

**VOLUSIA COUNTY SHERIFF'S OFFICE
INTERNAL AFFAIRS**

REPORT OF INVESTIGATION

REPORT NUMBER: IA-14-008

PERIOD COVERED: March 12, 2014
DATE REPORTED: March 14, 2014
SUBJECT(S) NAME: Arthur Feierman #4183
INVESTIGATING OFFICERS: Investigator Glen Bennett #1452

BASIS FOR INVESTIGATION:

On March 14, 2014, Andrea Westmoreland, a Thomas C. Kelly (TCK) building contracted security supervisor, contacted Lieutenant Tim Johnson in reference to a complaint against Arthur Feierman, a Sheriff's Office Records Section shift supervisor. On March 12, 2014, Mr. Feierman allegedly entered the TCK security office to complain about several juvenile skateboarders on the property. Mr. Feierman reportedly yelled at the security officers, used profanity and was extremely unprofessional and rude. The officers reported that they were intimidated by his actions which prompted the complaint. Furthermore, according to the security officers, this incident was not the first of its kind. Mr. Feierman has come to their office on more than one occasion being rude, aggressive and using profanity. Mr. Feierman's work history includes multiple disciplinary actions for similar type behavior.

Upon reviewing the time the above incident took place, Lieutenant Johnson requested the security badge swipe history from Mr. Feierman's security access badge. The badge is utilized as a security feature needed for entry into the TCK building after normal business hours and secured areas. Each time a person uses the badge the date and time is logged into the TCK security database. Lieutenant Johnson reviewed the history and discovered that Mr. Feierman had entered the building multiple times throughout his assigned shift.

OFFENSES:

This investigation is relevant to an alleged violation of Department Standards Directive:

26.2.24 Leaving Assigned Work Area - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor.
(Violation subject up to a 1 day suspension.)

26.2.26 Abusing Meal or Rest Periods - Employees working an eight or ten hour workday are permitted one ten-minute rest period during the first half of their shift and one ten minute rest period during the second half of their shift.

(Violation subject up to a 1 day suspension.)

26.2.47 Courtesy - Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors. *(Violation subject up to a 1 day suspension.)*

26.2.48 Use of Profanity - Employees shall not use profanity or vulgarity in speech or gesture at any Department work place, on or off duty, in public or while representing the Department or County in any manner. *(Violation subject up to a 1 day suspension.)*

26.2.121 Respect Towards Superiors - Employees shall display respect and shall address supervisors and superior officers by proper rank or title.

(Violation subject up to a 1 day suspension.)

26.2.124 Compliance With Direct Order of a Superior or Competent Authority -

Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. *(Violation subject up to dismissal.)*

And, **26.1.1 Progressive Discipline**, when circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable.

INVESTIGATIVE SUMMARY:

On April 21, 2014, Chief Deputy Mike Coffin assigned the above incident to the Internal Affairs Unit. This report details the internal affairs investigation conducted by Investigator Glen Bennett.

Investigators Glen Bennett and James Gabriel served Arthur Feierman with a Notice of Internal Investigation at the Sheriff's Office administrative offices in Deland.

(See Tab - B For Official Correspondence)

Investigator Bennett reviewed Mr. Feierman's past discipline with the Sheriff's Office. Based on the findings documented in SD-07-032 on March 3, 2007, Mr. Feierman received a Letter of Reprimand for violating the following department policies: Courtesy, Use of Profanity and Abusiveness.



Major Broughton wrote, "Misdirection and irrational anger has affected your co-workers trust in your supervisory abilities, as well as the right to enjoy a peaceful work environment."

Documented in SD-12-011 on January 28, 2013, Mr. Feierman received an unsatisfactory Employee Performance Notice (EPN) for violating department policy: Respect Towards Superiors. Mr. Feierman reportedly became irate with his immediate supervisor when he was informed of an employee under his supervision was being transferred.

Mr. Feierman received another Letter of Reprimand, SD-13-121, on October 8, 2013 where he was found in violation of department policies: Courtesy and Use of Profanity. This was the result of multiple complaints from fellow coworkers outlining his continued use of profanity and how it disrupted the work environment.
(See Tab - M For Past Discipline)

Liliane Benucci

On April 22, 2014, Investigators Glen Bennett and James Gabriel conducted a sworn recorded interview with Liliane Benucci at the Sheriff's Office administrative offices in Deland. The following is a summary of that interview:

Ms. Benucci has been the Records Custodian for the Sheriff's Office since 2007 and is responsible for the shift supervisors within the Records Section. Ms. Benucci has been with the Sheriff's Office since March 14, 2005 and has been Arthur Feierman's supervisor for the last two months.

Lieutenant Johnson directed Ms. Benucci to conduct a supervisor's inquiry into Mr. Feierman alleged conduct on March 12, 2014. Interviews were conducted on employees within the Warrants Unit and two contract security officers assigned to the evening shift at the TCK building. Betty Cateriny, the evening security officer, explained that Mr. Feierman entered the security office yelling about some juvenile skateboarders and how the security officers don't do anything. Mr. Feierman was using profanity and other abusive language towards the two officers and according to Ms. Cateriny, it was not the first time.

In reference Mr. Feierman's behavior in the work place; Ms. Benucci could not recall if Mr. Feierman had ever used profanity directed at any one individual; however, she has heard him using profanity on numerous occasions. The Warrants Unit and Records Unit fall under the Records Section and the two units have connecting offices located on the fourth floor of the TCK building. The Warrants Unit is in a smaller room separated by a door which typically remains open between the two offices. Ms. Benucci described how the employees working in the Records Unit can hear Mr. Feierman when he starts, "ranting and raving." The employees in that unit have complained about Mr.

Feierman's behavior in the past. His use of profanity is a daily occurrence which has been disruptive to employees in the entire Records Section.

Ms. Benucci was aware of Mr. Feierman's past discipline involving the use of profanity. Mr. Feierman has been told he needed to be more careful with his choice of words and not everybody appreciated the type of language he used. Ms. Benucci warned Mr. Feierman that if it continued he was going to get written up, to which he replied, "*Fuck you.*" Ms. Benucci was not offended by this response, she felt he said it jokingly but she reminded him that he could be disciplined. According to Ms. Benucci, Mr. Feierman does not conduct himself in a professional manner and his behavior is disruptive to the employees around him.

As a result of the supervisor's inquiry conducted by Ms. Benucci; it was discovered that Mr. Feierman may have been taking more breaks during his shift than allotted per policy. Ms. Benucci explained that Records personnel are permitted thirty minutes for a meal and two fifteen minute breaks; which excluded two employees based on their particular assignment within the Records Section. There have been no complaints from fellow employees in relation to excessive breaks; however, it was discovered that Mr. Feierman had been away from his work area more than most employees.

Based on the door security data obtained from Ms. Westmoreland, the security supervisor, Ms. Benucci estimated that Mr. Feierman entered the TCK building approximately five times a shift which means he had to leave his work area in order to re-enter the building. Other employees under his supervision re-entered the building approximately six to eight times a shift. These numbers don't accurately reflect the amount of times Mr. Feierman actually left the building. It was later discovered that Mr. Feierman would go on breaks with his subordinate employees and they would use their badge to re-enter the building.

During the interview Ms. Benucci conducted with Nina Revels, it was explained that Mr. Feierman would ask Ms. Revels to bring and use her badge to re-enter the TCK building. According to Ms. Revels, Mr. Feierman would never use his badge since each time the badge is scanned to gain entry its logged into the security system, which identifies the person entering. Ms. Benucci stated that even though there were numerous breaks being taken by employees in the Warrants Unit under Mr. Feierman's supervision, there were no reports of incomplete or unacceptable work. (*See Tab - M For Door Security Logs*)

After Mr. Feierman's interview for the supervisor's inquiry, he was ordered by Lieutenant Johnson not to discuss the investigation with anyone. Ms. Benucci explained how Mr. Feierman, the very next day after his interview, walked into her office and said, "*...what kind of shit is this [supervisor's inquiry] and I said, you know we're not supposed to talk about it.*" Mr. Feierman acted as though it was ok to discuss the

investigation so he was advised again about the order not to discuss it. Shortly after that meeting with Mr. Feierman, Lieutenant Johnson handed Ms. Benucci e-mails from other witnesses that were part of the supervisor's inquiry advising that Mr. Feierman attempted to speak to them about the investigation. Ms. Benucci stated that the order not to discuss the investigation was very clear. *(See Tab – E For Official Transcript)*

Nina Revels

On April 23, 2014, Investigator Glen Bennett and Investigator James Gabriel conducted a sworn recorded interview with Nina Revels at the Sheriff's Office administrative offices in Deland. The following is a summary of that interview:

Ms. Revels has worked on the second shift in the Warrants Unit since September 3, 2013. Mr. Feierman has been her supervisor since she has been with the Sheriff's Office.

Ms. Revels described Mr. Feierman's behavior as very unprofessional and often intimidating. Ms. Revels recalled an incident when she was on the phone helping a deputy while Mr. Feierman was swearing at her. When she got off the phone she advised him that it was very unprofessional. Ms. Revels explained, *"It's kinda scary... you know you're trying to work and it's just, I think his stress and issues could be handled much calmer."* This incident troubled her so much that she reported it to Lieutenant Johnson; however, she asked that nothing be done since she was new to the unit.

Mr. Feierman's actions made Ms. Revels nervous when she had a work related issue that required a supervisor. She was afraid to ask him questions because she didn't know how he would react based on his aggressive personality. It depended on Mr. Feierman's mood whether or not Ms. Revels would go to him with a work related question. Most of the time she would go to a coworker because it was like walking on egg shells with Mr. Feierman. Ms. Revels said, *"I don't trust his judgment or his integrity so a lot of the times if I have a question and he gives me an answer I don't necessarily trust what he's telling me is the right thing."*

Ms. Revels has heard Mr. Feierman bad mouth his supervisors on multiple occasions. Mr. Feierman told Ms. Revels in a text message that Lieutenant Johnson was a power hungry animal and, *"...he calls him [Lieutenant Johnson] an asshole."* Ms. Revels was asked if Mr. Feierman ever bad mouthed any other supervisor and she replied, *"The Sheriff, the big guy, oh yeah, oh yeah... Yeah he [Mr. Feierman] doesn't like him either."*

On April 3, 2014, Mr. Feierman was interviewed first for the supervisor's inquiry followed by the rest of the shift. At the conclusion of each interview everyone was ordered not to discuss the investigation. Approximately an hour after Ms. Revels interview, Mr. Feierman inquired whether or not she was questioned about the amount of breaks the unit takes. Ms. Revels informed him that she was told not to discuss the

investigation with anybody so Mr. Feierman asked another employee, "...are you sworn to secrecy too?"

Ms. Revels received text messages on April 6th from Mr. Feierman advising her that he would not be at work the following day. When she replied, "*Why Not?????*" he wrote, "*What you said in the office.*" Ms. Revels responded that she has not said a thing to anybody and that she was ordered not to discuss the investigation.

Then on April 7th, Ms. Revels received a phone call while at work from Mr. Feierman, who did not come in that day. Mr. Feierman made the comment that he did not know what was going on in the office and he asked her if Lieutenant Johnson was being an "*asshole*" to the members of the unit. Ms. Revels contacted Lieutenant Johnson and advised him that Mr. Feierman was asking her about the investigation and she was instructed to e-mail the lieutenant with details of the conversation. (*See Tab – M For Copies Of Text Messages and E-mails*)

Ms. Revels was unaware of the policy governing breaks and meal times prior to being interviewed for the supervisor's inquiry. Mr. Feierman would often take breaks with Ms. Revels and other employees within the unit. Ms. Revels said he would never use his security badge when they would re-enter the building. Mr. Feierman would never swipe his badge and at the time she couldn't figure out why. It wasn't until she was questioned by Lieutenant Johnson about taking breaks did she realize why he never used his badge. The badge is assigned to the individual employee; each time it is used to access the building it logs that person into the security system database. Ms. Revels could not recall the exact number of breaks Mr. Feierman would take during a shift; however, she indicated that he would often go with each employee as they went individually. (*See Tab – I For Official Transcript*)

Lieutenant Tim Johnson

On April 25, 2014, Investigator Glen Bennett conducted a sworn recorded interview with Lieutenant Tim Johnson at the Sheriff's Office administrative offices in Deland. The following is a summary of that interview:

Lieutenant Johnson has been with the Sheriff's Office for approximately twenty years and he has been in charge of the Records Section for a little over a year and a half.

Lieutenant Johnson rated Mr. Feierman's work performance as poor to meets standards. His overall attitude was, by and large, very poor. Lieutenant Johnson has received complaints on Mr. Feierman in the past and they generally had to do with his attitude. Lieutenant Johnson explained, "*...he has very limited people skills and usually, it revolves around him either using profanity or just attitude towards people.*"

Lieutenant Johnson and Ms. Benucci both conducted the interview with Mr. Feierman for the supervisor's inquiry. At the conclusion of the interview Lieutenant Johnson ordered Mr. Feierman not to discuss any portion of the investigation until it was completed.

Lieutenant Johnson was contacted by Ms. Revels a couple days later and advised that, Mr. Feierman was asking her questions pertaining to the investigation. She said he was asking questions on the very same day she was interviewed. Mr. Feierman was interviewed first before any other members of the Warrants Unit. Not long after Ms. Revels interview concluded, Mr. Feierman was asking her questions about what she said.

Lieutenant Johnson has heard Mr. Feierman using profanity in the past and he addressed it by issuing him a written reprimand. Prior to that, Lieutenant Johnson recalled being contacted by Ms. Revels, who advised him that Mr. Feierman was using profanity which disrupted the work environment. *(See Tab – F For Official Transcript)*

Mendy Mynatt

On April 30, 2014, Investigator Glen Bennett and Investigator James Gabriel conducted a sworn recorded interview with Mendy Mynatt at the Sheriff's Office administrative offices in Deland. The following is a summary of that interview:

Ms. Mynatt has worked in the Sheriff's Office Records Section for approximately two and one half years. Mr. Feierman has been her supervisor for the last year and six months.

Ms. Mynatt described her work environment as, "*Very Volatile,*" not only because of Mr. Feierman but also because of other coworkers. When Mr. Feierman uses profanity in the work place, Ms. Mynatt becomes very embarrassed around her coworkers. Mr. Feierman has made comments to fellow employees like, "*You need to do it your fucking self,*" and according to Ms. Mynatt, this type of language was a common occurrence in the work place.

The Warrant Unit has little face to face contact with the public or law enforcement; they typically utilize the telephone for all interaction related to their work. Mr. Feierman has been rude, abrupt and unprofessional towards people he speaks with on the telephone and his negative comments are heard by everyone in the office. At the conclusion of phone calls Mr. Feierman has said, "*... that was a waste of my fucking time or something to that extent,*" in front of his subordinates.

Ms. Mynatt had been aware of the policy governing breaks within the Records Section; however, it had been common practice to take a cigarette break as long as your work was complete. Ms. Mynatt takes approximately six smoke breaks per shift. Mr. Feierman took breaks with either Ms. Mynatt or Ms. Revels. According to Ms. Mynatt, Mr.

Feierman would take approximately ten breaks per work shift to either smoke cigarettes or move his car. When Mr. Feierman would go with Ms. Mynatt, he would often use his badge to re-enter the building. Ms. Mynatt could not recall if Mr. Feierman ever asked to use her badge in place of his.

Ms. Mynatt has heard Mr. Feierman bad mouth Sheriff's Office supervisors while in the work place. Mr. Feierman made reference to Lieutenant Johnson, Liliane Benucci and former Lieutenant Linda Nasser. When asked what Mr. Feierman said about the three supervisors, Ms. Mynatt responded, "*He just called them fat fucks.*"

Ms. Myatt explained that irregardless of Mr. Feierman's behavior, it did not interfere with her work product and he always assisted her when needed. (*See Tab – J For Official Transcript*)

Darrin Gallant

On May 1, 2014, Investigator Glen Bennett and Investigator James Gabriel conducted a sworn recorded interview with Darrin Gallant at the Sheriff's Office administrative offices in Deland. The following is a summary of that interview:

Mr. Gallant has worked for the Sheriff's Office for the last three and one half years and has spent the last three assigned to the Warrants Unit. Mr. Gallant works the second shift in warrants with Ms. Revels, Ms. Mynatt and Mr. Feierman as his supervisor.

According to Mr. Gallant, it's really uncommon for Mr. Feierman not to say something about somebody in the work place. Mr. Feierman's use of profanity has been commonplace for a long time. After he hangs up with someone on the phone, he would comment that they were a dumbass or they don't know what the "F" their doing. Mr. Gallant commented, "*I understand we all say, we cuss every now and again, but he goes way above and beyond.*"

When Mr. Feierman goes into his, "*fits of rage,*" I just step out of the room and go for a walk. Mr. Feierman is not capable of handling stress and his negative actions affect the work place. Mr. Feierman's behavior could be described as unprofessional and very high strung. When Mr. Gallant was asked if Mr. Feierman's behavior affected his attitude in the work place he replied, "*Yeah, I mean a person can only take so much of the... bitching and the yelling...and the complaining ...*"

According to Mr. Gallant, Mr. Feierman takes approximately six breaks per shift. He would often go on breaks with coworkers; however, work was always completed and nobody complained. (*See Tab – K For Official Transcript*)

Perry Lyle

On May 12, 2014, Investigator Glen Bennett conducted a sworn recorded telephone interview with Perry Lyle, a security officer assigned to the Thomas C. Kelly (TCK) building in Deland. The following is a summary of that interview:

Mr. Lyle has been a contracted security officer assigned to the Thomas C. Kelly (TCK) building since March 10, 2014. Mr. Lyle was working the second shift on Wednesday, March 12, 2014, when Mr. Feierman spoke to him about the skateboarders on property.

Mr. Lyle's encounter with Mr. Feierman was brief, just outside the security office. Mr. Feierman was very exasperated by the situation involving the skateboarders riding on the property and he was speaking in a high voice which would have drawn the attention of passersby. Seeing that Mr. Feierman was upset, Mr. Lyle tried to diffuse the situation as best he could. Mr. Lyle could not recall if any profanity was used; however, Mr. Feierman's actions were described as unprofessional. *(See Tab - G For Official Transcript)*

Betty Cateriny

On May 12, 2014, Investigator Glen Bennett conducted a sworn recorded telephone interview with Betty Cateriny. The following is a summary of that interview:

Ms. Cateriny has been a contracted security officer assigned to the Thomas C. Kelly (TCK) building in Deland for the last six years. Ms. Cateriny recalled her encounter with Mr. Feierman on the evening of March 12, 2014.

According to Ms. Cateriny, Mr. Feierman rudely walked into the security office and started screaming at her and her partner, Mr. Lyle. Mr. Feierman was accusing the two security officers of not doing their job and that they were lazy. Mr. Feierman was upset because there were skateboarders on the property and he wanted to know why they weren't taking care of it. What Mr. Feierman did not know was that Mr. Lyle had just returned from warning the skateboarders to leave the property or the police were going to be notified.

Mr. Feierman's demeanor was described as unprofessional and intimidating. Ms. Cateriny could not recall if he used profanity; however, it was possible. Mr. Feierman's actions prompted her to notify her supervisor who in turn contacted the Sheriff's Office.

Mr. Feierman has come to the security office before with the same attitude, complaining that they were not doing their job. Ms. Cateriny could not remember if Mr. Feierman had used profanity on any of those occasions. *(See Tab - H For Official Transcript)*

Arthur Feierman

On May 22, 2014, Investigator Glen Bennett and Investigator James Gabriel conducted a sworn recorded interview with Arthur Feierman at the Sheriff's Office administrative offices in Deland. The following is a summary of that interview:

Mr. Feierman has been with the Sheriff's Office for thirteen years. For the last ten years he has been a shift supervisor in the Sheriff's Office Records Section. Mr. Feierman supervises three employees on the second shift in the Warrants Unit.

Mr. Feierman recalled the incident that occurred on Wednesday, March 23, 2014. While on a break outside the TCK building, several kids were riding skateboards and bicycles on the property. He went to the security office to advise the security officers of the situation where he encountered security officers, Perry Lyle and Betty Cateriny. He said when he entered the security office the security guards were sitting with their feet on the desk watching television. Mr. Feierman was mad because he felt the security officers were not doing their job. He denied using profanity nor did feel his demeanor was intimidating. Mr. Feierman has gone to the security office in the past to complain about incidents that have taken place around the TCK building; however, *"I never went and used profanity with them [security officers] any time at all."*

According to Mr. Feierman, he doesn't use profanity as often as people think. He agreed that he has used it and explained, *"Yes I was under pressure and if I used profanity? Yes I did"* and *"I mean, I maybe use the F-bomb sometimes when things go crazy."* Mr. Feierman never used profanity directed at any one individual and he explained that he is courteous to everyone he speaks to on the phone.

Mr. Feierman acknowledged his past discipline dating back to 2007. [REDACTED]

Mr. Feierman recalled the time when he was personally addressed by the Sheriff about his behavior in the work place. Mr. Feierman remembered being told that profanity was not acceptable in the work place and that he was a valued employee; however, not that much of a valued employee.

Mr. Feierman was aware of the policies governing breaks and meal times within the Warrants Unit. The employees under Mr. Feierman often took their meal break at their work station, so he figured allowing the employee to go on extra breaks would improve morale. Mr. Feierman explained, *"I did not maliciously intend to break directives...There is a lot of tension in that room and I try to give something back."* Mr. Feierman viewed the additional breaks as a reward to his subordinates for performing all

their job tasks successfully. No employee in the Warrants Unit ever complained about excess breaks and according to Mr. Feierman and his immediate supervisor, the unit completed all its assigned duties.

When asked if he purposely would have someone else use their badge to re-enter the TCK building, to avoid entering his identification number. Mr. Feierman responded by saying, *"I didn't think of, oh yeah, I can get away with more breaks if I don't use my card, no I didn't ever think of that."*

After Mr. Feierman's interview for the supervisor's inquiry, Lieutenant Johnson ordered him not to discuss the investigation. That order was clear and understood by Mr. Feierman. Mr. Feierman was accused of speaking to fellow employees about the investigation and he said, *"I was scared of course I was. I didn't want to know everything. I didn't, I just wanted to know, what was, you know, what am I facing here."* Mr. Feierman admitted to communicating through either e-mail, text message or telephone with fellow employees and supervisors about the investigation after being ordered not to.

Mr. Feierman bad mouthed Sheriff's Office supervisors within the work place, referencing Lieutenant Johnson as, *"The fat fuck and the power hungry animal, yes I did."* Mr. Feierman also states that he called Lieutenant Johnson an, *"Asshole,"* but not former Lieutenant Nasser or Ms. Benucci with whom he says he has a good working relationship.

Mr. Feierman provided Investigator Bennett with a copy of a document titled, Warrants FCIC/NCIC Training. This document is utilized to track the training of new employees within the Warrants Unit. The document, signed by Ms. Revels, indicates she was advised of the unit's policy on breaks and meal times. This contradicts what she said in her sworn interview. *(See Tab - L For Official Transcript, See Tab - M For Training Document)*

When questioned, Arthur Feierman had the following response as to whether he felt he violated the following policies:

26.2.24 Leaving Assigned Work Area	No
26.2.26 Abusing Meal or Rest Periods	No
26.2.47 Courtesy	No
26.2.48 Use of Profanity	Yes
26.2.121 Respect Towards Superiors	Yes

26.2.124 Compliance With Direct Order of a Superior or Competent Authority Yes

CONCLUSION:

On June 10, 2014, this investigation was presented to the Sheriff and his administrative staff. After review, the Sheriff determined the violations of the below listed Department Standards Directive to be:

26.2.24 Leaving Assigned Work Area - Employees shall remain at or in assigned work areas or District during working hours, unless otherwise authorized by a supervisor. **Sustained**

26.2.26 Abusing Meal or Rest Periods - Employees working an eight or ten hour workday are permitted one ten-minute rest period during the first half of their shift and one ten minute rest period during the second half of their shift. **Sustained**

26.2.47 Courtesy - Employees shall be civil and respectful toward each other and toward the public in general. They shall be especially courteous to visitors, guests, speakers and instructors. **Sustained**

26.2.48 Use of Profanity - Employees shall not use profanity or vulgarity in speech or gesture at any Department work place, on or off duty, in public or while representing the Department or County in any manner. **Sustained**

26.2.121 Respect Towards Superiors - Employees shall display respect and shall address supervisors and superior officers by proper rank or title. **Sustained**

26.2.124 Compliance With Direct Order of a Superior or Competent Authority - Employees shall comply with the direct orders or instructions given by a supervisor or superior officer and shall not refuse to comply when such orders or instructions are lawful and proper. **Sustained**

26.1.1 Progressive Discipline, when circumstances permit, supervisors are encouraged to pursue a philosophy of "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline shall be fully documented. A repeat of the same offense or commission of another serious offense indicates that more severe disciplinary measures should be administered. It is further provided that certain offenses are of such serious nature that dismissal upon first offense is applicable. **Sustained**

The Sheriff tentatively determined Mr. Feierman would be demoted from his position as a Staff Assistant II and will receive the appropriate reduction in pay. Mr. Feierman was also to be placed on suspension for five (5) days without pay which equates to forty (40) hours.

On June 12, 2014, Mr. Feierman was served with an "Intent to Demote and Suspend" letter at the Sheriff's Office administrative offices in Deland, FL.

On June 25, 2014, Mr. Feierman appeared before the Sheriff for a pre-disciplinary hearing in the Sheriff's Office at the Sheriff's Office administrative offices in Deland, FL. Also present for the hearing was Major Rocky Norris, Lieutenant Erik Eagan and Lieutenant Tim Johnson. At the conclusion of the hearing, Mr. Feierman offered his resignation to the Sheriff effective July 11, 2014.

On July 1, 2014, the Sheriff waived the two week notice requirement and accepted Mr. Feierman's resignation as a Staff Assistant II effective June 30, 2014. *(See Tab - B For Letter Of Resignation and Sheriff's Letter Of Acceptance)*

EXHIBITS:

- A. Report Of Investigation
- B. Official Correspondence
- C. Complaint – Supervisor’s Inquiry
- D. Administration Of Oath/Perjury Warning/Garrity Warning
- E. Official Transcript Of Lilianne Benucci
- F. Official Transcript Of Lieutenant Tim Johnson
- G. Official Transcript Of Perry Lyle
- H. Official Transcript Of Betty Cateriny
- I. Official Transcript Of Nina Revels
- J. Official Transcript Of Mendy Mynatt
- K. Official Transcript Of Darrin Gallant
- L. Official Transcript Of Arthur Feierman
- M. Miscellaneous Documents
- N. Digital Media

WITNESSES:

Lilianne Benucci
Volusia County Sheriff's Office
386-736-5961

Lieutenant Tim Johnson
Volusia County Sheriff's Office
386-736-5961

Perry Lyle
123 West Indiana Avenue
Deland, Florida 32721
386-547-2727

Betty Cateriny
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Deland, Florida 32721
561-301-2987

Nina Revels
Volusia County Sheriff's Office
386-736-5961

Mandy Mynatt
Volusia County Sheriff's Office
386-736-5961

Darrin Gallant
Volusia County Sheriff's Office
386-736-5961

I, the undersigned, do hereby swear, under the 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 suspect of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

INVESTIGATOR: _____ DATE: 7/10/14

**Investigator Glen Bennett
Internal Affairs Investigator**

APPROVED BY: _____ DATE: 7/10/14

**Chief Deputy Mike Coffin
SHERIFF BEN F. JOHNSON
VOLUSIA COUNTY FLORIDA**