



**Brevard County Sheriff's Office**  
Titusville, Florida

**To:** Chief Michael J. Lewis  
**From:** Agent Charles LaRoche, Staff Services Unit *CL #612*  
**Date:** June 17, 2016  
**Re:** Command Inquiry 2016-CI-011

**I. Summary:**

Corrections Deputy Eric Firmin has had ongoing issues with his estranged spouse and her family where, on multiple occasions, law enforcement have been called to deal with various disturbances and allegations of criminal conduct. C/D Firmin resided at a residence in Seminole County with his wife [REDACTED] and their three shared children. Also residing in the home is [REDACTED] who is actually [REDACTED]'s son from a previous relationship, Eric Firmin adopted [REDACTED] when he and [REDACTED] got married.

Along with the law enforcement encounters at Firmin's residence, he was also contacted by the Broward County Sheriff's Office in reference to possible threatening text messages, phone calls, and instant messages that he sent to another man that he thought was involved in a romantic relationship with his wife. Those calls and texts were made on a BCSO issued cell phone.

Based on the concerns that were raised by these allegations, a command inquiry was authorized by Chief Michael J. Lewis.

**II. Prior law enforcement responses involving C/D Firmin:**

On April 14, 2016 the Seminole County Sheriff's Office responded to the family's residence in regards to a stand-by/pick up belongings call, this request was made by [REDACTED]'s father on behalf of [REDACTED] who had been asked to leave the residence. This incident was documented under SCSO case #20161052297, this is CAD comments only and no case report exists.

On April 18, 2016 deputies with SCSO responded to multiple calls for service from [REDACTED] and her mother, [REDACTED]

*CONNECT w/  
bindings. PLEASE  
schedule a PRE-TERM  
HEARING*  
99 6-20-16

The first call came from [REDACTED] who stated [REDACTED] was in verbal altercation with C/D Firmin. [REDACTED] was not on scene and was getting her information secondhand from her daughter. This first incident was documented under SCSO CAD #20161092546. There is no case report involving the initial call for service and it appears that it was only verbal in nature.

While the SCSO deputies were on scene they obtained statements from the Firmin's which led them to initiate another case report to document two separate incidents that had allegedly happened on an earlier date(s). The first incident involved an allegation that C/D Firmin had grabbed his wife's cell phone and battered her while they were driving back from a baseball tournament. During his interview, C/D Firmin stated that he did take his wife's phone but he denied that he had battered her. Based on this allegation, the responding deputy requested a Capias for C/D Firmin for one count of "Battery." The second incident documented in this report involved a disturbance at the marital residence where C/D Firmin alleged that his wife had thrown a cordless phone at him. Based on this allegation, the responding deputy requested a Capias for [REDACTED] for one count of "Battery." The Seminole County Child Protective Services office was notified of these allegations because minor children were present during them, they also initiated an investigation. The State Attorney's Office reviewed the Capias requests that were submitted but declined to pursue charges on either request. These incidents were documented under SCSO case #20161102953.

Later in the evening of April 18, 2016, SCSO deputies were called to [REDACTED] residence in the city of Oviedo in reference to an incident that allegedly occurred some eighteen months prior. The complainant in this case is [REDACTED]'s girlfriend, [REDACTED]. [REDACTED] alleged that some eighteen months prior, she was riding in a car with Eric Firmin when he pulled his penis out and tried to place her hand on it. [REDACTED] stated that she had never reported this incident. This allegation was documented under SCSO case report CR #20160002963. At the time the report was taken, [REDACTED] stated that she did not want to pursue this matter and she signed a non-prosecution affidavit. Two days later, [REDACTED] called deputies back and told them she now wanted to press charges. During this second meeting, [REDACTED] made a significant change to her version of this incident. During her second statement she stated Firmin merely unzipped his pants and asked for a "hand job." During his interview with the SCSO investigator, C/D Firmin denied the allegations against him. The SCSO filed a Capias with the SAO requesting that Eric Firmin be charged with a single count of "Battery." The SAO later reviewed this case and 'No Filed' the request.

On April 22, 2016 C/D Firmin called the SCSO and requested a deputy to stand-by while [REDACTED] came by to pick up some of her belongings. This was documented under case # 20161132731, this is a CAD entry only and no case report exists. There were no criminal allegations in the CAD report.

On April 27, 2016 the Oviedo Police Department was called to [REDACTED] residence after C/D Firmin arrived to pick up clothing for his daughter. In this instance, C/D Firmin had asked his wife for some of their daughter's clothes, she told him she would leave them by the mailbox at her mother's residence where she was staying. [REDACTED] stated she was aware of the direction her daughter provided to C/D Firmin but, because she does not like him, she started yelling at him as soon as he arrived. [REDACTED] stated that C/D Firmin never got out of his car during this incident. C/D Firmin stated that he left the residence without incident. As he was leaving he was stopped by an Oviedo PD Officer that was responding to the disturbance call. During this stop he was informed he was being trespassed from [REDACTED] residence, refer to Oviedo PD case # 2016TP1180809.

The following day, on April 28, 2016, Firmin was contacted by telephone by an officer from the Oviedo Police Department. During this call he was told that he was being trespassed from his wife's new residence. This was done over the telephone and C/D Firmin had no in-person contact with any officers. The second trespass was written under Oviedo PD case # 2016CJ006649.

On May 1, 2016, Michael Zajack contacted the Broward Sheriff's Office and stated that C/D Firmin had been harassing him via text messages and phone calls. The deputy called C/D Firmin to confirm his identity and ask that he cease contact with Zajack. This call for service was handled under BSO case # L17160501000020, it was closed out with CAD comments only reflecting that no criminal activity had taken place. The BSO deputy also referred Zajack to the BCSO. Zajack later contacted the BCSO Staff Services Office and initiated a formal complaint against Firmin.

On June 7, 2016, C/D Firmin notified BCSO that he had another contact with Seminole County Child Protective Services (CPS) in reference to case #20161102953 (listed above). This was a follow up interview on the case. I was later told that the investigation was closed with "no indicator findings for domestic violence."

### III. Witnesses

[REDACTED]

On May 11, 2016, Agent James Landen and I interviewed [REDACTED] at her residence in Oviedo. I spoke with [REDACTED] on the telephone earlier that day and she stated there had been many more instances where law enforcement was involved than I was initially made aware of.

When I arrived at her residence, I asked [REDACTED] about several documented instances where the Seminole County Sheriff's Office as well as Oviedo Police Department were called to the marital residence or to her mother's residence.

The first incident was dated April 14, 2016 and was called in by her father. She stated that her son, [REDACTED], had recently been kicked out of their house and was moving in with his grandparents. She knew that [REDACTED] and Eric were not getting along at the time and assumed that was why her father called SCSO to standby. She stated she was not at the residence at the time of that incident. (20161052297)

The next documented incident was April 18, 2016. [REDACTED] stated Eric had moved approximately 90% of their shared belongings out before she had the opportunity to get her things. She and a friend had collected some items and were taking them to a storage unit for the time being. [REDACTED] and Eric had initially agreed to share a storage unit but she changed her mind and got her own unit without telling Eric. While at the storage facility, she and Firmin got into a verbal altercation over the previous agreement about a shared storage unit. Eric eventually left and went back to their residence, which they still shared at the time, [REDACTED] stated she was locked out when she arrived and she called 911 to get law enforcement assistance. This incident was documented in a CAD report by the Seminole County Sheriff's Office. [REDACTED] stated Firmin got upset at the residence during that altercation and punched a hole in a door. (20161092546)

I asked about the complaint that [REDACTED] had filed with the SCSO regarding Eric's alleged behavior. [REDACTED] said she was aware of the allegation but she had no personal knowledge of it. She did state that [REDACTED] had confided in her that Eric had asked her to pose for photos because he knew an agent that could help her get work as a model.

I asked [REDACTED] about the incident on April 22, 2016 where Eric requested that SCSO come by while she picked up belongings. [REDACTED] stated Eric called SCSO for a standby because he knew she was on her way to pick up some belongings at the residence. She stated she needed to get some heavier items so she brought six male friends to assist her. Upon her arrival at the residence, deputies were already there. She stated that there were no problems during this incident. SCSO # 20161132731.

The next incident was with Oviedo Police Department on April 27, 2016. [REDACTED] stated Eric wanted to get clothes for the children, she told him she would leave them by the mailbox at her mother's house. She was at the residence when Eric showed up and she confirmed that her mother started yelling at him as soon as he got there. She confirmed that Eric never got out of the car while this was occurring. This was Oviedo PD case #2016TP1180809.

[REDACTED] confirmed that, although there had not been any problems with Eric at her new residence, she later called the Oviedo Police Department and had C/D Firmin trespassed from her residence as well OPD #2016cj006649.

I then asked [REDACTED] about the incident where she alleged that Eric had taken her phone and battered her in the car on the way back from a youth baseball tournament. She alleged

that during the drive home, Eric took her cell phone and demanded the pass code. She believes he thought she was texting another man (Zajack). [REDACTED] refused to give him the code to the phone and Eric started driving erratically. When he threatened to throw the phone out of the window, [REDACTED] told him to go ahead but she was not giving him the pass code. Eric pulled over to the side of the highway and told her to get out of the vehicle but she refused. [REDACTED] stated Eric grabbed her arm during this encounter and shoved her up against the car window. She stated she wanted to call 911 but he had her telephone so she was unable to. She tried to grab one of her children's cell phones to call 911 but Firmin grabbed them before she was able to. [REDACTED] stated that she did not have any visible marks/bruises from this incident. She stated this incident occurred a few days before she actually reported it to SCSO on April 18, 2016. (20161102953)

I then asked [REDACTED] about the text messages between Eric and Michael Zajack. [REDACTED] was aware of this exchange and she confirmed that she was romantically linked with Zajack and they had recently met at her place of employment. She told Zajack that she was separated from Eric and she was going to divorce him.

[REDACTED]

On May 11, 2016, Agent James Landen and I interviewed [REDACTED] at [REDACTED]'s residence in Oviedo. She stated the following in essence in an audio recorded, sworn interview:

I asked [REDACTED] about the incident at her residence where the Oviedo Police Department was called on April 27, 2016. She stated [REDACTED] told Firmin to stop by and pick up clothing for their daughter. She told [REDACTED] that she did not want Firmin at her residence and to call him back and tell him to go to Target and buy new clothes. Minutes later, Firmin arrived in his vehicle with the three younger children. [REDACTED] went outside and told him he was not welcome and he needed to leave. [REDACTED] stated she was yelling at Firmin and he started yelling back. [REDACTED] admitted she said some inappropriate things out of anger during that altercation. She then called 911 and requested officers come and trespass Firmin from her residence. She stated Firmin remained in his vehicle for the duration of this incident.

[REDACTED] confirmed that she called 911 on April 18, 2016 and sent SCSO to Firmin's residence. She stated she was not at the residence and got the information of a verbal altercation secondhand from her daughter.

[REDACTED] stated that she has not personally witnessed any acts of violence between Eric and [REDACTED] or Eric and anyone else in the family.

[REDACTED]

On May 11, 2016, Agent James Landen and I interviewed [REDACTED] (10 yoa juvenile) at [REDACTED]'s residence in Oviedo.

[REDACTED] stated he was at home when his parents were arguing with each other. He stated that there was no physical contact and he has never seen his mom hit his dad or vice versa. In reference to the incident in the vehicle, he stated he was sleeping and did not see or hear anything.

[REDACTED]

On May 11, 2016, Agent James Landen and I interviewed [REDACTED] at [REDACTED]'s residence in Oviedo. He stated the following in essence:

Of the times that [REDACTED] was present when law enforcement was involved, he did not take an active role and was not able to add any new details to the incidents. He stated that the entire time [REDACTED] has been married to Eric, he has not witnessed any acts of violence between them.

[REDACTED] told me that a few weeks ago, he and Eric got into an altercation because he [REDACTED] wasn't doing enough around the house to pull his weight such as cleaning, purchasing groceries etc. As a result of this dispute, Eric kicked him out of the house. [REDACTED] stated that during one of his arguments with Eric he threatened to tell [REDACTED] about an incident between his girlfriend ([REDACTED]) and Eric.

The incident [REDACTED] spoke of allegedly occurred on October 31, 2014 and was later documented by the Seminole County Sheriff's Office. [REDACTED] stated that on that day, Eric picked up [REDACTED] from her residence and brought her to their house. After they arrived, [REDACTED] wouldn't talk to anyone. He badgered her for several hours before she told [REDACTED] what happened. [REDACTED] stated [REDACTED] told him that when Eric picked her up and she got in the vehicle, he unzipped his pants, pulled out his penis and grabbed her arm and tried to place her hand on his penis. She pulled her arm away and said "No." Eric zipped up his pants and pleaded for her not to tell [REDACTED]. [REDACTED] said he then called Eric and confronted him over the phone, Eric's response was that he was only testing [REDACTED]'s loyalty to [REDACTED]. [REDACTED] stated that he and [REDACTED] decided not to tell anyone about that incident until the evening of April 18, 2016 when deputies from the Seminole County Sheriff's Office were already involved with the family. When [REDACTED] did report this incident, she only wanted to "document it" and not file criminal charges. After speaking to her mother, [REDACTED] called deputies back two days later and wanted to press charges.

[REDACTED] stated [REDACTED] told him of another incident between her and Eric where he asked her to undress so he could take pictures of her. Eric allegedly told her he would give the pictures to a modeling agent friend of his. [REDACTED] stated that [REDACTED] got upset with Eric

and threatened to tell [REDACTED] [REDACTED] was not present for this incident and he only has [REDACTED]'s version of this incident.

[REDACTED] stated that he has no first-hand knowledge of any of the incidents that he commented on. All the information he has come from his mother or [REDACTED] [REDACTED] stated that he has never witnessed any acts of violence between [REDACTED] and Eric, or Eric and anyone else in the family.

**Megan Lane  
Deputy Sheriff  
Brevard County Sheriff's Office**

On May 12, 2016, Lieutenant Alex Fischback and I interviewed Deputy Megan Lane at Staff Services. The following is a summary of that interview:

In Firmin's subject officer interview, he stated that he asked Lane to come to his residence while he was dealing with SCSO after a verbal altercation with [REDACTED]

Lane stated Firmin called her after he was involved in a verbal altercation with [REDACTED]. He had been instructed to go to his new apartment by SCSO deputies and wait for them. While waiting, Firmin called Lane and asked her for moral support and legal advice. Lane said she drove to Firmin's residence, she states that she was off-duty at the time and not in uniform. She stated Firmin had introduced her as a deputy to the SCSO deputies but she had not mentioned it. She stated she was only present during the investigation but not the incident. She said she had no firsthand knowledge of anything else going on between Firmin and his wife.

When asked about her personal relationship with C/D Firmin, Lane stated that she knows him from work. She stated that they had been out socially with others previously. When asked, she stated that he has previously asked her to watch videos that depict him and his wife having sex. He has also asked her to join in on threesome sexual encounters. Lane stated that she turned down each of these advances.

**Brock Maggie  
Corrections Lieutenant  
Brevard County Jail Complex**

On May 16, 2016 Agent Landen and I conducted a sworn, audio recorded interview with Lieutenant Brock Maggie at the North Precinct Substation in PSJ. The following is a summary of that interview:

Maggie stated that Firmin had notified him of several instances when outside law enforcement agencies were called to his residence. Maggie stated he was made aware of the following interactions between Firmin and various law enforcement agencies:

- April 18, 2016 after the verbal altercation at the storage unit and their residence to include the alleged battery DV incident in the vehicle and later DCF investigation. Firmin also told him of the allegation between him and [REDACTED]
- April 22, 2016. Stand by for pick-up of belongings. Maggie stated Firmin notified him of this incident when [REDACTED] was picking up some household items.
- April 27, 2016. Verbal altercation at [REDACTED]'s residence. Maggie was informed of this incident as well as the trespass warning from the in-laws residence. He was not aware of the trespass from [REDACTED] residence.

**Kelly Haman**  
**Corrections Lieutenant**  
**Brevard County Jail Complex**

On May 20, 2016 Agent Landen and I conducted a sworn, audio recorded interview with Lieutenant Kelly Haman at the Brevard County Jail Complex. The following is a summary of that interview:

Haman stated that she was made aware of some of the altercations between Firmin and [REDACTED] on April 22, 2016. She was asked to call SCSO and find out if the 911 calls were just requests for standby/ keep the peace or if there was anything else to them. She stated she spoke with a dispatcher who stated there were no case reports generated at the time and no criminal allegations had been made. She stated she also called Firmin to check on him. She stated Firmin was fine and she provided him with the telephone number for EAP. Haman stated Firmin never informed her that he was a subject in an investigation in any outside agency. Haman stated she does not supervise Firmin directly, only when she fills in for the lieutenant on his shift.

**Michael Zajack**

Michael Zajack filed a sworn, written complaint for this investigation. In Zajack's complaint, he lists times and dates of several text messages from Firmin but he does not provide the content. He also lists times and dates of telephone calls that were made to him or his wife (only one call) by Firmin. Some of these calls originated from blocked telephone numbers and therefore cannot be confirmed as originating with Firmin. Zajack doesn't provide content about any of the telephone calls either, he only states they were unwanted and harassing in nature.



*The text messages in question were still in Firmin's department issued cell phone. I reviewed these messages and did not find that the text conversation was threatening. In the texts on April 16, 2016, Firmin confronts Zajack about having a sexual relationship with [REDACTED]. Zajack does not deny that relationship. The two go on to talk about various issues to include Zajack's wife cheating on him in the past and how he learned to be a better person after reading a book called "The Verbally Abusive Relationship." By the end of the text thread, Zajack agreed to stop seeing [REDACTED] and in exchange, Firmin would not tell [REDACTED] that Zajack was cheating on her.*

*The following day Firmin texted Zajack "I want an honest answer only I'm about to unlock her phone and look at the Kik app have you been talking to her? Zajack did not respond.*

*In a single text on April 20, 2016, Firmin writes "Thank you for not being able to keep your work with me man-to-man I'm glad I trusted you". Zajack did not respond.*

*Prior to the text messages, Firmin sent private messages to Zajack via Facebook Messenger. Zajack never responded to these messages. They read as follows:*

*March 22, 2016 "Hey bro just wondering when the next date is planned with my wife?"*

*March 30, 2016 "At least u got some ass at least... .."*

*April 13, 2016 "Keep talking to my wife and I'm going to put u on blast on social media"*

*Although Zajack feels the text messages are threatening and harassing, after reading them over in their entirety, the incident does not rise to a criminal level.*

#### **IV. Subject Employee**

**Eric Firmin  
Corrections Deputy  
Brevard County Jail Complex**

On May 10, 2016 I made contact with Corrections Deputy Eric Firmin and provided him with a "Notice of Administrative Investigation." I explained the allegations and informed him to contact a representative of his choice if he desired to have one with him during his interview. The interview was scheduled to take place on Thursday, May 12, 2016 at 1000 hours in the Staff Services office. A second interview took place on May 23, 2016 at 1400 hours.

On May 12, 2016 Firmin arrived at Staff Services with his Coastal Florida Police Benevolent Association (PBA) representative, Al Boettjer. Prior to the sworn audio

recorded interview, Firmin was provided with and reviewed the investigative file to include all audio files associated with this investigation. Details of the interview are as follows:

I first spoke with Firmin about the law enforcement calls for service at his residence in Seminole County.

When asked about the P/U belongings call that occurred on April 14, 2016, C/D Firmin stated that he was not even present when this occurred. This was supported by the CAD comments. *This is the incident that was called in by Firmin's father in-law.*

The next call was on April 18, 2016. This incident was called in by [REDACTED] after an alleged verbal altercation between [REDACTED] and Firmin. Firmin stated this was a verbal argument after he found out that [REDACTED] had gotten her own storage unit after she had agreed to share one with him. He stated that the argument started once they got to the storage unit, he decided to leave and go back to their shared residence to pack up more belongings. When [REDACTED] returned, she brought the deputies with her. Firmin stated that the door locks automatically and that he was busy packing so he did not open the door.

Firmin stated that during the above noted incident, he mentioned to the SCSO deputies that he had been the victim of battery DV when [REDACTED] threw a phone at him and hit his arm. He stated that he did not complete any affidavits,

We next discussed the incident from April 22, 2016 when he called SCSO to standby after hearing that [REDACTED] was coming to the residence to pick up belongings. He stated that when [REDACTED] and her father arrived there was some arguing back and forth but nothing further.

We then spoke of the incident from April 27, 2016 when Firmin went to [REDACTED]'s residence to pick up clothing for his daughter. He stated he asked [REDACTED] for clothing for one of their daughters via text. [REDACTED] responded that there would be a bag of clothes by the mailbox at [REDACTED]'s house where she was staying at the time. When Firmin arrived, [REDACTED] came out of the house and met him at his vehicle and began shouting at him. Firmin stated he left the residence but pulled over when he saw an Oviedo Police Officer following him. After explaining his side of the incident to the officer, Firmin was trespassed from the [REDACTED] residence. He said he thought he informed Lt. Maggie of this incident but could not be sure.

When asked why he was trespassed from [REDACTED]'s new residence, Firmin stated he was simply called by an Oviedo Police Officer and told he was not to go to [REDACTED]'s residence. He said there had been no altercations or calls for service at that location.

I then asked Firmin about the incident when [REDACTED] claimed he took her phone while driving back home from Gainesville. He stated he asked for her phone and pass code but she refused. He states that he never put his hands on her and that he was not driving

erratically with his children in the car. Firmin stated that he was aware that [REDACTED] later reported this incident to SCSO. He stated he was interviewed and provided a statement for the case. Firmin claims that he was told the report was going to be for informational purposes only and he later told Lt. Maggie about the case.

I then asked Firmin about the alleged incident with [REDACTED] from October 31, 2014. He confirmed that he did pick her up that day but he claims that he drove her straight to his residence. He stated that he had picked her up because she wanted to come and visit his son and it was just more convenient for him to pick her up. Firmin denied that he unzipped his pants and pulled out his penis. He also denied that he grabbed her arm or tried to place her hand on his penis. He stated there was very little conversation during the ride and that he merely picked her up from her house and drove her to his residence so she could meet up with [REDACTED]. He also denied that he and [REDACTED] discussed this on the phone that night as [REDACTED] had claimed. Firmin said he was made aware of these accusations by SCSO when they took his statement. He stated that he was also told [REDACTED] only wanted it documented and was not looking to press charges on him. Firmin stated he told Lt. Maggie about this incident over the phone.

I then asked Firmin about the allegation that he propositioned [REDACTED] about taking nude photographs for a potential modeling job. He denied that ever happened and denied the claim that [REDACTED] stopped babysitting because she felt uncomfortable around him. He stated [REDACTED] had not babysat for them in several months and the last time she did, she was running late, which made him late for work.

Before the interview, Firmin listened to all other audio recorded interviews that were conducted prior to that date. In [REDACTED]'s interview she spoke of the injunction she requested in Seminole County. Firmin stated he had no knowledge that his wife had filed for an injunction prior to listening to the interview.

The last law enforcement encounter I asked Firmin about was his interaction with the Broward Sheriff's Office. He confirmed that he was called by a BSO deputy that was inquiring about his contacts with Zajack. Firmin states that he told him he was a correction deputy with BCSO and that the phone he was using was a department issued cell phone. He stated that he did have contact with Zajack because he believed he was sleeping with [REDACTED] at the time. I showed Firmin the text messages and PM's on Facebook Messenger. Firmin confirmed that he sent the messages and made the telephone calls. He explained that his intent was to confirm that Zajack was in a relationship with [REDACTED]. After the text thread he had the understanding that Zajack would stop contacting [REDACTED] and in return, he would not call Lauren Zajack to tell her Michael was having an affair. Firmin stated he was not harassing or threatening Zajack and that he only wanted him to end his relationship with [REDACTED].

I informed Firmin that there were other text messages on his department issued cell phone that show he is using it for purposes outside the scope of his duties. Several of the messages sound like he is in relationships with several other women. He responded that [REDACTED] shows him no affection and so he flirts with other women, he claimed he has never been intimate with anyone outside his marriage.

As far as using his department issued cell phone for these contacts, Firmin stated he signed a document when he was issued the phone saying it could be used for personal reasons. I asked if he was paying the required \$5 monthly usage fee and he stated he has never seen a deduction from his paystub.

At the end of this initial interview, Firmin disclosed that he asked Deputy Megan Lane to come to his residence on April 18, 2016 after his encounter with SCSO. He knew the deputies were going to come back to speak with him at his new apartment and he wanted someone he knew to help him through the process.

### **Second interview**

After the first interview with Firmin, I interviewed Deputy Lane, Lt. Maggie, and Lt. Haman. Firmin returned to the Staff Services office to listen to these interviews and be questioned again. This second interview took place on May 23, 2016. Firmin was accompanied by his PBA representative Al Boettjer. The following is a summary of that interview:

I first asked Firmin about some text messages that were in his department phone that we did not discuss during the first interview.

- The first was between him and 'Jennifer' and took place on May 1, 2016 starting at 6:31 pm. In the text messages, it appears that they are setting up a date and were paired up on [www.match.com](http://www.match.com). This text message exchange was while Firmin was on duty and assigned to booking.
- The second text message thread was between him and 'Vigy' and it sounds like they were just on a date and he would like to continue with a relationship.
- The third message thread I asked Firmin about was to an unknown person and there was only a telephone number attached. In this thread, Firmin is inviting this person to walk into his residence and join in a threesome. The recipient declines.
- The final text thread I asked Firmin about was dated March 30, 2016 and is to 'Paola.' On that date, he texted her and says "I'm drinking in car line LOL." When asked about this, he stated he was joking with her about something she said

previously and would never consume alcohol while picking up his children from school.

All these text messages are from Firmin's department issued telephone and many of them sound contradictory to his previous statement of not being in any relationships outside his marriage. Firmin confirmed that all the exchanges listed above were his. He then reiterated that he has not been in any physical relationships outside his marriage. He stated once he realized his marriage was over, he started to contact other women in attempt to start up romance.

I then asked Firmin if he read over the formal complaint letter our office received from Mr. Zajack. He stated he read it but did not consider it to be harassment at all. He stated the initial text thread was a man to man conversation about the current relationship between Zajack and [REDACTED]. Firmin stated when they finished the conversation he believed that relationship was going to end and there would be no further contact between the two. After Firmin discovered Zajack was still talking to [REDACTED] he took it on his own to call Lauren Zajack and tell her that her husband was cheating on her. Firmin stated that if he were in the same situation, he would want the other spouse to do the same for him. Firmin insisted that none of the messages or conversations were threatening or harassing.

We then discussed the various events where law enforcement was called to his residence to determine which events he notified his supervisors of. According to C/D Firmin, he made either verbal notification (telephone) or text notification of all the incidents he was aware of, to Lt. Maggie. None of the notifications were made in compliance with *G. O. 400.18 Subject of an Investigation*.

In Firmin's department issued telephone, there are several voice messages from a toll-free telephone number. When listening to some of the messages, it is clear they are from a bill collector. When I asked Firmin about this he stated that phone number is from the lienholder for his vehicle. He claims that if he is one day late on his car payment, they start calling him three times a day. Firmin denied that he was in financial distress.

#### **Memo from C/D Eric Firmin regarding his contact with Seminole County CPS**

On June 7, 2016, Firmin was contacted by a friend of his stating she had been questioned by Seminole County Sheriff Child Protection Services in reference to the open case. He was informed that the case was closed and unfounded. Firmin generated a memorandum detailing this contact. A copy will be attached to this investigation as an enclosure. On the same day, I received an email from the CPS investigator, Alexis Fischbach, confirming that their investigation had been concluded. Fischbach stated the case was closed with no indicator findings for family violence or threats to a child. A copy of this email will be attached to this investigation as well.

**V. Summary and Recommendations:**

The following is a detailed summary of the key points of this investigation:

Regarding the harassment complaint initiated by Michael Zajack – After reviewing the complaint and comparing it with the text messages that were still on Firmin’s cell phone, I find that the messages are not harassing or threatening in nature. Firmin had suspected his wife of having a romantic encounter with Zajack. Firmin confronted Zajack (via text and telephone) and he confirmed Firmin’s suspicions. No threats were made by Firmin. Although Mr. Zajack is unhappy Firmin’s actions, they were not criminal. Firmin did utilize his department issued cell phone to contact Zajack, this is in violation of BCSO policy.

In regards to the Battery-DV case where the SCSO requested a capias charging Eric Firmin with battery to his wife. Eric Firmin has stated that he did take his wife’s cell phone but he denies that there was any physical struggle or violence involved. The SCSO report does not reflect that any independent witnesses were identified in this matter or that any physical evidence was located to support the allegation. The Brevard Seminole SAO reviewed this matter and determined to take no action on the matter. I interviewed [REDACTED] and she was unable to supply me with any evidence (pictures etc.) to support her allegation. Based on the results of my investigation, I concur with the SAO that there is not enough evidence to support a charge against Eric Firmin. In this instance, Eric Firmin failed to notify the Sheriff in writing that he was the subject of an investigation.

In regards to the allegation made by [REDACTED] to the SCSO that Eric Firmin had exposed himself to her and grabbed her arm. Although the incident allegedly took place on October 31, 2014, it should be pointed out that it was only brought forward after her boyfriend ([REDACTED]) had been kicked out of the house by Eric Firmin. More troubling than the delayed reporting of this incident is the fact that, according to the SCSO case report(s), [REDACTED] made substantial changes to her allegation from the time she first reported it to the time she made her final statement. Based on the information provided in the second statement, SCSO filed a capias request with the 18<sup>th</sup> Judicial Circuit State Attorney’s Office but only for a single charge “Battery.” The case was reviewed by the SAO and the disposition was to NO FILE due to insufficient evidence. The SAO comments are as follows: *There is insufficient evidence to prove anything happened in this case. The victim waited about eighteen months to tell law enforcement anything occurred. There are no witnesses and no visible injury. The defendant denies anything occurring. There is absolutely no way to prove this case beyond a reasonable doubt in court.* Based on my review of this allegation, I concur with the SAO’s findings as I do not believe there is sufficient evidence to prove this allegation. In this instance, Eric Firmin failed to notify the Sheriff in writing that he was the subject of an investigation.

In reference to the two incidents where Firmin was trespassed from [REDACTED]’s residence and his wife’s residence. I reviewed the CAD reports provided by the Oviedo Police

Department as well as statements made in this investigation. I find that Eric Firmin's actions in these two incidents were in compliance with agency policy. Firmin notified Lieutenant Maggie by telephone of both of these instances. In this instance, Eric Firmin failed to notify the Sheriff in writing that he was the subject of an investigation.

In reference to the injunction for protection that [REDACTED] petitioned for against Eric Firmin. This request was never granted and Eric Firmin had no knowledge that it had been filed.

This investigation determined that C/D Firmin repeatedly used his agency issued phone for personal matters in violation of established agency policy. Investigation determined that C/D Firmin was not paying the monthly fee for such usage and I could not locate any paperwork where he had selected that phone use option.

A review of the content of the messages contained on C/D Firmin's assigned cell phone revealed that he was using it to solicit other persons, including other employees, for romantic purposes. C/D Firmin stated he has made comments and 'tested the waters' for romantic interludes with women, to include fellow members of the department. Some of these conversations were on his agency issued cell phone. By using the agency issued phone for these purposes C/D Firmin has created a public record that must now be maintained by the agency.

Based on the results of this investigation I recommend the following administrative charges against **Corrections Deputy Eric Firmin** to be closed as follows:

- Section 400.00, General Professional Responsibilities – Sustained*
- Section 400.18, Subject of an Investigation – Sustained*
- Section 400.27, Prohibited Activity While on Duty – Sustained*
- Section 400.06, Compliance with Law and Regulation – Not Sustained*
- Section 400.50, Unauthorized Use of Agency Equipment - Sustained*
- Section 200.05B, Cellular Telephones– Sustained*

## **VI. Enclosures**

- A.** Authorization Memo for Case Number 2016-CI-009
- B.** Notice of Administrative Investigation
- C.** Administrative Investigative Warning
- D.** Copy of 2016-INFO-016
- E.** Complaint Package from Michael Zajack
- F.** Text Messages Between Firmin and Zajack
- G.** CAD report from Broward Sheriff's Office - L17160501000020

H. CAD reports from Seminole County Sheriff's Office – 20161052297, 20161092546, 20161092603, and 20161132731.

I. Case reports from Seminole County Sheriff's Office – 20161102953 and 201600002963.

J. Case reports from Oviedo Police Department - 2016CJ006649 and 2016TP1180809.

K. Injunction request from Seminole County – 16-DR-1735-06D-L

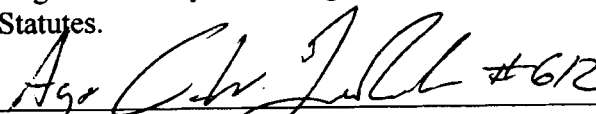
L. Memorandum from Firmin reference to CPS case

M. Email from CPS stating case is closed with no findings against Firmin

**VII. Oath**

I, Agent Charles W. LaRoche, do hereby swear, under penalty of perjury, that to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes.

Signed

 #612

Agent Charles W. LaRoche #612

Sworn to and subscribed before me, the undersigned authority, and this 17th day of June, 2016.

Signature


 125  
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER  
IN PERFORMANCE OF OFFICIAL DUTIES

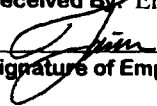
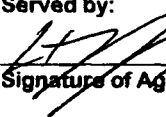




Brevard County Sheriff's Office  
Titusville, Florida

**MEMORANDUM**

**DATE:** June 27, 2016  
**TO:** Corrections Deputy Eric Firmin  
**FROM:** Chief Michael J. Lewis   
**RE:** Final Action  
Administrative Investigation 2016-CI-011

<b>A TRUE COPY</b>	
TIME	0600 A.M.
DATE	6-30-2016
<b>BREVARD COUNTY SHERIFF'S OFFICE</b>	
Received By: Eric Firmin	
 1178	
Signature of Employee Served	
Served by:	
 501 LT MAGGIE	
Signature of Agent/Deputy	

Administrative Investigation **2016-CI-011** is now closed. The final action regarding this matter is the determination of sustained charges and the application of appropriate corrective action.

After a review of the administrative investigation, and in consideration of your input at your pre-deprivation hearing on June 22, 2016, I have determined that your actions were in violation of the established policies and standards of the agency. During your hearing you displayed a positive attitude and took full responsibility for your actions. I am confident that this pattern of behavior will not be repeated.

Therefore, based on my review, I am sustaining violations of **400.18, Subject of an Investigation and 200.05B, Cellular Telephones**. The allegation that you were in violation of **400.00 General Professional Responsibilities, 400.27 Prohibited Activity While on Duty, 400.06 Compliance with Law and Regulation, and 400.50 Unauthorized Use of Agency Equipment** shall be consolidated into the other violations and closed as **"Not-Sustained."**

As a corrective action you will receive a **Letter of Reprimand**. You are forewarned that any subsequent violations could lead to progressive discipline up to, and including, termination.

*This memorandum will serve as your Letter of Reprimand.*

cc: Major Tomblin  
Major Dodson  
Human Resource Manager Gillis  
Investigative File 2016-CI-011