Upon an investigation by Launch Fraud Investigator Ashley DeLaney, she discovered that Mr. Lombard purchased a television set for \$617.69 and a washing machine in the amount of \$645.08. Sears also delivered the washing machine to the Lombard's address, which was the same address Mr. Lombard listed as his home address. After the investigation revealed the transaction was not fraudulent, Launch deducted the \$645.08 from Mr. Lombard's account.
- 3/3/2016, Mr. & Mrs. Lombard made a report with the Brevard County Sheriff's Office regarding just the Wells Fargo and Pentagon Federal Credit Union transactions stating Pentagon Federal Credit Union requested they make a police report. Mr. & Mrs. Lombard did not make any other reports regarding the Launch Federal Credit Union transactions. Mr. & Mrs. Lombard also did not make any report of this fraud prior to this incident. Neither Mr. Lombard nor Mrs. Lombard called to check the status of their fraud report.

On July 18, 2016, Sgt. Hearon conducted a non-custodial interview with Mrs. Lombard to discuss the report she had filed on March 3, 2016, specifically the discrepancies between her report and the information received from the financial institutions. Sgt. Hearon explained to Mrs. Lombard that she was conducting a criminal investigation and she (Sergeant Hearon) discovered during the course of the investigation that her husband Mr. Lombard endorsed the Wells Fargo checks that they had reported stolen. He then deposited the checks into his account and then withdrew the money for cash to which they both benefited. Mrs. Lombard was then shown that Mr. Lombard's unique signature is the same as what appears on the back of her Wells Fargo accounts. Mrs. Lombard advised that she has seen Mr. Lombard sign using that same unique signature before. Mrs. Lombard stated that at the time she suspected that Mr. Lombard completed the transactions and had questioned him about it. She advised that Mr. Lombard denied making the transactions and she believed him. Mrs. Lombard was then shown a copy of a Navy Federal Credit Union check in the amount of \$500.00 that was deposited into her Launch Credit Union account. Mrs. Lombard advised the Navy Federal Credit Union was an old account she had and she did not write the check or sign the check. Mrs. Lombard further advised she had no knowledge of the check. Mrs. Lombard was shown the disputed transactions that Mr. Lombard completed with Launch. Mrs. Lombard claimed she was unaware that Mr. Lombard completed the disputed transaction forms.

Mrs. Lombard denied having any knowledge of any of these transactions, and denied being involved in the check "*kiting*" from Wells Fargo and Pentagon

Note: Check kiting is a form of check fraud, involving taking advantage of the float to make use of non-existent funds in a checking or other bank account. In this way, instead of being used as a negotiable instrument, checks are misused as a form of unauthorized credit.

Sgt. Hearon attempted to conduct an interview with Mr. Lombard, but she was informed by Mrs. Lombard that they had obtained legal counsel and he would not be willing to provide a statement.

On July 20, 2016, Sgt. Hearon and Lieutenant Carlos Reyes conducted a Post-Miranda interview with Mrs. Lombard to further discuss the concerns they had discovered during the course of their investigation. Mrs. Lombard agreed to speak with them further about the incident. During the interview, Mrs. Lombard denied involvement in the check *kiting*, but admitted that she had knowledge that Mr. Lombard wrote and signed the checks unlawfully. Mrs. Lombard admitted that even though she knew what her husband had done, she knowingly filed the false report to Deputy Picco on March 3, 2016, and the information she provided at that time was not true.

Consistent with established BCSO policy, on July 18, 2016, Investigative Technician Hallie DeVaughn-Lombard was placed on Administrative Leave with pay while an investigation into this incident was conducted.

The Brevard County Sheriff's Office, Economic Crimes Unit assumed responsibility for the investigation into this incident and Sgt. Hearon assumed lead investigative efforts. During the course of the investigation, sworn statements, financial documentation, and admissions were reviewed and evaluated. Based on investigative efforts of the ECU, Sgt. Hearon determined that probable cause was developed for the arrest of Mr. and Mrs. Lombard. Based on Sgt. Heron's investigative determinations, she composed a sworn "**AFFIDAVIT REQUEST FOR CAPIAS**" alleging that Mr. and Mrs. Lombard had committed the following offenses:

- ***False Report of Crime***, contrary to section 817.49 Florida Statutes, a 1st degree misdemeanor.
- ***Perjury Not In Official Proceeding***, contrary to sections 837.012, Florida Statutes, a 1st degree misdemeanor.

On July 26, 2016, Sgt. Hearon provided the investigative findings to Assistant State Attorney (ASA) Justin King with the Brevard County State Attorney's Office, which is currently under review.

Recommendations:

Prior to completing this report I reviewed all the documents associated with this investigation to include the Capias request. I concur with the findings of Sgt. Hearon's criminal investigation. Hallie DeVaughn-Lombard provided a sworn statement during a custodial interview with Sgt. Hearon and Lt. Reyes in the course of their official criminal investigation and in doing so, she admitted to making a false police report and committing perjury. Based on the determination that Hallie DeVaughn-Lombard's actions on or about March 3, 2016, and July 20, 2016, were in violation of Florida Statutes, she is therefore in violation of the established policies and procedures of the Brevard County Sheriff's Office.

Based on the sworn statements, financial documentation, and admissions during this investigation, probable cause was established that both Mr. & Mrs. Lombard had made false statements under oath and filed a false report to The Brevard County Sheriff's Office. Through the investigation it was determined that this was done for their personal benefit and the false report was to cover-up fraudulent activities conducted by one or both parties. It was also clear that Mrs. Lombard had knowledge of her husband's criminal activity to include Grand Theft and Scheming to Defraud as he was participating an ongoing course of criminal conduct and fraudulently obtained funds the two of them benefited from on numerous occasions. However, the criminal investigation is unable to produce sufficient evidence to support a criminal charge of Grand Theft and/or Scheming to Defraud for either party at this time. The criminal investigation is pending.

It is my recommendation that the following administrative violations be closed as follows:

- Violation of ***400.00 General Professional Responsibilities - Sustained***
- Violation of ***400.06 Compliance with Law and Regulation - Sustained***
- Violation of ***400.68 Truthfulness - Sustained***

Exhibits:

- A. Copy of the "AFFIDAVIT REQUEST FOR CAPIAS" completed by Sgt. Jaqueline Hearon.
- B. Copy of the Deputy Picco case package to include false affidavits
- C. Copy of Sgt. Hearon criminal case package to include the following:
 - Case report
 - Affidavits
 - Sworn taped statement (Mr. & Mrs. Lombard)
 - Sworn statement (Dep. Picco)
 - Subpoenas
 - Non-Custodial Interview (Mrs. Lombard)

- Post-Miranda interview (Mrs. Lombard)

Official Records:

1. Notice of Administrative investigation dated July 18, 2016.
2. Notice of Administrative Leave (suspension **WITH** pay), dated July 18, 2016.

Signed



Agent Kirk Geweniger, ID 640
Staff Services



Brevard County Sheriff's Office
Titusville, Florida

Date: September 2, 2016
To: Chief Deputy Doug Waller
From: Major Alex Fischback, Staff Services Unit
Re: Case Closure, Command Inquiry 2016-CI-019

Handwritten notes and signatures: "157", "9/2/16", and a signature that appears to be "K. Carver".

Command Inquiry 2016-CI-019 was initiated over concerns that Investigative Technician Hallie DeVaughn-Lombard was in violation of the established policies and procedures of the Brevard County Sheriff's Office. Specifically, **400.00 General Professional Responsibilities**, **400.06 Compliance with Law and Regulation** and **400.68 Truthfulness**.

On August 4, 2016, you conducted a Pre-Termination with Hallie DeVaughn-Lombard so that she could respond to the investigative findings.

Prior to coming to any final determinations in this matter, Hallie DeVaughn-Lombard submitted her resignation from the Brevard County Sheriff's Office. At this time there is no formal disciplinary action to take as Hallie DeVaughn-Lombard is no longer an employee of the Brevard County Sheriff's Office.

The final step in this process is to make a final determination on the investigative conclusions and close the investigation. My recommendation is to close the violations as follows:

- **400.00 General Professional Responsibilities**, to be closed as "**Sustained**"
- **400.06 Compliance with Law and Regulation**, to be closed as "**Sustained**"
- **400.68 Truthfulness**, to be closed as "**Sustained**"

The purpose of this memorandum is to formalize your findings and close this matter.

c: Staff Services