# City of New Smyrna Beach

Office of the City Manager

June 24, 1999

Special Agent in Charge
Bill Lee
771 Fentress Boulevard
Daytona Beach, Florida 32114

Re: Internal Affairs Investigation

Dear Mr. Lee:

I have received the attached complaint from one of my officers, Sergeant Thomas Hoover, about a fellow officer, Sergeant Donna Lavallee. After an extensive review of my files, I have decided, pursuant to our mutual aid agreement, to request that your office conduct an internal affairs investigation into the matter. Enclosed is a copy of complaint filed by Sergeant Hoover, and the documents he attached to the complaint.

By copy of this memo to Sergeant Lavallee, I am hereby advising her that a complaint has been filed, and that your office will be conducting the investigation in accordance with Section 112, Florida Statutes. As in the past, I will be glad to cooperate with you to make available any employees to interview and/or files to review. You may reach me at (904) 424-2234.

I thank you in advance for your anticipated cooperation, and look forward to hearing from you shortly.

Sincerely and with warmest regards,

Denver H. Fleming, III
Police Chief

cc: F.D.L.E.
Sgt. Lavallee
Sgt. Hoover

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To: Chief Denver Fleming

From: Sgt. Thomas E. Hoover

Date: April 21, 1999

Re: Request for Internal Affairs Investigation

As you are aware, I had begun to research the Sergeants seniority rights as a Teamster union steward, in response to Sergeant Lavallee asserting that she was second in seniority at the March 30th, 1999 Sergeant/Fto meeting. According to Sgt. Lavallee her seniority was a result of a private negotiation with the city as a result of an allegation that Sgt. Lavallee had not obtained her High School diploma and falsified her application for employment as a animal control officer, a civilian position in 1982. Subsequently she was demoted from Department Training Officer.

During my research I had reviewed her personnel file. Within this file was information that lead me to her Internal Affairs file. I discovered that the entire State Attorneys investigation, information forwarded to FDLE Division of Criminal Justice Standards and training, as well as your inquiry focused solely on the 1982 application for employment as a civilian employee with the city.

I have found that those allegations although serious in nature overshadowed the more serious questions concerning (Ham) Lavallees seeking employment as a police officer. If my allegations are correct, serious violations occurred in Ms. (ham) Lavallee seeking employment as a sworn police officer as well as possible criminal violations committed during her tenure as a sworn police officer. The following aspects where never investigated, and to my surprise the investigation was stopped through her negotiations prior to receiving all the FDLE evidence reports. One FDLE report had not been received until May 13, 1995 nearly 10 months after closing your inquiry.

My research has found numerous unanswered questions as well as inconsistency in testimonies, evidence, and findings. I would like to take this opportunity to chronologically list the inconsistency, which I have found.

On July 8, 1982 Ms. (Ham) Lavallee completed and turned into the City of New Smyrna Beach an application for employment as an Animal Control Officer. Ms. (Ham) Lavallee was hired on April 14, 1983. This application had the box checked for a High School graduate. Referring your April 25,1994 interview under the Garrity rule with Lavallee who was in the company of her attorney Ward Berg.

During this interview you posed the following question that apparently she had sworn to answer correctly;

D.F. Is there anything in that application as you see today that copy that is inappropriate?

D.L. Yes.

D.F. What's That?

D.L. Umm High School, Did you graduate. Its been checked.

D.F. And you're saying that, that is not appropriate?

D.L. No, Sir. I left it blank.

D.F. What did you leave blank when you filled out your application?

D.L. I left that box, I left right in there blank.

D.F. This box here where it says did you graduate?

D.L. Either one. I didn't check either one.

D.F. And the next box checked ? Checked last year completed. So the testimony is you didn't complete either of those boxes?

D.L. That's correct.

D.F. But you did complete the name and address of the school attended?

D.L. Yes.

Keep in mind that these statement where made as a sworn police officer, under therule of Garrity. I must also point out that Ms. (Ham) Lavallee could not remember much detail as to how she got an application, where she got an application or who she turned the application into but is certain about those two boxes. SEE ATTACHED Marked #1

According to the Florida Department of Law Enforcement Orlando Crime Laboratory report, which was received by our agency on May 13, 1995. Item I, the original application for employment form dated 07-08-82 for animal control officer was submitted for testing. The test was to reveal any alterations made to the application, difference in ink used and if items had been erased. The report clearly shows that no erasures were found and there in no difference in the ink used! It only referred to the clearly visible alterations made in the form of cross outs and line throughs. SEE ATTACHED marked #2

On July 18, 1984 Ms. (Ham) Lavallee obtained a GED (high School equivalence)

On July 29, 1984 Ms. (Ham) Lavallee began Rookie School for her police certification at the Seminole Community College and completed this school on December 18, 1984.

On January 16, 1985 Ms. (Ham) Lavallee completed an application for the City of New Smyrna Beach, to become a police officer. In this application, page 8, Education, the section that refers to High School/GED is left incomplete as to year.

On January 24, 1984 Ms. (Ham) Lavallee submitted her Affidavit of Application for Certification with Florida Department of Law Enforcement to Peggy Liskovec. This certification required the following documents: Copy of Birth Certificate or Naturalization, Proof of name change, Proof of High School graduation or Equivalency, Proof of Military Discharge, Processed fingerprints to accompany this application to FDLE for first time employees as a police officer.

Please note that the GED certificate bearing Certificate Number 331046 issued to Donna J. Ham never existed until July 18, 1984. Therefor could have never been turned into the city or duplicated until or after July 18,1984, as part of her application for certification with the Florida Department of Law Enforcement. According to the check off list Ms. (Ham) Lavallee provided these items. SEE ATTACHED, Marked #3

On February 6, 1985, Internal Affairs Officer D. Mims forwarded his status of background investigation on Donna Ham (Lavallee). This Background investigation contained copies of the following documents; Basic Recruit course, Birth certificate and High School Diploma. SEE ATTACHED, Marked #4

Upon reviewing Ms. (Ham) Lavallees personnel files held at the police department as well as personnel files held at City Hall and her Internal Affairs Files, I was not able to produce a single copy of a GED certificate issued to Ms. (Ham) Lavallee which contained the date of July 18, 1984. All without exception, GED certificates I could locate contained the date of July 18, 1982 and bared the certificate number 331046 the number of a certificate that never existed until two years later. A GED certificate bearing the Name Donna Jean Ham certificate number 331046, issued on July 18,1984 was never in possession of this agency (N.B.P.D.) until requested by Chief Fleming on April 6, 1994. SEE ATTACHED Marked Item#5

On March 7, 1994 Ms. (Ham) Lavallee gave a sworn statement to Assistance State Attorney Steve Nelson, during a Special State Attorneys investigation. Several questions were asked which related to her GED Certificate. Those questions were as follows:

S.N. Miss un Lavallee, There's been an allegation that the GED that was obtained in your name was obtained by another person and was used by you improperly in getting your application to be a law enforcement officer. As a part of your application of the New Smyrna Beach Police Department, you filed an affidavit of Application, which uh stated that un with a notary seal that you were a high school graduate or it's equivalent. Uh, what equivalency did you have of high school education?

D.L. A G.E.D.

S.N. Okay, now there is a diploma that was issued that apparently was issued and the number on that file indicate 331046 uh, it was dated July 18, 1982 and then marked out or not marked out but underneath it uh a handwritten date of 84. Was that a uh, diploma issued to you?

D.L. That I don't know. I have a diploma, yes. I don't know if this is it.

S.N. Well that reports to be in the name of Donna Jean Hamm. I believe that's the copy of a diploma furnished to your department for purpose of your…

..D.L. Yes Sir.

S.H. Examination.

D.L. I need to find my original Diploma.

S.N. Okay.

D.L. It's at my house, I'll be more than happy to bring it in.

S.N. Okay.

D.L. Umm, I don't know anything about the '82. I know what you what you were talking about on that. I can see it plainly. Umm, but I feel someone doing something. There's a lot of turmoil around the police department. I don't know anything about that and I feel I'm being set up.

According to the Florida Department of Law Enforcement Orlando regional Crime Laboratory, Dated June 30, 1994, the year 1982 appearing on item A has been altered. The original year, next to the number "8" was ***cut*** out and the number "2" substituted and the document recopied, however the cut out line around the number "2" is visible on Item A.
Referring back to the Garity Interview conducted by Chief Fleming on April 25, 1994 the following questions were posed:

D.F. Okay. Did the special prosecutor uh Steve Nelson, did he ask you to uh provide him a copy of the original G.E.D. certificate?

D.L. Yes, he did and I don't have it.

D.F. All right

D.L. I told him I was unable..I've looked twice since then through my house completely. I can't find it.

D.F. So you had responded to that after he asked you that to bring that document to him?

D.L. Yes. Well, I didn't, I didn't contact him back. No.

SEE ATTACHED Item Number6

If in fact the Original G.E.D. Certificate was altered (Having the number "2" cut out) would explain why Ms. (Ham) Lavallee could not produce her Original G.E.D. certificate.

Although my inquiry into this matter is on going, I feel that it is my duty to bring to you the above information I have uncovered. Although a simply an overview, I strongly believe that this more than establishes probable cause to initiate an internal affairs investigation for the following:

Violations of Florida Statute 837.06, Florida Statute 837.02 as well as Violation involving moral turpitude, certification issues with the Florida Department of Law Enforcement Professional Standards.

# ITEM # 1

NEW SMYRNA BEACH POLICE DEPARTMENT

DETECTIVE DIVISION

D.F. YOU ALL SET?

D.L. MM-HUM (YES)

D.F. FOR THE RECORD, TODAYS DATE IS 4-25-94, IT IS MONDAY. IT IS APPROXIMATELY 1:07 PM IN THE AFTERNOON. I AM DENVER FLEMING, THE POLICE CHIEF FOR THE CITY OF NEW SMYRNA BEACH. I AM CONDUCTING THE INTERROGATION IN THIS MATTER. UH PRESENT IS DONNA LAVALLEE, THE DEPARTMENT TRAINING OFFICER AND HER COUNCIL. WOULD YOU IDENTIFY YOURSELF?

W.B. YEA, WARD BERG.

D.F. OKAY. WHAT I'D LIKE TO DO FIRST IS PROVIDE SOME DOCUMENTS TO YOUR CLIENT REGARDING THIS.

W.B. OKAY.

D.F. THE FIRST DOCUMENT IS A TYPED COPY OF FLORIDA STATUTE 112.532 THE LAW ENFORCEMENT OFFICER'S AND CORRECTIONAL OFFICER'S RIGHTS..AND I'D LIKE TO GIVE UH, DONNA AN OPPORTUNITY TO REVIEW THAT PRIMARILY RELATING TO THE INTERROGATION PROCESS AND THE RIGHTS THEREOF.

W.B. I BELIEVE THIS WAS (INAUDIBLE)

D.L. (INAUDIBLE-PLANE FLYING OVERHEAD)

D.F. (INAUDIBLE-PLANE FLYING OVERHEAD)

W.B. OH OKAY, THANKS. (LONG PAUSE) DO YOU HAVE ANY QUESTIONS ABOUT THIS?

D.L. NO.

W.B. OKAY.

D.F. DO YOU UNDERSTAND THE RIGHTS AS OUTLINED THEN? OKAY. FOR THE RECORD, THE NEXT DOCUMENT I'M GOING TO PROVIDE YOU DONNA, IS ENTITLED ADVISEMENT OF RIGHTS FOR ADMINISTRATIVE INTERVIEW AND I WILL READ IT INTO THE RECORD AS YOU UH FOLLOW ALONG. I WISH TO ADVISE YOU THAT YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INVESTIGATION CONDUCTED BY THE NEW SMYRNA BEACH POLICE DEPARTMENT. YOU WILL BE ASKED QUESTIONS SPECIFICALLY DIRECTED AND NARROWLY RELATED TO THE PERFORMANCE OF YOUR OFFICIAL DUTIES OR FITNESS FOR OFFICE. YOU ARE ENTITLED

TO ALL RIGHTS AND PRIVILEGES GUARANTEED BY THE FLORIDA LAW ENFORCEMENT OFFICER'S AND CORRECTIONAL OFFICER'S RIGHTS, THE CONSTITUTION OF THIS STATE, AND THE CONSTITUTION OF THE UNITED STATES, INCLUDING THE RIGHT NOT TO BE COMPELLED TO INCRIMINATE YOURSELF AND THE RIGHT TO HAVE COUNSEL OF YOUR CHOICE PRESENT DURING QUESTIONING. I FURTHER WISH TO ADVISE YOU THAT YOU ARE SUBJECT TO THE SUPREME COURT RULING OF GARRITY VS. NEW JERSEY, AND THAT IF YOU REFUSE TO TESTIFY OR ANSWER QUESTIONS RELATING TO THE PERFORMANCE OF YOUR OFFICIAL DUTIES OR FITNESS FOR DUTIES, YOU WILL BE IN VIOLATION OF DEPARTMENTAL RULES AND REGULATIONS. IF YOU DO ANSWER, NEITHER YOUR STATEMENTS NOR ANY INFORMATION OR EVIDENCE WHICH IS GAINED BY REASON OF SUCH STATEMENTS CAN BE USED AGAINST YOU IN ANY SUBSEQUENT CRIMINAL PROCEEDINGS. HOWEVER, THESE STATEMENTS MAY BE USED AGAINST YOU IN RELATION TO SUBSEQUENT DEPARTMENT CHARGES. THE AFOREMENTIONED ADVISEMENT OF RIGHTS IS NOT A WARNING IN CASES UNDER THE MIRANDA DECISION. AS MENTIONED, MIRANDA HAS NO APPLICATION IN ADMINISTRATIVE INTERVIEW. DO YOU UNDERSTAND? IF I COULD GET YOU TO SIGN AND DATE THAT AND HAVE YOUR COUNCIL UH SIGN THAT AS THE WITNESS. (PAUSE) THE NEXT DOCUMENT I WILL PROVIDE TO YOU IS ENTITLED COMPULSORY TESTIMONY AND I WILL ALSO READ THAT INTO THE RECORD. A POLICE OFFICER CAN BE COMPELLED TO ANSWER QUESTIONS NARROWLY AND SPECIFICALLY RELATED TO THE PERFORMANCE OF HIS OR HER DUTY. ONCE SO: COMPELLED, USE IMMUNITY ATTACHES. NEITHER HIS OR HER STATEMENT NOR ANYTHING THAT IS DIVULGED FROM SUCH STATEMENT OR STATEMENTS CAN BE USED AGAINST HIM OR HER IN A CRIMINAL PROSECUTION. HOWEVER, THEY MAY BE USED IN AN ADMINISTRATIVE PROCEEDING, SUCH AS A DISCIPLINARY TRIAL OR HEARING. THE LEADING CASES IN THIS AREA ARE AS FOLLOWS: GARRITY VS. NEW JERSEY, 285 U.S. 493; GARNDER VS. BRODERICK, 392 U.S. 273 AND SANITATIONMEN VS. SANITATION COMMISSIONER, 392 U.S. 280. THESE CASES INDICATE THAT AN OFFICER DOES NOT HAVE THE SAME RIGHTS AS UNDER MIRANDA VS. ARIZONA, 384 U.S. 436, WHICH DEALS WITH A CRIMINAL INVESTIGATION. ONCE THE OFFICER HAS RECEIVED THE USE OF IMMUNITY FROM CRIMINAL DISCLOSURE, HIS OR HER REFUSAL TO ANSWER MAY SERVE AS THE BASIS FOR TERMINATION OF HIS OR HER EMPLOYMENT. LEFKOWITZ VS. TURLEY, 414 U.S. 70 STATES "GIVEN ADEQUATE IMMUNITY, THE STATE MAY PLAINLY INSIST THAT THE EMPLOYEE EITHER ANSWER HIS QUESTIONS UNDER OATH ABOUT THE PERFORMANCE OF THEIR JOB OR SUFFER LOSS OF THE EMPLOYMENT." DONNA, DO YOU UNDERSTAND THE INFORMATION JUST PROVIDED TO YOU?

D.L. YES, SIR.

D.F. CAN I GET YOU TO SIGN THAT AND ACKNOWLEDGE THAT YOU UNDERSTOOD THAT PLEASE?

W.B. THIS SEEMS PRETTY SIMPLE DENVER, BUT LET ME JUST MAKE SURE I UNDERSTAND.

D.F. OKAY.

W.B. UMM, DONNA HAS TO ANSWER ANY OF THE QUESTIONS THAT YOU ASK HER TODAY THAT HAVE TO DO WITH HER JOB PERFORMANCE OR..HOW DID THEY....

D.F. FITNESS.

W.B. FITNESS FOR JOB PERFORMANCE UH AND IF ANY OF THOSE ANSWERS UH WERE TO, ALTHOUGH THEY WON'T, WERE TO INCRIMINATE HER IN ANY WAY IN SOME KIND OF CRIMINAL CONTEXT THAT THESE ANSWERS UNDER OATH CAN'T BE USED IN A CRIMINAL CONTEXT.

D.F. ABSOLUTELY NOT. AND I'LL, I'LL CLARIFY AND I WAS GOING TO CLARIFY THAT AT THE END OF THIS BUT I'LL, I'LL DO THAT NOW BEFORE WE MOVE ON. THAT THIS IS NOT, YOU ARE NOT UNDER A CRIMINAL INVESTIGATION BY MY OFFICE. THIS IS AN ADMINISTRATIVE INTERVIEW. I DO NOT FORESEE NOR DO I INTEND UH TO PURSUE ANY CRIMINAL PROCEEDING WHATSOEVER IN THIS MATTER. NONE. THAT I KNOW OF AT THIS TIME. NOW DEPENDING ON HOW YOU ANSWER QUESTIONS UH I MAY WISH TO AT THAT TIME REVISIT THAT WITH YOUR COUNCIL, BUT AS I SEE IT NOW BASED ON THE INFORMATION I HAVE UH THERE IS NO UH CRIMINAL WRONG DOING ON YOUR PART.

W.B. OKAY. IN WHAT WE JUST WENT OVER, MY UNDERSTANDING OF HOW THIS FITS TOGETHER WITH ADMINISTRATIVE VS. CRIMINAL IS, IS PRETTY ACCURATE.

D.F. RIGHT.

W.B. OKAY.

D.F. THE USE IMMUNITY DOES ATTACH SO YOU, YOU SHOULD NOT BE UNCOMFORTABLE TO ANSWER QUESTIONS RELATED TO THE ISSUES WE'RE GOING TO TALK ABOUT TODAY UH BECAUSE YOU DO HAVE USE IMMUNITY AT THIS TIME. OKAY, THE NEXT DOCUMENT IS AN ORIGINAL DOCUMENT SIGNED BY MYSELF AND I BELIEVE YOU HAD STATED 18 APRIL '94 WHICH IS NOTICE OF PRE-DISCIPLINARY DUE PROCESS INVESTIGATIVE HEARING. I JUST WANT UH PROVIDE THAT TO YOU FOR YOUR REVIEW AND SO THAT FOR THE RECORD THAT THAT IS YOUR SIGNATURE THAT APPEARS ON THAT DOCUMENT?

D.L. YES, IT IS.

D.F. OKAY, THANK YOU. AND YOU HAVE ALREADY BEEN SWORN UH THAT I WILL REMIND YOU THAT AS A SWORN POLICE OFFICER FOR THE STATE OF FLORIDA, YOU TOOK AN OATH OF OFFICE AND UNDER THE MORAL CONDUCT CODE YOU ARE OBLIGATED IN THIS

CAPACITY TO TELL THE TRUTH, THE WHOLE TRUTH AND NOTHING BUT THE TRUTH. DO YOU UNDERSTAND THAT?

D.L. YES, SIR.

D.F. OKAY. GET STARTED WITH A FEW QUESTIONS I HAVE FOR YOU. I'D LIKE TO BEGIN WITH YOU GIVEN ME A HISTORY AND THE BACKGROUND OF HOW YOU CAME TO BECOME EMPLOYED BY THE CITY OF NEW SMYRNA BEACH?

D.L. HOW I FIRST GOT INTERESTED, DO YOU WANT ME TO START FROM THERE?

D.F. YES, THAT, THAT WILL BE FINE.

D.L. UMM, I WAS WORKING WITH SHELLY DECKER AT THE PAINT COMPANY AND HE WAS TALKING TO ME ABOUT BECOMING A POLICE OFFICER AND I, I CAN'T REMEMBER HOW I EVER GOT AN APPLICATION OR ANYTHING. IT'S BEEN TOO LONG AGO BUT UMM I WENT AND I FILLED OUT AN APPLICATION AND IT TOOK, I REMEMBER IT TOOK A WHILE TO GET ON AND I STARTED HERE AS A DISPATCHER AND THEN WENT INTO ANIMAL CONTROL OFFICER WHILE I WENT TO ROOKIE SCHOOL.

D.F. SO AGAIN, HOW WAS IT THAT YOU APPLIED FOR THE POSITION? WAS IT DIRECTLY WITH THE POLICE DEPARTMENT OR WITH CITY HALL PERSONNEL. DO YOU RECALL HOW THAT OCCURRED?

D.L. NO SIR, I CAN'T REMEMBER IF I GOT THE APPLICATION FROM CITY HALL OR THE POLICE DEPARTMENT. I BELIEVE IT WAS THE POLICE DEPARTMENT.

D.F. DO YOU RECALL WHO INTERVIEWED YOU FOR THAT POSITION WHEN YOU APPLIED?

D.L. YOU WERE ONE OF THEM AND I CAN'T REMEMBER ANYBODY ELSE.

D.F. DO YOU RECALL WHO HIRED YOU AT THAT TIME AS A COMMUNICATIONS OFFICER, I BELIEVE?

D.L. I BELIEVE YOU WERE IN CHARGE OF COMMUNICATIONS AT THE TIME.

D.F. FOR THE RECORD, ON THE APPLICATION EMPLOYMENT UH DATED 7-8-82 THE, IT APPEARS THE SIGNATURE OF THE PERSON WHO HIRED YOU WAS UH CHIEF CHUCK NELSON. I BELIEVE THE WAY IT WAS DATED, 4-28-83. WOULD THAT BE CORRECT IN YOUR RECOLLECTION?

D.L. ACTUALLY WHEN I FIRST STARTED HERE, HE HAD JUST LEFT AND UMM CAPTAIN GOODSON WAS ACTING CHIEF SO I DON'T...HE WASN'T WORKING HERE WHEN I FIRST STARTED. HE HAD JUST LEFT IF I REMEMBER RIGHT.

D.F. COULD IT BE POSSIBLE THAT HE THEN AS THE CHIEF AUTHORIZED YOU TO BE HIRED BUT YOU HADN'T BEEN HIRED YET PRIOR TO HIM LEAVING?

D.L. THAT COULD BE.(INAUDIBLE)

W.B. (INAUDIBLE)

D.F. AT THE TIME YOU APPLIED FOR EMPLOYMENT WITH THE CITY, UH DID YOU APPLY BECAUSE YOU HAD ENCOUNTERED OR SAW THROUGH JOB SERVICE OR SOMEBODY ELSE THAT A JOB DESCRIPTION THAT YOU WANTED TO APPLY FOR?

D.L. NO, I'VE NEVER SEEN A JOB DESCRIPTION.

D.F. SO YOUR TESTIMONY IS THAT FOR ANIMAL CONTROL OFFICER OR COMMUNICATIONS YOU NEVER SAW A JOB DESCRIPTION?

D.L. FOR ANIMAL CONTROL I MAY HAVE. THEY USE TO POST THEM ON A BOARD. I CAN'T SAY THAT I HAVE OR HAVEN'T. I KNOW FOR DISPATCH, I DID NOT.

D.F. DO YOU RECALL WHO YOU TURNED YOUR EMPLOYMENT PAPERWORK INTO WHEN YOU WERE HIRED BY THE POLICE DEPARTMENT?

D.L. I KNOW I HAD TO BRING SOME PAPERWORK TO PEGGY LISKOVEC. THAT'S ALL I CAN REMEMBER.

D.F. WOULD THERE HAVE BEEN ANY PAPERWORK TURNED IN BY YOU AT CITY HALL TO THE PERSONNEL DEPARTMENT?

D.L. NO. NOT THAT I REMEMBER.

D.F. MOVING AHEAD A LITTLE FURTHER, WHEN DID YOU APPLY FOR THE POLICE OFFICER POSITION?

D.L. UMM, I BELIEVE IT WAS DECEMBER OF '84 BECAUSE I WAS HIRED, I DIDN'T, I DIDN'T UH GRADUATE FROM ROOKIE SCHOOL UNTIL, I THINK IT WAS DECEMBER 18TH OF '84 WHENEVER I GRADUATED. I DON'T REMEMBER IF I APPLIED BEFORE I WAS ACTUALLY FINISHED OR NOT. I STARTED IN THE BEGINNING OF '85.

D.F. WHAT WAS THE PROCESS YOU FOLLOWED IN APPLYING FOR THE POLICE OFFICER POSITION AS FAR AS THE APPLICATION?

D.L. I DON'T EVER REMEMBER FILLING OUT AN APPLICATION FOR POLICE OFFICER.

D.F. WAS THERE AN INTERNAL BID FORM AT ALL?

D.L. NO. NOT THAT I REMEMBER.

D.F. AT THE TIME YOU APPLIED FOR THE POLICE OFFICER POSITION, DID YOU TURN IN QUALIFICATION PAPERS TO ANYONE IN THE DEPARTMENT?

D.L. WHEN I WAS HIRED, YES. WHEN I WAS HIRED AS A POLICE OFFICER, I TURNED IN MY DIPLOMA, UH COPIES OF MY CERTIFICATION. UH, I BELIEVE IT WAS TO PEGGY LISKOVEC. LORI WAS IN TRAINING AT THE TIME, LORI CAMPBELL WAS THE DEPARTMENT TRAINING OFFICER.

D.F. DO YOU RECALL UH THE INTERNAL AFFAIRS OFFICER AT THAT TIME, DAVID MIMS, DOING AN INVESTIGATION OF YOU OF THAT POSITION YOU HAD APPLIED FOR OF POLICE OFFICER?

D.L. NO, SIR.

D.F. DO YOU RECALL TURNING ANY PAPERWORK INTO THE I.A. OFFICER, DAVID MIMS, AT THAT TIME?

D.L. NOT THAT I CAN RECALL. TOO LONG AGO.

D.F. DID YOU HAVE A HIGH SCHOOL DIPLOMA OR G.E.D. AT THE TIME YOU ORIGINALLY APPLIED FOR EMPLOYMENT WITH THE CITY?

D.L. NO, SIR.

D.F. AND WHEN WAS IT YOU GOT YOUR G.E.D. CERTIFICATE FROM THE STATE. DO YOU RECALL?

D.L. DECEMBER 18TH OF '84.

D.F. AND WHAT PROMPTED YOU TO APPLY FOR AND RECEIVE YOUR G.E.D. CERTIFICATE?

D.L. BECAUSE I WANTED TO FURTHER MY EDUCATION AND I WANTED TO BE A POLICE OFFICER.

D.F. I'D LIKE TO MOVE AHEAD A LITTLE BIT MORE CURRENT TIMES. WHEN DID YOU FIRST NOTICE THAT YOU WERE TO BE SUBPOENAED BEFORE THE SPECIAL PROSECUTOR FOR THE SEVENTH JUDICIAL CIRCUIT?

D.L. WHEN WAS, WHEN WAS I MADE AWARE OF?

D.F. YES.

D.L. I HAVE IT WRITTEN DOWN, THE DATE. UMM, IT WAS THE THURSDAY BEFORE, I BELIEVE WAS THE DATE. I DON'T, CAN'T TELL YOU RIGHT OFF THE TOP OF MY HEAD. IT WAS THE THURSDAY BEFORE I WAS ACTUALLY WAS INTERVIEWED BY HIM.

D.F. DO YOU RECALL WHAT YOUR TESTIMONY WAS TO HIM ABOUT THE G.E.D. CERTIFICATE THAT YOU RECEIVED?

D.L. YES, SIR.

D.F. COULD YOU TELL ME WHAT THAT WAS PLEASE?

D.L. YES, SIR. UMM, HE HAD ASKED ME IF I HAD HAD MY SISTER TAKE MY G.E.D. FOR ME AND I SAID NO, I DID NOT AND I TOLD HIM I FELT I WAS BEING SET UP...AND I ALSO TOLD HIM THAT I DID NOT HAVE AND I TOLD YOU THE SAME DAY THAT I DID NOT HAVE A DIPLOMA WHEN I FIRST STARTED HERE.

D.F. DO YOU HAPPEN TO HAVE BROUGHT A COPY OF THE STATE ATTORNEY'S INVESTIGATIVE REPORT? OKAY. UH, TO CLEAR UP ONE ITEM I'D LIKE TO READ THE FIRST PARAGRAPH OF PAGE 10, PARAGRAPH 6 WHICH IS ENTITLED, "QUESTIONED EDUCATIONAL CREDENTIALS OF DONNA JEAN LAVALLEE" AND IT STATES: OFFICER DONNA JEAN LAVALLEE FORMALLY HAMM, SIGNED A SWORN AFFIDAVIT FOR EMPLOYMENT DATED JANUARY 30TH, 1985 WHICH INDICATED AMONG OTHER THINGS THAT SHE WAS A HIGH SCHOOL GRADUATE OR IT'S EQUIVALENT. A G.E.D. DEGREE OR A HIGH SCHOOL DIPLOMA IS ONE OF THE REQUIREMENTS TO QUALIFY FOR EMPLOYMENT AS A LAW ENFORCEMENT OFFICER. (END OF PARAGRAPH) THE REASON I READ THAT INTO THE RECORD. IT CAUGHT MY ATTENTION AND YOU CAN HELP CLEAR THIS UP FOR ME. WHY WOULD THE SPECIAL PROSECUTOR HAVE BEEN UNDER THE OPINION THAT YOU DID NOT APPLY FOR EMPLOYMENT WITH THE CITY TILL 1985?

D.L. I HAVE NO IDEA. I TOLD HIM THAT WHEN I FIRST STARTED WORKING HERE I DIDN'T BUT WHEN I, BEFORE I WAS A LAW ENFORCEMENT OFFICER WHICH WAS IN '85. I CAN'T REMEMBER IF I GAVE HIM THE DATE BUT THAT I HAD GOT MY G.E.D.

D.F. OKAY. IS IT YOUR TESTIMONY THEN THAT SPECIAL PROSECUTOR, MR. STEVE NELSON, MIGHT HAVE BE MISTAKEN IN THIS REPORT?

D.L. I GUESS IT COULD BE.

D.F. OKAY. DID THE SPECIAL PROSECUTOR UH STEVE NELSON, DID HE ASK YOU TO UH PROVIDE HIM A COPY OF THE ORIGINAL G.E.D. CERTIFICATE?

D.L. YES, HE DID AND I DON'T HAVE IT.

D.F. ALL RIGHT.

D.L. I TOLD HIM I WAS UNABLE..I'VE LOOKED TWICE SINCE THEN THROUGH MY HOUSE COMPLETELY. I CAN'T FIND IT.

D.F. SO YOU HAD RESPONDED TO THAT AFTER HE ASKED YOU THAT TO BRING THAT DOCUMENT TO HIM?

D.L. YES. WELL, I DIDN'T, I DIDN'T CONTACT HIM BACK. NO, SIR.

D.F. SO YOU HAD NOT RESPONDED TO THAT REQUEST?

D.L. NO, NO SIR.

D.F. OKAY.

D.L. WHAT HE TOLD ME, HE GAVE ME A LITTLE ENVELOPE HE SAYS UMM TO PUT A COPY OF IT IN THERE OR THE ORIGINAL AND SEND IT TO HIM. I CAN'T REMEMBER IF HE WANTED THE ORIGINAL OR THE REGULAR ONE AND I COULDN'T FIND IT.

D.F. WHY DIDN'T RESPOND TO THE REQUEST OF THE SPECIAL PROSECUTOR?

D.L. I DIDN'T EVEN THINK ABOUT IT, TO BE HONEST WITH YOU.

D.F. SO WHAT IS YOUR TESTIMONY NOW ABOUT THE CERTIFICATE AND IT'S LOCATION, THE ORIGINAL I'M SPEAKING OF?

D.L. I HAVE NO IDEA WHERE IT'S AT.

D.F. DO YOU KNOW WHAT MIGHT OF HAPPEN TO IT?

D.L. YEA, I'VE TOLD HIM THAT MY HOUSE HAS BEEN BURGLARIZED SEVERAL TIMES. IT COULD OF GONE IN SOME OF THAT STUFF. I FIND STUFF MISSING ALL THE TIME.

D.F. WHEN DID YOU FIRST REALIZE THAT THIS DOCUMENT WAS MISSING?

D.L. RIGHT AFTER THE INVESTIGATION.

D.F. WERE THERE ANY OTHER DOCUMENTS IN YOUR HOME STOLEN DURING THESE BURGLARIES?

D.L. I WOULDN'T SAY DOCUMENTS. THERE WERE SEVERAL, SEVERAL THINGS STOLEN.

D.F. HOW WAS THE G.E.D. CERTIFICATE STORED?

D.L. TO BE HONEST WITH YOU, I DON'T REMEMBER.

D.F. I ASK THAT, I WAS WONDERING IF IT MIGHT BE ON THE WALL?

D.L. NO.

D.F. OR IN A METAL FRAME OR GLASS FRAME OR SOMETHING?

D.L. NO. JUST A PIECE OF PAPER LAYING, JUST LIKE ALL MY OTHER CERTIFICATES THEY'RE NOT IN ANYTHING.

D.F. AT THE TIME OF THESE BURGLARIES TO YOUR HOME, HAS THERE BEEN MORE THAN ONE?

D.L. YES.

D.F. AT THE TIME OF THIS, DID YOU MAKE A REPORT OF THIS TO THE SHERIFFS OFFICE?

D.L. YES.

D.F. DID YOU PROVIDE THEM A LIST OF ITEMS THAT WERE STOLEN FROM YOUR HOME?

D.L. YES.

D.F. OKAY. WAS THE G.E.D. CERTIFICATE PART OF THAT LIST?

D.L. NO. NEVER KNEW IT WAS MISSING.

D.F. EARLIER IN YOUR TESTIMONY, YOU MADE MENTION OF UH SOMEONE OUT TO GET YOU?

D.L. YES.

D.F. OKAY. LET'S DISCUSS THAT. WHO MIGHT BE OUT TO GET YOU IN THIS MATTER THAT WE'RE HEAR TO DISCUSS TODAY?

D.L. I GUESS TO START AT THE BOTTOM WOULD BE THAD SMITH.

D.F. WHY WOULD YOU SAY THAT?

D.L. UMM, HE'S MADE IT WELL KNOWN THAT'S GOING TO GET RID OF EVERYBODY DOWN THE HALL.

D.F. WHY WOULD THIS PERSON WANT TO DO THAT?

D.L. BECAUSE I GAVE HIM A SUBSTANDARD EVALUATION.

D.F. IF THAT WERE TRUE, IN YOUR MIND, HOW WOULD OFFICER SMITH PLAY INTO THIS OUT TO GET YOU CONCEPT IN THIS MATTER?

D.L. I DON'T KNOW. IF I KNEW, I'D BE DOING SOMETHING WITH HIM.

D.F. I WOULD LIKE TO NOW SHOW YOU A COPY OF THE, A COPY OF THE COPY OF THE G.E.D. CERTIFICATE THAT WAS CONTAINED UH IN YOUR UH PERSONNEL FILE. I WANT YOU TO TAKE A LOOK AT THAT. I'M SURE YOU HAVE A COPY OF IT ALSO?

D.L. YES, SIR.

D.F. IS THAT THE DOCUMENT OR A COPY OF THE DOCUMENT THAT YOU TURNED INTO THE CITY AT THE TIME UH YOU APPLIED FOR THE POLICE OFFICER POSITION?

D.L. I HONESTLY DON'T KNOW. THE DATES ARE DIFFERENT AND CAPTAIN MIMS BROUGHT THAT TO MY ATTENTION.

D.F. WHEN DID HE BRING THAT TO YOUR ATTENTION?

D.L. WHEN THIS UH THING WITH STEVE NELSON CAME UP.

D.F. WHAT DATE IS NOT APPROPRIATE OR DIFFERENT ON THAT FORM THEN AS YOU RECALL?

D.L. '82 COMPARED TO '84 AND CAPTAIN MIMS TOLD ME WHEN I GRADUATED, I DON'T HAVE THE CERTIFICATE THAT I DON'T KNOW THE DATE.

D.F. HOW DO YOU THINK THAT DOCUMENT HAS BEEN CHANGED?

D.L. I DON'T KNOW.

D.F. DO YOU KNOW WHY?

D.L. NO.

D.F. DO YOU KNOW WHO MIGHT OF CHANGED THAT DOCUMENT?

D.L. NO.

D.F. DO YOU KNOW WHEN THAT DOCUMENT MAY HAVE BEEN CHANGED?

D.L. NO.

D.F. CAN I HAVE THAT BACK FOR MY FILE, THANKS. I BELIEVE YOU HAVE A COPY OF YOUR EMPLOYMENT APPLICATION. I'LL SHOW YOU THIS COPY. IT SHOULD BE THE SAME. IT IS CONTAINED TO BE IN YOUR PERSONNEL FILE. WOULD YOU TAKE A MOMENT TO REVIEW THAT AND UH ACKNOWLEDGE THAT THAT IS THE APPLICATION AS YOU RECALL BEING TURNED IN AT THAT TIME AND IF THAT IS YOUR SIGNATURE THAT APPEARS AT THE END OF THE APPLICATION?

D.L. YES, IT IS.

D.F. IS THERE ANYTHING IN THAT APPLICATION AS YOU SEE TODAY THAT COPY THAT IS INAPPROPRIATE?

D.L. YES.

D.F. WHAT'S THAT?

D.L. UMM HIGH SCHOOL, DID YOU GRADUATE. IT'S BEEN CHECKED.

D.F. AND YOU'RE SAYING THAT THAT IS NOT APPROPRIATE?

D.L. NO, SIR. I LEFT IT BLANK.

D.F. WHAT DID YOU LEAVE BLANK WHEN YOU FILLED OUT THE APPLICATION?

D.L. I LEFT THAT BOX, I LEFT RIGHT IN THERE BLANK.

D.F. THIS BOX HERE WHERE IT SAYS DID YOU GRADUATE?

D.L. EITHER ONE. I DIDN'T CHECK EITHER ONE.

D.F. AND THE NEXT BOX WAS CHECKED? CHECK LAST YEAR COMPLETED. SO THE TESTIMONY IS YOU DIDN'T COMPLETE EITHER OF THOSE BOXES?

D.L. THAT'S CORRECT.

D.F. BUT YOU DID COMPLETE THE NAME AND ADDRESS OF SCHOOL ATTENDED?

D.L. YES.

D.F. AGAIN, IS THERE ANY OTHER UH PART OF THAT APP...APPLICATION THAT IS NOT CORRECT AS YOU RECALL TODAY AND I REALIZE THIS HAS BEEN A NUMBER OF YEARS SINCE THAT OCCURRED?

D.L. THERE'S WRITING ON IT THAT ISN'T MINE AS FAR AS PHONE NUMBERS AND STUFF LIKE THAT.

D.F. OKAY. DO YOU HAVE ANY IDEA OF WHO MIGHT HAVE COMPLETED THOSE BOXES ON THE APPLICATION FORM?

D.L. NO, SIR.

D.F. DO YOU HAVE ANY IDEA WHY SOMEONE WOULD WANT TO HAVE COMPLETED THAT INFORMATION ON YOUR APPLICATION FORM?

D.L. NO, SIR.

D.F. DO YOU HAVE ANY, ANY IDEA WHEN THAT WOULD OF OCCURRED ON THIS APPLICATION?

D.L. NO, SIR.

D.F. AND THEN IT IS YOUR TESTIMONY THAT BESIDES THIS INFORMATION WHICH YOU SAY WAS NOT COMPLETED, THE REST OF THE APPLICATION IS CORRECT?

D.L. YEA, BUT THERE'S WRITING ON IT THAT ISN'T MINE BUT..

D.F. YES.

D.L. THE INFORMATION IS CORRECT.

D.F. I UNDERSTAND. ON THE TWO DOCUMENTS IN QUESTION, THE G.E.D. CERTIFICATE AND THE APPLICATION, IS IT YOUR TESTIMONY THAT YOU HAVE NO INFORMATION AS TO HOW BOTH OF THESE DOCUMENTS HAVE BEEN ALTERED OR CHANGED?

D.L. THAT'S CORRECT.

D.F. IS THERE ANYONE THAT YOU CAN THINK OF AS A WITNESS TO ANY OF THESE EVENTS THAT COULD PROVIDE TESTIMONY RELATING TO HOW THESE DOCUMENTS MAY HAVE BEEN ALTERED OR CHANGED?

D.L. NO.

D.F. OTHER THAN OFFICER SMITH, IS THERE ANYONE YOU CAN THINK OF WHO WOULD BE OUT TO GET YOU IN RELATIONSHIP TO THE PROBLEMS WITH THESE TWO DOCUMENTS?

D.L. I'VE HAD PROBLEMS WITH CAPTAIN OREL. I DON'T, NO NOT THAT I CAN HONESTLY ANSWER.

D.F. EARLIER IN YOUR TESTIMONY, YOU MENTIONED PEGGY LISKOVEC.

D.L. YES.

D.F. WOULD BE, TO YOUR KNOWLEDGE, IS THERE ANY REASON WHY SHE WOULD OF TAMPERED WITH EITHER OF THESE DOCUMENTS?

D.L. NO.

D.F. HOW ABOUT NANCY BARNETT?

D.L. NO. NOT THAT I KNOW OF.

D.F. HOW ABOUT RITA MESSINA?

D.L. NO.

D.F. WOULD ANNETTE BROUILLETTE HAVE TAMPERED WITH THESE DOCUMENTS?

D.L. NOT THAT I WOULD THINK SO.

D.F. WOULD CAPTAIN MIMS HAVE TAMPERED WITH THESE DOCUMENTS?

D.L. NOT THAT I WOULD THINK SO.

D.F. OKAY. OTHER THAN THOSE INDIVIDUALS AND THE ONES YOU PREVIOUSLY MENTIONED, CAN YOU THINK OF ANYONE AT THIS TIME WHO WOULD OF HAD ACCESS TO THESE DOCUMENTS OR THE OPPORTUNITY TO FALSIFY OR CHANGE THEM?

D.L. I HAVE NO IDEA WHO HAS ACCESS.

D.F. DO YOU HAVE ANY KNOWLEDGE OF ANYONE GAINING IMPROPER ACCESS TO ANY OF OUR PERSONNEL FILES AT ANY TIME?

D.L. I'VE KNOWN A FEW RECENTLY, SOMEONE WENT INTO ANNETTE'S OFFICE. SOMEONE HAS BROKE INTO MY OFFICE. LORI SAID SOMEONES BEEN GOING THROUGH HER STUFF.

D.F. AND WHO WOULD THAT BE?

D.L. I HAVE NO IDEA.

D.F. HOW WOULD YOU HAVE THAT KNOWLEDGE IF THAT HAD, WOULD HAVE OCCURRED?

D.L. I WAS, OVERHEARD SOMEONE SAYING, YOU KNOW, HAVE J.J. COME IN AND CHANGE THE LOCKS ON ANNETTE'S DOOR BECAUSE OF PROBLEMS. ON MINE, I BROUGHT IT TO DOROTHY'S ATTENTION WHEN IT HAPPENED THAT THE SQUARES ARE MISSING OUT OF MY BULLET AND ONE OF MY FILE CABINETS WHERE THE, THE ROD GOES DOWN IS BENT.

D.F. I'D LIKE TO GIVE YOU A MOMENT JUST TO THINK ABOUT THE TESTIMONY YOU'VE GIVEN SO FAR. WE'VE COVERED A LOT OF MATERIAL. WOULD YOU THINK ABOUT YOUR ANSWERS. SEE IF ANYTHING ADDITIONAL COMES TO MIND WHICH YOU COULD ADD TO THE TESTIMONY YOU'VE GIVEN SO FAR.

W.B. YOU CAN TAKE THAT AS AN EXCEPTION TO MY INSTRUCTIONS TO YOU ABOUT HOW TO GO ABOUT LISTENING AND RESPONDING APPROPRIATELY TO CHIEF FLEMING'S QUESTIONS AND DON'T, DON'T TAKE THAT AS ONE OF THOSE TIMES WHEN YOU'RE NOT SUPPOSE TO ADD SOMETHING. IF, IF THERE'S SOMETHING THAT YOU'RE THINKING OF, YOU WANT TO ADD AND YOU'RE AFRAID TO DO IT BECAUSE I TOLD YOU JUST TO ANSWER HIS QUESTIONS, GO AHEAD AND ADD IT.

D.L. I HAVE NOTHING I WANT TO ADD.

D.F. IS THERE ANY OF YOUR TESTIMONY UH, THAT YOU NEED TO CORRECT OR AMEND AT THIS TIME?

D.L. NO, SIR.

D.F. WELL AT THIS TIME I WILL TELL YOU, IT IS COMMON IN THESE CIRCUMSTANCES WHEN INTERVIEWS CONCLUDED THAT YOU WILL REMEMBER OR THINK OF SOMETHING LATER. IF THAT OCCURS IN THIS SITUATION, IT IS VERY IMPORTANT THAT YOU COME TO ME EITHER DIRECTLY OR PROBABLY MORE PREFERABLY THROUGH COUNCIL UH TO ADD THOSE THINGS OR MAKE A CHANGE IN THAT TESTIMONY TO HELP CLARIFY ANY ISSUES. SO AT THIS TIME I WILL ASK YOU AGAIN, DO YOU HAVE ANY FINAL STATEMENTS REGARDING YOUR TESTIMONY AND THE TWO MATTERS WE'VE DISCUSSED TODAY?

D.L. NO, SIR.

D.F. OKAY. WITH THAT, I'LL CONCLUDE THE INTERVIEW. THE TIME IS 1:38 PM, APRIL 25TH, '94. WE'LL GO OFF THE RECORD.

MLS/050394

# ITEM # 2

FDLE

Florida Department of
Law Enforcement

James T. "Tim" Moore
*Commissioner*

**Division of Local Law
Enforcement Assistance
Orlando Regional
Crime Laboratory**

500 West Robinson Street
Orlando, Florida 32801-1771
(407) 423-6800
SunCom 344-6800
FAX: (407) 423-6754

May 13, 1995

TO: Chief Denver Fleming, III
New Smyrna Beach Police Department
1400 North Dixie Freeway
New Smyrna Beach, FL 32168

FDLE Lab No. 94503906
Agency No. 940200002

ATTN: Lt. Wade Kirby

SUBPOENAS PERTAINING TO THIS CASE SHOULD REFER TO THE FDLE LAB NUMBER.

RE: Miscellaneous
VOLUSIA COUNTY
042794

James W. Walls
Senior Crime Laboratory Analyst
Documents

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REFERENCE:

This report has reference to the following exhibits which were submitted to this laboratory on February 22, 1995 (Submission 002) by Lt. Wade Kirby.

EXHIBITS:

| | |
|---|---|
| Item A thru H | Photocopied documents as listed on FDLE Request For Examination Form Submission 001, May 18, 1994. |

Submission 002

| | |
|---|---|
| Item I | Original application for employment form dated 07-08-82 for Animal Control Trainee position and signed Donna Jean HAMM. |
| Item J | Original application for employment form dated 9-6-82 for Dispatcher position and signed Donna HAMM. |
| Item K | Original application for employment form dated 9-6-82 for Dispatcher position and signed Donna HAMM. |
| Item L/1 thru L/5 | Five standard signatures purported to be written by Donna Jean HAMM. |

PROBLEM:

1. Examine items I, J and K to determine if the same ink was used to complete each application for employment (first three pages) including signature of applicant.

2. Examine items I, J and K to determine if any erasures or alterations were made on the applications for employment (first three pages)

3. Determine whether the signatures of Donna Jean HAMM on items I, J and K were written by the author of the Donna Jean HAMM signatures on item L.

4. Examine items B and I to determine whether the photocopy (item B) was reproduced from item I.

RESULTS:

Based on the material submitted the following is offered:

1. Elemental examination of the inks, including that of ultra violet and infrared, revealed items J and K contained similar ink with a different ink appearing on item I.

2. No erasures were found on items I, J and K. There were several alterations made to item I in the form of cross outs and line throughs, which are visible on the original form (I).

3. The questioned signatures of Donna Jean HAMM appearing on items I, J and K and the known standard signatures of Donna Jean HAMM on item L were executed by one common author.

4. It was determined that item B was machine copied from item I.

REMARKS:

These exhibits may be picked up at your earliest opportunity.

JWW:dem

ORI CODE: FL0640300 AGENCY NAME: New Smyrna Beach Police Dept.
LAB CASE NO: 000094503906 OFFENSE: 9000 Miscellaneous
SUBMISSION: 002
AGENCY CASE NO: 940200002

| EXHIBIT NO | EXHIBIT DESCRIPTION | DISPOSITION | STC |
|---|---|---|---|
| 1 01.000.000.00 | 1 SME STC A>L DOC | COMP | |

RETURN VIA: _____

BY: RVF

DATE: 5/22/95

PERSON: _____

ITEM 4

'83

# APPLICATION FOR EMPLOYMENT

ersonnel Office
City of New Smyrna Beach
210 Sams Avenue
New Smyrna Beach
Florida 32069

(PLEASE PRINT)

Date of Application 7-8-82

Position(s) Applied For Animal Control TRAINEE

Referral Source: ☐ Advertisement ☑ Friend ☐ Relative
☐ Employment Agency ☐ Other

Name Hamm (Last) Donna (First) Jean (Middle)

Address

Phone No.

Have you

Have you ever been employed here before? ☐ Yes ☑ No Date

Are you a citizen of the United States? ☑ Yes ☐ No

If not, do you possess an Alien Registration Card? ☐ Yes ☐ No

If yes, give Alien Registration Number

Are you available to work? ☑ Full Time ☐ Part Time ☐ Shift Work

Are you on lay-off and subject to recall? ☐ Yes ☑ No

Can you travel if a job requires it? ☑ Yes ☐ No

Do any of your friends or relatives, other than your spouse, work here?

☑ Yes ☐ No

If yes, list name(s) Bonnie Frazer (Animal Control) Any more police off...

Have you been convicted of a felony within the last 7 years? ☑ No ☐ Yes

If yes, explain:

AN EQUAL EMPLOYMENT OPPORTUNITY EMPLOYER M/F/V/H

## RECORD OF EDUCATION

| School | Name and Address of School | Course of Study | Check Last Year Completed | Did You Graduate? | List Diploma or Degree |
|---|---|---|---|---|---|
| Elementary | Edgewater Public<br>old county Rd.<br>Edgewater, Fla. | X | 5 6 7 8 | ☑ Yes<br>☐ No | X |
| High | N.S.B. Sr. High<br>N.S.B. Fla.<br>32069. | | 1 2 3 4 | ☑ Yes<br>☐ No | |
| College | | | 1 2 3 4 | ☐ Yes<br>☐ No | |
| Other (Specify) | | | 1 2 3 4 | ☐ Yes<br>☐ No | |

Describe Specialized Training, Apprenticeship, Skills, and Extra-Curricular Activities

Honors Received:

### PERSONAL REFERENCES (Not Former Employers or Relatives)

| Name and Occupation | Address | Phone Number |
|---|---|---|
| Bonnie Frazier | Animal Control | |
| Nancy Dombrowski | 530 Ball st. N.S. | |
| Jana Dougey | Lot 300 Douglas | |

### MILITARY SERVICE RECORD

Were you in U.S. Armed Forces? Yes ~~No~~ No ✓ If yes, what Branch?_____

Dates of duty: From _____ To _____ Rank at Discharge_____
Month Day Year Month Day Year

List duties in the service including special training:_____

Have you taken any training under the G.I.Bill of Rights?_____ If yes, what training did you take?_____

# EMPLOYMENT EXPERIENCE

List each job held. Start with your Present or Last job. Include military service assignments and volunteer activities. (Exclude groups which indicate race, color, religion, sex or national origin.

**1**

| | Dates | | |
|---|---|---|---|
| Employer: 7-11 | From | To | WORK PERFORMED |
| Address: 701 Dixie freeway USI | April 25 80 | Still Employed | relating to public |
| Job Title: Clerk | Hrly. Rate/Salary | | running cash |
| Supervisor: Ed Roush | Starting | Final | register & gas |
| Reason for Leaving: Im still Employed | | | pumps. |
| Telephone: 429-2876 | | | |

**2**

| | Dates | | |
|---|---|---|---|
| Employer: Handy Way | From | To | WORK PERFORMED |
| Address: Edgewater USI | | | running cash |
| Job Title: Clerk | Hrly. Rate/Salary | | register gas |
| Supervisor: Bob Freiwger | Starting | Final | pumps + relating |
| Reason for Leaving: Got better Job at 7-11 | | | to the public |
| Telephone: | | | |

**3**

| | Dates | | |
|---|---|---|---|
| Employer: Ponderosa Feed | From | To | WORK PERFORMED |
| Address: Port Orange | | | running Register |
| Job Title: Clerk - All Animal supply | Hrly. Rate/Salary | | relating to |
| Supervisor: | Starting | Final | the Public with |
| Reason for Leaving: Not enough hours. | | | Animals |
| Telephone: | | | |

**4**

| | Dates | | |
|---|---|---|---|
| Employer: Coronado Paint Co. | From | To | WORK PERFORMED |
| Address: 1661 Old County Rd. | | | Paint reproduction |
| Job Title: Line Forman or paint pour | Hrly. Rate/Salary | | |
| Supervisor: Walt Russell | Starting | Final | |
| Reason for Leaving: | | | |
| Telephone: 42 | | | |

## AGREEMENT

I certify that answers given herein are true and complete to the best of my knowledge. I authorize investigation of all statements contained in this application for employment as may be necessary in arriving at an employment decision. In the event of employment, I understand that false or misleading information given in my application or interview(s) may result in discharge. I understand, also, that I am required to abide by all rules and regulations of the City of New Smyrna Beach.

Donna Jean Hamm — Signature of Applicant

7-8-82 — Date

APPLICANT -- Do Not Write On This Page

For Interviewer's Use

| Interviewer | Date | Comments |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

FOR TEST ADMINISTRATOR'S USE

| Tests Administered | Date | Raw Score | Rating | Comments and Interpretation |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Arrange Interview ☐ Yes ☐ No Remarks: _____

_____

Interviewer _____ Date _____ Employed ☐ Yes ☐ No

Date of Employment _____

Job Title Police Dispatch Hourly Rate/~~Salary~~ 4.3785 Department Police

By _____ 4/22/83
Name/Title

---

Qualified applicants are considered for all positions without regard to race, color, religion, sex, national origin, age, marital or veteran status, or the presence of a non-job related medical condition or handicap.

# ITEM # 3

# AFFIDAVIT OF APPLICANT

NAME: Hamm, Donna Jean
(Please print or type) LAST FIRST MIDDLE (MAIDEN)

SS NUMBER [redacted]

(Please read carefully before signing)

I fully understand that, in order to qualify for employment as a law enforcement officer, I must fully comply with the provisions of section 943.13, Florida Statutes, as follows:

1. Be at least 19 years of age.
2. Be a citizen of the United States, by birth or naturalization.
3. Be a high school graduate or its equivalent.
4. Not have been convicted of any felony or of a misdemeanor involving perjury or false statement, nor have received a dishonorable or undesirable discharge from any of the Armed Forces of the United States. Any person who, after July 1, 1981, pleads guilty or nolo contendere to or is found guilty of a felony or of a misdemeanor involving perjury or a false statement shall not be eligible for employment or appointment as an officer, notwithstanding suspension of sentence or withholding of adjudication.
5. Have been fingerprinted by this agency.
6. Be of good moral character.

I further understand that by executing this document I am attesting that I have met the qualifications specified above. I have read my employment application and it is true and correct, and all other information I will furnish in conjunction with my application is true and correct.

NOTICE: This document shall constitute an official statement within the purview of Section 837.06, Florida Statutes, and is subject to verification by this agency and/or the Criminal Justice Standards and Training Commission. Any intentional omission when submitting application or false execution of this affidavit shall constitute a misdemeanor of the second degree and disqualify you from employment as an officer.

01-24-85
Date

Donna Hamm
Signature of Applicant

Witness, my hand and official seal, this 24 day of January A.D. 1985.

Susa M. Lucka
Notary Public

My commission expires _____

Notary Public State of Florida
[illegible]

Revised 1-8-85

I swear or affirm that I am a citizen of the United States, by birth or naturalization, that I have never been convicted of a felony or a misdemeanor involving moral turpitude *, that I have a valid high school diploma or its equivalent, that my discharge (if any) from the Armed Forces was under honorable conditions, that I am of good moral character, that I have read all of the information contained in this affidavit and my employment application and it is correct, and that all other information I will furnish in conjunction with my application is true and correct.

(Signature of Applicant)

(Any such language as will make this a notarized affidavit.)

I certify that I have made a thorough background investigation of this applicant, including any answer of "yes" to questions 1 through 9 and attached are written explanations for those answers. I certify that to the best of my knowledge the applicant is physically qualified to perform duties as a law enforcement officer and has passed a physical examination, has a high school diploma or its equivalent, has been discharged from the Armed Forces only under honorable circumstances. I certify that I have contacted each law enforcement agency at which the applicant has been employed and each of the references listed. I am satisfied that the applicant is of good moral character. I certify the applicant has never been convicted of a felony or of a misdemeanor involving moral turpitude.*

(Signature of representative of employing agency)

*For purposes of this application, a finding of guilt or a plea of guilty or no contest after October 1, 1980, is the equivalent of a conviction, even if sentence is suspended or adjudication of guilt withheld.

NOTE: If the applicant has never been previously certified then the following documentation should accompany the application. If the applicant has been out of service for more than one (1) year then only the physical and processed fingerprints need accompany the application.

( ) Copy of birth certificate or certificate of naturalization;
( ) Proof of name change, if applicable;
( ) Proof of high school graduation or equivalency;
( ) Proof of discharge from military indicating release under no less than honorable conditions;
( ) Check here for no prior military service;
( ) Processed fingerprints cleared by both FDLE and FBI by name and classification;
( ) Proof of physical examination by Florida licensed physician.

SPECIFIC AUTHORITY – Sections 943.10(3), 943.12(9), F.S.
LAW IMPLEMENTED – Sections 943.13, 943.14, F.S.
HISTORY – New 1-13-81.

# ITEM # 4

NE SMYRNA BEACH POLICE DEPART ENT

INTER-OFFICE MEMO

TO: Peggy Liskovec: Chief Records Clerk

FROM: David Mims:Internal Affairs Officer DMm

DATE: February 6, 1985

RE: Status of Background Investigation on Donna Jean Hamm.

Dear XXXX Madam;

Per your request the following information has been obtained in regards to the background of Donna Jean Hamm.

N.C.I.C. & F.C.I.C. [redacted]

DDL/DHSMV teletype confirmation of a current operator's license expiring on 08/13/86. Applicant has had two (2) previous convictions.

Copies of: Certificate of Achievement for completion of 320 Hour Basic Recruit Course.
Birth Certificate
High School Diploma

Maintaining processed fingerprints returned from F.D.L.E. and F.B.I. ascertaining [redacted]

STATE CERTIFICATION:

1. Certification Form
2. Affidavit of Applicant
3. Birth Certificate/Naturalization
4. Proof of Name Change
5. Proof of High School Diploma/GED - Need Test Results if not Florida
6. Proof of Discharge from military indicating release under no less than honorable conditions
7. Background Investigation (Report of Investigation Sufficient)
8. Teletype Response
9. Processed Fingerprints on File
10. Physical Exam and EKG

MAIL IN AFFIDAVIT OF COMPLIANCE

# ITEM # 5

# City of New Smyrna Beach

**POLICE DEPARTMENT**

DENVER H. FLEMING, III
CHIEF OF POLICE

6 April 1994

State of Florida
Department of Education
325 West Gaines Street
G.E.D. Testing Service
FEC Room 1204
Tallahassee, FL 32399

To Whom It May Concern:

I am requesting a copy of a high school diploma certificate that was allegedly issued the 18th of July 1984 with a certificate number of 331046. I am also requesting a copy of any other relevant documents currently on file regarding the issuance of this certificate. The certificate was allegedly issued to Donna Jean Hamm, DOB: [redacted]; SS# [redacted] and was purported to have completed the G.E.D. testing in Volusia County, Florida in the year 1984.

Enclosed is a check from the City of New Smyrna Beach for the fee to cover the copy of this information as requested by your office. Should there be any additional costs associated with this request, I'll be happy for forward additional funds to cover copies of those documents relevant to this request.

I would appreciate a speedy response as possible so I could conclude the investigation into this matter in a timely and efficient matter regarding the issuance of this certificate. Should you need any additional information or discussions with me regarding this, don't hesitate to contact me at (904) 424-2234.

Warmest Regards,

Denver H. Fleming, III
Chief of Police

DHF/mls
Enclosure

cc: File

1400 N. Dixie Freeway • New Smyrna Beach, Florida 32168-5169 • (904) 424-2220 • Fax# (904) 424-2255

# ITEM # 6

WHEREUPON:

DONNA LAVALLEE,

a witness, having first been duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. NELSON:

Q Would you state your full name for the record, please?

A Donna Lavallee.

Q Ms. Lavallee, my name is Steve Nelson. I am an Assistant State Attorney and I have been assigned to investigate certain matters concerning issues raised with the New Smyrna Beach City Commission, some alleged criminal activity.

As a part of that there is one matter that involves yourself that since it involves an allegation of a criminal nature and you are the person it is directed against, I am going to advise you of your Constitutional Rights to make sure you are knowingly and freely giving this statement to us today, okay?

A Okay.

Q You have a right to remain silent. Anything that you say will be used against you. You have the right to talk to an attorney and have him with you now or at any time during the questioning. If you can't afford an attorney one

would be appointed for you. If at any time you want to stop talking or have an attorney present, all questioning will be stopped.

Do you understand these rights?

A Yes, I do.

Q Understanding those rights, do you waive those rights and are you willing to talk to me at this time?

A Yes, sir.

Q How do you spell your last name?

A L-a-v-a-l-l-e-e.

Q What is your current position with the New Smyrna Beach Police Department?

A I am the Department Training Officer.

Q What is your rank?

A That's it. I was promoted from sergeant to this. It's kind of in-between sergeant and lieutenant.

Q Mrs. Lavallee, there has been an allegation that the GED that was obtained in your name was obtained by another person and was used by you improperly in getting your qualifications to be a law enforcement officer. As a part of this application I believe with the New Smyrna Beach Police Department, you filed an affidavit of applicant, which stated under a Notary Seal that you were a high school graduate or it's equivalent.

What equivalency did you have of a high school

graduation?

A A GED.

Q There is a diploma that was issued -- that apparently was issued and the numbers on it indicate a 331046 and it was dated July 18th, 1982 and then marked out or -- not marked out but underneath it a handwritten date of '84.

Was that a diploma issued to you?

A That I don't -- I have a diploma, yes. I don't know if this is it.

Q That purports to be in the name of Donna Jean Hand and I believe that is a copy of the diploma furnished to your department for purposes of your examination?

A Yes, sir.

I need to find my original diploma. It's at my house. I will be more than happy to bring it in.

I don't know anything about the '82. I know what you are talking about on that one; I can see it plainly.

I feel that someone is doing something. There is a lot of turmoil around the Police Department.

I don't know anything about that and I feel I am being set up.

Q Do you really?

A Yes, I do.

Q Well, it's obvious, I think, from checking your

records that you did take -- I believe in the name of Donna Jean Hand you took the GED in Daytona Beach; is that correct?

A Yes, I did and I showed my driver's license.

Q Do you recall the date that you took that?

A To be honest with you, I don't know the date.

Q Whatever their records reflect, would that be it?

A Yes.

Q Did you only take it once as opposed to more than once?

A I took it twice.

Q Do you know -- obviously if you took it twice you weren't successful the first time?

A That's correct.

I got another GED book and I studied and re-took the test.

Q Did you go to any GED classes to take it the second time?

A No, sir.

Q How long a time transpired between the time that you first took it and were unsuccessful and you took it the second time; do you recall?

A No, sir.

Q I think your date of completion was somewhere in '84 that you passed the test; is that --