

Sheriff



**Ben F. Johnson**

VOLUSIA COUNTY SHERIFF'S OFFICE

123 W. Indiana Avenue  
P.O. Box 569  
DeLand, FL 32721-0569

Deputy Scott Flesch ID# 7353  
Volusia County Sheriff's Office  
LES/District III

February 14, 2011

**Re: Intent to Terminate**

Deputy Scott Flesch:

Be advised that as a result of your actions documented in IA#10-027, it has been determined you did violate the following Volusia County Sheriff's Office Standards Directives:

**26.2.130 Commission of Felony** - Department personnel shall not commit any act or crime defined by state or federal law as a felony, whether chargeable or not. (*Violation subject to dismissal*)

**26.2.129 Misdemeanor Injurious to the Department** - Department personnel shall adhere to all federal, state and local laws and shall not commit any act or crime defined as a misdemeanor, first or second degree, whether chargeable or not, which brings discredit upon the Department or otherwise impairs the operation and efficiency of the Sheriff's Office and/or which is likely to impair the ability of personnel concerned to perform assigned duties. (*Violation subject to dismissal*)

And, Volusia County Merit System Rules and Regulations **86-453 (13)**., Any conduct, on or off duty, that reflects unfavorably on the County as an employer. *This violation may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation.*

**To wit:**

On December 5, 2010, while off duty, you were involved in a physical disturbance at a local establishment. After the disturbance, you were operating your personal vehicle, and you became involved in a pursuit in Daytona Beach, which resulted in your arrest by the Daytona Beach Police Department for the following charges: Driving Under the Influence/Refusal, Fleeing and Eluding. You were issued (2) additional traffic citation for Red Light Violations.

5X

During Daytona Beach Police Department's investigation, the officers on scene stated you smelled of an alcoholic beverage, had glassy eyes and you displayed indications of impairment. During the pat down search, they recovered a loaded firearm from your person. In addition officers on scene described your demeanor as threatening and uncooperative during their entire investigation of the incident. Although these elements alone do not show that you were intoxicated, the overall circumstances suggest that your driving faculties and your decision process were impaired during the events that led to your arrest.

During your sworn Internal Affairs interview, you stated that you consumed several alcoholic beverages while at four different establishments on December 5, 2010, prior to your arrest. You also admitted that you felt you were impaired when you left the second establishment and that you made the decision to operate your vehicle to go to the third establishment. You stated you walked to the fourth establishment, and due to your alcohol consumption throughout the day, you "blacked out". You advised that you could not recall the events that led to your arrest, and you could not dispute the Daytona Beach Police Officers' Incident and Supplement reports regarding your actions during your arrest.

Deputy Flesch, during this investigation, you showed a complete lack of judgment by allowing yourself to become involved in a physical altercation, and operating a motor vehicle after consuming alcoholic beverages to the point that your faculties were impaired. This fact was supported by your actions which included violating Florida State Statutes. As a deputy sheriff, you are held to a higher standard and your disregard for the laws of this state which you are sworn to uphold will not be tolerated. These actions by you could have caused injury not only to yourself and members of the Daytona Beach Police Department, but to the citizens you are sworn to protect. Your off duty actions by reflect negatively not only on yourself but also the Volusia County Sheriff's Office.

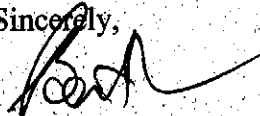
It has been determined that you violated the above Volusia County Sheriff's Office Standards Directives. Your refusal to submit to a breath test, as required by the State of Florida, has resulted in your having your drivers' license suspended for a minimum of 12 months. A valid drivers' license is a mandatory requirement for employment as a deputy sheriff. In addition your failure to yield for emergency equipment, coupled with your possession of a firearm while intoxicated, demonstrates your lack of judgment, failure to comply with the Department Standards / Directives, and the Laws of this State. Your actions leave me with no choice but to terminate your employment as a Deputy Sheriff of Volusia County Florida. Upon receipt of this letter, your status will remain as suspended (**Without Pay**) until this matter is resolved.

Pursuant to the Volusia County Merit System Rules, Section 86-455, the Volusia County Legal Department and Personnel Director have reviewed and concur with this intended action.

If you wish to refute my decision in this matter, you may do so by responding either orally and/or in writing within **three (3)** days of receipt of this notification with

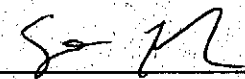
any information in law or fact showing that the intended decision is improper. If you elect to respond, it must be no later than **Thursday February 17, 2011, at 1600 hours**. If you fail to respond or your response is inadequate, I will proceed with the aforementioned discipline.

Sincerely,



Ben F. Johnson  
Sheriff

BFJ/tm 040L0049.11  
cc: County Personnel  
County Legal  
Internal Affairs

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This letter read and received by:  
Deputy Scott Flesch #7353  
Date: 02-14-2011  
Time: 1235