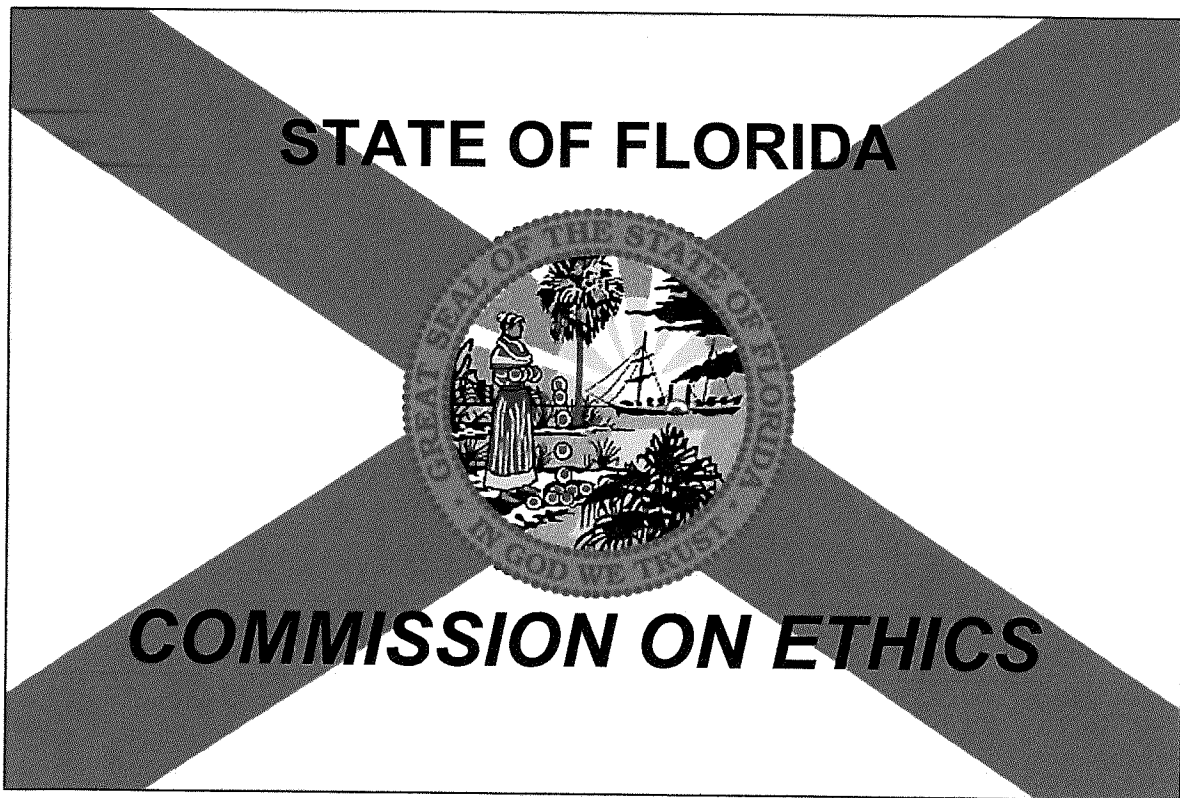


SUPPLEMENTAL REPORT OF INVESTIGATION



Complaint Number 14-097

NOTICE CONCERNING CONFIDENTIALITY

This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter.

STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709

SUPPLEMENTAL REPORT OF INVESTIGATION

TITLE: JAMES MANFRE
Sheriff
Flagler County
Bunnell, Florida

COMPLAINT NO.: 14-097
Exhibits A through F

INVESTIGATED BY:


Robert G. Malone

Distribution:

Commission on Ethics
Respondent
Advocate
File

Releasing Authority:


Executive Director

4/22/15
Date

* * * *

**SUPPLEMENTAL REPORT OF INVESTIGATION
COMPLAINT NO. 14-097**

(1) The Commission on Ethics, after rejecting a pre-probable cause stipulated agreement, requested further investigation concerning the Respondent's alleged use of a credit card issued to him by Flagler County Sheriff's Office (FCSO). Specifically, the Commission requested information concerning the document that was appended as Exhibit A of the Report of Investigation and is titled "Credit Card Purchases." This document also is appended as Supplemental Exhibit A of this Supplemental Report of Investigation.

(2) Commander Bob Weber, the FCSO Public Information officer, provided a copy of the FCSO policies and procedures manual that was adopted in December 2003. He advised that this version of the policies and procedures manual preceded the current version of the Office's manual and does not contain any references to the use of the FCSO credit cards. Commander Weber reported that he has been employed with the FCSO since 2001, and has never seen the document appended as Supplemental Exhibit A.

(3) As noted in paragraph 32 of the Report of Investigation, the above-referenced document was obtained from FCSO Accounting Specialist Linda Tannuzzi. Ms. Tannuzzi explained that the document in question is part of a "guidelines" manual that is kept in the FCSO Finance Department to be used by others in the event that a Finance Department employee is absent and their duties must be performed by another employee. She advised that she was employed by the FCSO on October 31, 2001, which was during the Respondent's first term as Sheriff, and the guidelines concerning credit card purchases were written soon after she was hired. The credit card purchases guidelines, Ms. Tannuzzi said, were written by the Complainant, Ms. Bolante, with her (Tannuzzi's) assistance. She clarified that the credit card purchases guidelines were never part of the FCSO's policies and procedures manual. Ms. Tannuzzi does not know if the Respondent approved the document in question prior to it being placed in the Finance Department's manual, stating that she did not have any interaction with the Respondent concerning this document. She noted that Ms. Bolante would have submitted the guidelines document to the Respondent for approval as this typically was done for all documents used by the Finance Department to complete its duties.

(4) As noted in paragraph 31 of the Report of Investigation, Ms. Bolante stated when initially interviewed that she did not recall the FCSO having any written policy concerning the use of the Office's credit cards. When re-interviewed relative to this supplemental investigation and shown the credit card purchases guidelines document, Ms. Bolante explained that when questioned about any written policy concerning the use of the FCSO-issued credit cards, she did not think of the document in question (Supplemental Exhibit A) as being a written policy concerning the use of the FCSO's credit cards because it was never included in the FCSO's policies and procedures manual. However, she confirmed that Supplemental Exhibit A was part of the Finance Department's guidelines manual that was kept in the Finance Department. Ms. Bolante further stated that she authored the document and that it was approved by Sheriff Manfre prior to it being placed in the Finance Department's manual. Ms. Bolante said the credit card guidelines document was not included

in the FCSO policies and procedures manual because it was not required when the Office applied for accreditation. She does not recall if the Sheriff was provided a copy of the document after he approved it.

(5) The Respondent said he has never seen the credit card purchases guidelines document (paragraph 39 of the Report of Investigation).

(6) Ms. Bolante maintains that the Respondent suggested the idea to obtain FCSO credit cards to be used primarily for travel purposes within the first six months of his first term as Sheriff in 2001. The credit cards, she continued, were issued to the Sheriff and to each of the Undersheriffs who served during her tenure as the FCSO Finance Director. She does not recall having the Respondent or any Undersheriff sign use agreements or other documents outlining the proper use of the credit cards at the time she issued the credit cards to them. However, she stated that when she issued the credit cards, she either showed them the written guidelines (Supplemental Exhibit A) or instructed them orally that the credit card should only be used for FCSO-related purchases.

(7) Former FCSO Sheriff Donald Fleming advised that he served as Sheriff from January 2005 through January 2013, when the Respondent replaced him as Sheriff. He confirmed that when Ms. Bolante issued the FCSO credit card to him, she told him that he should use the credit card only for FCSO-related purchases. He recalled being shown written instructions concerning the use of the credit card by Ms. Bolante when she issued him the credit card. He added that he also recalls having seen the credit card purchases guidelines document (Supplemental Exhibit A) at some point during his tenure, but he could not recall if this was the document shown to him by Ms. Bolante when she issued him the credit card. Sheriff Fleming reported that, by personal choice, he used the FCSO credit card only for hotel charges when traveling and used his personal credit card for all meals, even if they were business meals related to his position as Sheriff.

(8) Mr. Mark Maronski stated by telephone that he served as the FCSO Undersheriff from 2001 through 2004. He does not recall having been issued an FCSO credit card, and, therefore, he does not recall the Complainant telling him about the proper use of the agency credit cards.

(9) Mr. David O'Brien advised by telephone that he served as the FCSO Undersheriff for the last seven to eight months of the Respondent's first term as Sheriff. He recalled that he was issued an FCSO credit card when he became Undersheriff and Ms. Bolante told him not to use the credit card for personal purchases. He does not recall having seen any written policy or guidelines concerning the use of the credit card.

(10) Former FCSO Undersheriff Rick Staley stated that Supplemental Exhibit A looks similar to a document that Ms. Bolante showed him when she issued him an FCSO credit card. He recalled that she asked if he wanted a copy of the document and he told her that would not be necessary because he knew from his years of working in law enforcement that he should not use the credit card for personal purchases. Mr. Staley said he was not present when Ms. Bolante issued an FCSO credit card to the Respondent and does not know if she

provided any instructions to him about its use. He added that he did not talk to Sheriff Manfre about the use of the FCSO credit card until this matter was discussed at the meeting held at the end of October 2013. He stated the meeting was between him, the Respondent, Ms. Bolante, and FCSO Attorney Nowell. As noted in the Report of Investigation (paragraphs 35 and 46 of the Report of Investigation), the meeting concerned the Respondent's use of the credit card to purchase meals and alcoholic beverages. Mr. Staley advised that, similar to former Sheriff Fleming, he used his personal credit card to purchase meals even when they were business lunches related to his work for the FCSO. He explained that this is why he was surprised in October 2013 when Ms. Bolante informed him that the Respondent had used the FCSO credit card to purchase meals for him (Staley), his wife, and the Respondent's wife at the Kurrents Restaurant (paragraph 36 of the Report of Investigation). Mr. Staley pointed out that when the FCSO's Finance Department questioned the Respondent about the charge for the meal at the Kurrents Restaurant, the Respondent wrote on the hotel guest folio (appended as Supplemental Exhibit B) that the charge was for dinner with the Undersheriff. He said the Respondent failed to note that the charge for the meal also included both of their wives' dinners.

(11) Mr. Staley said he was again surprised when he was informed by the Complainant in March 2014, that the Respondent had used the agency credit card to purchase a meal for him on February 19, 2014. This purchase was after the October 2013 meeting where Ms. Bolante instructed the Respondent about the proper use of the FCSO credit card. He reported that this meal was at a Carrabba's Italian Grill Restaurant located in Flagler County. Mr. Staley recalled that the Respondent invited him to this lunch to meet with an FCSO Senior Commander and the civilian director of the FCSO Citizens on Patrol (COP) group to discuss the COP operations. He stated that he was not aware at the time of the lunch that the Respondent used the FCSO credit card for this meal. He said that when Ms. Bolante informed him of this, he immediately reimbursed the FCSO for his portion of the bill.

(12) Ms. Bolante stated that Sheriff Manfre also reimbursed the FCSO for the cost of his meal at Carrabba's Italian Grill Restaurant around the same time that then-Undersheriff Staley reimbursed the Office.

(13) When questioned about her December 8, 2014, correspondence (appended as Supplemental Exhibit C) which was submitted prior to the Commission on Ethics' rejection of the stipulated agreement, Ms. Bolante explained that her reference to the Respondent having engaged in similar behavior concerning his use of the FCSO credit card during his first term as Sheriff concerned information provided to her by FCSO Sergeant Michael VanBuren. Ms. Bolante said Sgt. VanBuren told her that in 2004, a contingent of FCSO deputies traveled with the Respondent to Washington, D.C. to attend a memorial service in honor of an FCSO deputy who died in the line of duty. Sgt. VanBuren, the Complainant continued, said the deputies ate and drank alcoholic beverages at an ESPN Zone Restaurant following the memorial service and the Respondent attempted to pay the bill of over \$600 for the whole group with his FCSO-issued credit card. The Complainant recalled Sgt. VanBuren told her that he and then-Undersheriff Mark Maronski informed the Respondent that using the FCSO credit card to pay for meals and alcoholic beverages for the group was not proper. She said Sgt. VanBuren further told her that he took up a collection from the group and paid the

remainder of the bill with his personal credit card. Ms. Bolante maintains that she learned of this matter after she initially was interviewed by this investigator relative to this instant ethics complaint. She could not explain why she did not contact the Commission on Ethics to provide this information prior to her December 8, 2014 correspondence.

(14) Former Undersheriff Staley reported that Sgt. VanBuren recently told him the same account of the Respondent's attempt to pay a bill at the ESPN Zone Restaurant in 2004. Staley stated that Sgt. VanBuren claimed to have told the Respondent that it would not be proper to pay the bill with the FCSO credit card.

(15) Sgt. VanBuren stated, after being subpoenaed to provide a statement, that he has been employed as an FCSO deputy since 1987, and has served as a Sergeant for the past 10 years. He recalled that on May 14, 2004, he traveled to Washington, D.C., with other members of the FCSO to attend a memorial service to honor an FCSO deputy who died in the line of duty. After the memorial service, Sgt. VanBuren said, approximately 16 members of the group that traveled from Flagler County to attend the service had dinner and drinks at an ESPN Zone Restaurant in the Washington, D.C., area. He recalled that this group included approximately six people who were not affiliated with the FCSO and that some of the drinks included alcoholic beverages. Sgt. VanBuren reported that when the bill of over \$600 came for the whole group, the Respondent attempted to pay it with his FCSO credit card. He maintains that he and then-Undersheriff Maronski saw this and he (VanBuren) offered to pay the bill with his personal credit card because he knew that it would be improper to use the FCSO credit card for this purchase. Sgt. VanBuren said he took up a collection that evening to help defray the cost and paid the bill with his personal credit card. He does not recall if he or Undersheriff Maronski said anything to the Respondent about the use of the FCSO credit card as being improper.

(16) Mr. Maronski recalled attending the dinner at the ESPN Zone Restaurant in 2004, but he has no recollection of how the bill was paid or if the Respondent attempted to pay the bill with an FCSO credit card.

(17) The Respondent acknowledged in an affidavit provided on April 9, 2015 (appended as pages D1 through D3 of Supplemental Exhibit D), that he attended the dinner at the ESPN Zone in May 2004. However, he maintains that he did not attempt to use the agency's credit card to pay for the meal for all those in attendance.

(18) Sgt. VanBuren noted that he attended the meal at the Madhatter Restaurant in Washington D.C. in May 2013 (referred to in paragraph 30 of the Report of Investigation), where the Respondent paid for everyone's meal with the FCSO credit card. He explained that he did not warn the Respondent about using the agency credit card for this purchase because he did not know at the time that the Sheriff used the FCSO credit card for this meal.

(19) The Complainant explained that her statement in her December 8, 2014, correspondence (Supplemental Exhibit C) that she was the FCSO Finance Director during the Respondent's first term as Sheriff and "specifically brought the issues [concerning his use of the FCSO credit card] to his attention then so he would act compliant with the law," referred

to her having him approve the credit card purchase guidelines document (Supplemental Exhibit A). She clarified that she did not counsel him about any improper use of the FCSO credit card during his first term as Sheriff because she had no knowledge at that time that he improperly used or attempted to use the credit card.

(20) Ms. Bolante noted in her December 8, 2014, correspondence (Supplemental Exhibit C, page C4) that Sheriff Manfre continued to make personal use the FCSO credit card after she warned him against this practice in October 2013. She maintains that while attending a law enforcement memorial in Tallahassee on May 3 and May 4, 2014, the Respondent used the FCSO credit card to purchase food and alcoholic beverages for himself and his wife. The receipts for these purchases (appended as page E1 of Supplemental Composite Exhibit E) reflect that on May 3, 2014, two alcoholic beverages were purchased from the Juicy Blue Bar at the Sheraton Four Points Hotel in the amount of \$27.04. The receipts further reflect that on May 4, 2014, the Respondent purchased two breakfast buffets from the Juicy Blue for a total of \$23.35, and the Complainant claims that this receipt was signed by the Respondent's wife. Ms. Bolante said in her correspondence that when the FCSO finance staff brought these two charges to the Respondent's attention, Sheriff Manfre claimed that the hotel placed the charges on his room folio in error and he contacted the hotel and had the charges in question credited to the FCSO credit card and billed to his personal credit card.

(21) Sheriff Manfre acknowledged in his April 9, 2015 affidavit (pages D1 through D3 of Supplemental Composite Exhibit D) that he attended the State Law Enforcement Memorial Celebration held in Tallahassee in May 2014. He said in the affidavit that his hotel room at the Sheraton Four Points Hotel was paid with an FCSO credit card in accordance with the Flagler Sheriff's Office policy, but that he also provided the hotel with his personal credit card to cover any "incidentals" purchased during his stay. The Respondent confirmed that he had a meal at the Juicy Blue Tapas and Bistro with his wife and said he charged the meal to his personal credit card receiving "a receipt indicating the same." Sheriff Manfre stated in the affidavit that when he checked out of the hotel, his receipt (appended as page E2 of Supplemental Composite Exhibit E) did not show the charges from the Juicy Blue. However, the Respondent's affidavit continues, when the billing statements for the credit cards arrived, the Juicy Blue charges appeared on both his personal credit card and the FCSO credit card statements. He stated that when he was informed that the charges had been billed to the agency's credit card, he contacted the hotel and the total amount of the charges (\$50.39) was credited to the FCSO's account. The Sheriff provided a copy of his personal credit card statement (appended as Supplemental Exhibit F) which reflects a \$50.39 charge to the Respondent's account on May 23, 2014.

(22) When questioned why the date of the purchases on the Respondent's personal credit card statement (May 23, 2014) is over two weeks later than the dates the purchases were made (May 3 and 4, 2014), the Respondent's attorney provided a revised affidavit from Sheriff Manfre (appended as pages D4 through D6 of Supplemental Composite Exhibit D) which notes that he believed when he purchased the meal with his wife that the hotel charged the purchase to his personal credit card. In the revised affidavit, the Respondent no longer claims that he received a receipt indicating that the meal was charged to his personal credit card, or that the charges were billed to both his personal and agency credit cards. The revised

affidavit further notes that when he became aware that the charge was posted to the FCSO credit card, the hotel was contacted and the hotel corrected the error and charged the amount to his personal credit card.

(23) Ms. Tannuzzi provided records from the Sheraton Four Points Hotel that confirm the charges to the FCSO credit card relative to the Juicy Blue Bar (\$50.39) were credited to the FCSO credit card on May 23, 2014.

(24) Ms. Tannuzzi recalled that when she received a billing statement for the Respondent's FCSO credit card and it contained a purchase for which that she did not have a receipt, she would contact Sheriff Manfre's Executive Assistant, Patricia Rizzo, to request that a receipt be provided for the purchase. Ms. Tannuzzi maintains that she asked Ms. Rizzo for itemized receipts relative to meals that were charged to the credit card so that the receipts would document what was purchased and how many meals the purchase included. She reported that Ms. Rizzo typically provided receipts only showing the total of the meal and told her that this was the only receipt retained by the Respondent. On some occasions, Ms. Tannuzzi continued, the Respondent was unable to provide any receipts and simply would write on the credit card billing statement (Exhibit B) next to the listed charge what the charge involved. Ms. Tannuzzi provided copies of four e-mails written by her to Ms. Rizzo from August 16, 2013 through March 25, 2014, in which she requested receipts for charges to the FCSO credit card. However, none of these e-mails specify that she was requesting itemized receipts. When questioned about this matter, Ms. Tannuzzi said she is certain she orally requested itemized receipts from Ms. Rizzo.

(25) Ms. Bolante advised that she did not ask the Respondent for itemized receipts, leaving this duty to Ms. Tannuzzi.

(26) Ms. Rizzo stated by telephone that she has served as the Respondent's Executive Assistant since he began serving as the Sheriff in 2013. She acknowledged that Ms. Tannuzzi asked on a few occasions to provide receipts for various purchases that Sheriff Manfre made with the agency's credit card. However, she does not recall whether Ms. Tannuzzi specifically asked for itemized receipts. Ms. Rizzo explained that she passed the request for receipts on to the Respondent and he would do his best to locate the receipts for whatever purchase was being requested.

END OF SUPPLEMENTAL REPORT OF INVESTIGATION

EXHIBIT A

EXHIBIT A

CREDIT CARD PURCHASES

All purchases should be conducted through Purchasing unless extenuating circumstances exist. No unauthorized purchase will be made by any employee of the Flagler County Sheriff's Office.

Occasionally, a vendor will not honor a purchase order and a credit card will need to be used; however, a purchase requisition/purchase order must be completed.

1. Credit cards for use of employees of the Sheriff's Office are to be signed out from Finance.
2. The procedures for routine credit card purchase are the same as for a routine purchase.
3. Under emergency conditions, the procedures for credit card purchase are the same as for an emergency purchase.
4. An authorized (signed, coded, and approved) requisition for purchases will need to accompany the request for a credit card. Exceptions:
 - Human Resources may reserve class space, hotel accommodations, class registrations, airfare and/or other approved travel accommodations with approved training request.
 - Sheriff and Chief Deputy will make only agency-related purchases and return receipts to Finance.
5. Receipts from the purchase will be returned with the credit card to Finance by the close of business the day the card is checked out.
6. Using an agency credit card during an on-going investigation requires the following be adhered to:
 - Food only amount specified by per diem rate, must include overnight stay.
 - No cash advances.
 - No car rentals without approval of the Sheriff.
 - Travel voucher to be completed upon return.
 - Receipts to be attached to travel voucher.

Gas Credit Card Purchases

****Do Not Leave Gas Card in Vehicle at Any Time****

Commercial gas cards are issued on a permanent or temporary basis. Finance issues all gas credit cards. The following personnel are authorized permanent gas credit cards: Sheriff, Chief Deputy, Motorcycle traffic units, others as approved by Sheriff.

1. The Sheriff and Chief Deputy are automatically issued new cards upon expiration. All other gas cardholders are responsible for keeping track of when their cards expire and bringing them to Finance for exchange.

SUPPLEMENTAL A1

EXHIBIT B

EXHIBIT B

Marriott.
 HOTELS & RESORTS

GUEST FOLIO

569 MANFRE/JAMES/CORNEL 119.00 DUPLICATE 15:51 ACCT#
 ROOM NAME RATE DEPART TIME 1197
 TYPE ACCK 08/03/13
 1001 JUSTICE LN
 ROOM BUNNELL FL
 CLERK 32110 VSXXXXXXXXXXXX4706 GROUP
 ADDRESS PAYMENT MR#:

DATE	REFERENCE	CHARGES	CREDITS	BALANCE DUE
08/03	KURRENTS 3306 570	158.50	- dinner w/ under buff	
08/03	VLT PARK 08/03/13	15.00		
08/03	VALETTAX 08/03/13	.90		
08/03	ROOM 570, 1	119.00		
08/03	ROOM TX. 570, 1	7.14		
08/03	CO TAX 570, 1	4.76		
08/04	GLFGRILL 6001 569	12.46	- breakfast	
08/04	QUINNS 9285 569	62.21	- dinner	
08/04	VLT PARK 08/04/13	15.00		
08/04	VALETTAX 08/04/13	.90		
08/04	ROOM 569, 1	119.00		
08/04	ROOM TX. 569, 1	7.14		
08/04	CO TAX 569, 1	4.76		
08/04	WEB BASEHSTA	9.95	internet	
08/04	NET TAX BASEHSTA	1.45	11.40	do not know / not a movie
08/05	VLT PARK 08/05/13	15.00		
08/05	VALETTAX 08/05/13	.90		
08/05	ROOM 569, 1	119.00		
08/05	ROOM TX. 569, 1	7.14		
08/05	CO TAX 569, 1	4.76		
08/06	VLT PARK 08/06/13	15.00		
08/06	VALETTAX 08/06/13	.90		
08/06	ROOM 569, 1	119.00		
08/06	ROOM TX. 569, 1	7.14		
08/06	CO TAX 569, 1	4.76		
08/07	TROPIKS 3056 569	54.58	dinner breakfast	
08/07	CCARD-VS		886.35	
	VSXXXXXXXXXXXX4706			

.00

Marriott.
 HOTELS & RESORTS

This statement is your only receipt. You have agreed to pay in cash or by approved personal check or to authorize us to charge your credit card for all amounts charged to you. The amount shown in the credits column opposite any credit card entry in the reference column above will be charged to the credit card number set forth above. (The credit card company will bill in the usual manner.) If for any reason the credit card company does not make payment on this account, you will owe us such amount. If you are direct billed, in the event payment is not made within 25 days after check-out, you will owe us interest from the check-out date on any unpaid amount at the rate of 1.5% per month (ANNUAL RATE 18%), or the maximum allowed by law, plus the reasonable cost of collection, including attorney fees.

Signature X

B1

EXHIBIT C

EXHIBIT C

FLORIDA
COMMISSION ON ETHICS

December 8, 2014

DEC 10 2014

RECEIVED

Virildia Doss, Executive Director
Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

Re: James L. Manfre
Complaint No. - 14-097

Dear Director Doss and Members of the Commission:

I received your letter regarding the proposed disposition of the ethics complaint I filed concerning James L. Manfre, Flagler County Sheriff. I have reviewed the proposed stipulated findings and recommended order. I feel compelled to provide comment, and more importantly, facts concerning the issues involved. This is true especially necessary in light of the misrepresentations of fact and defamatory statements made by Mr. Manfre's attorney, Linda Bond Edwards, in her October 3, 2014 letter.

After quoting the law concerning the necessity of "corrupt intent", Ms. Bond Edwards asserts, "Nothing in the Report in the present case suggests that the Respondent acted with corrupt intent." That assertion is incredible given that, as I reported and the investigator is aware, Mr. Manfre engaged in the same type of conduct during his initial term as Flagler County Sheriff and was specifically advised of the wrongfulness of the conduct. I was the Finance Director then as well and specifically brought the issues to his attention then so he would act compliant with the law. Hence, I found it obviously purposeful and unethical for him to engage in the same behavior, (unlawful expenses and unlawful use of public property), when he became Sheriff again. If one has already been advised of wrongful conduct and engage it again, and notwithstanding this prior knowledge, they do so willfully. When such an actor is a Sheriff, that is corrupt.

For Mr. Manfre's lawyer to now suggest he "relied on the Complainant" in committing these wrongs is patently false and frankly, defamatory. On each occasion Mr. Manfre sought to abuse the public trust through misuse of public funds and property during both of his terms as Sheriff, I along with others advised him of the deviations from the law. These representations by his attorney are either spawned by ignorance or they simply are purposeful falsehood. Neither should be tolerated.

Moreover, suggesting I rendered my complaints due to "retaliatory motivation" is absurd. Although somewhat shocked by the behavior and crassness of his conduct, I had and have no purpose to retaliate. Retaliate for what?

I brought the wrongful conduct to his attention and to that of Undersheriff Rick Staly and Mr. Manfre's attorney, Sid Nowell. When told by Mr. Manfre that I was going to have "to take the hit for this" when public records requests were made concerning the expenditures, I

confirmed my alerting him to the issues before and then sent a confirming email that I would be completely truthful when and if official inquiry was made. Mr. Manfre chewed me out in his office for all to hear when he received the email and there are multiple witnesses to this conduct. Thereafter, I was told that if I did not resign, I would be terminated. It was clearly communicated to me *after* I indicated I would be truthful that I would lose my job, prior to vesting, as a result of my statements asserting I would tell the truth- that the expenditures and use of public property was wrong.

To address Mr. Manfre's attorney's letter more specifically, please consider the following information. I reference the portions of the attorney's letter for rebuttal.

Page One, Paragraph Four:

Manfre attended the New Sheriff's Institute Training in December 2012. I assume he attended similar training during his first term of office. A session on ethics was included in this training. I am not sure how I could be responsible for his wrong doing if I had no knowledge about it until October 2013 when actual receipts were requested based on a public records request. Manfre was asked for itemized receipts and he told me that they were not available (he just submitted the hotel folio which did not show itemized expenditures). Instead, he wrote on the folio general comments regarding what the expenditures were for but failed to document that alcohol was included and that non-Sheriff's Office employees were included. Itemized receipts were requested from the vendors at that time at the direction of attorney Sid Nowell. When Manfre found out that that I received the itemized receipts he became angry and demanded to know why we asked for them. At this time, I informed Manfre, Nowell and Staly that these expenditures were clearly inappropriate.

Manfre's personal vacations using the FCSO vehicle were also learned about after the fact through outside sources. Even when confronted that the use of the agency vehicle for personal vacations out of state were inappropriate, Manfre wanted to argue about it. Manfre even tried to submit receipts from purchases totally unrelated to his inappropriate credit card expenditures in an attempt to off-set the charges.

Page Two, "unclean hands":

I did not know until receipts were obtained in October 2013 that Manfre's actions had been in violation of agency policy. I was the one who suggested to the Undersheriff and attorney Sid Nowell that we should get copies of receipts as we should be able to answer concerns about Manfre's actions. When the itemized receipts of the inappropriate expenditures were coming in, I immediately notified Undersheriff Rick Staly who scheduled a meeting with Manfre, Nowell, Staly and myself to discuss this matter. I had no idea the receipts were going to contain improper expenditures. I timely notified command staff and Manfre when issues were identified. Changing policies, procedures and practices had nothing to do with Manfre's inappropriate use of the agency credit card and vehicle(s). It does not take policies and procedures to tell you that buying alcohol on taxpayer's money and taking personal vacations at the expense of taxpayers is wrong.

C2

Page Two, Paragraph Two under "unclean hands":

I always supported my boss, whoever that may have been. I supported Don Flemming when he was running for re-election. I also supported Manfre when he ran for re-election after his first term. I do not live, vote, shop or hang out in Flagler County. To view me as a political threat is ridiculous. The one thing I did and still do insist on is that we in the law enforcement profession are doing the right thing and that our integrity is not compromised.

I also complied with all of the working conditions that were made by Manfre. The Undersheriff approved my hours of work. There were many times I worked or attended meetings on behalf of Manfre outside of normal business hours and away from the Sheriff's Office, such as county commission meetings, meetings with the county administrator, delivering business materials to the courthouse, post office, etc.

Page Three, Issuance of Paycheck:

Paychecks are cut by the Sheriff's Office, so the allegation that I took an additional step and requested the check from the county and received the check from the Clerk of Court is absolutely false. The county and the Clerk of Court do not get involved with cutting checks for any Sheriff's Office business. This is done through the Sheriff's Office Finance. This allegation to the Commission on Ethics is obviously false.

Page Three, Agency use of vehicle:

As of the date of the attorney's letter (October 3, 2014), Manfre still had not admitted to or reimbursed the Sheriff's Office for the Tennessee trip. He had no choice but to admit and reimburse the SO on the 2 other trips only because of outside and intervening factors, and because public records requests were being made. In truth, we really do not know how many personal vacations were taken using government property. It is my strong belief that Manfre never intended on reimbursing for the use of the car and credit card purchases until these issues were brought to light.

Page Three, Allegations of credit card mis-use:

The Sheriff's Office credit card policy was instituted by Manfre during his first term. He never had a discussion with me regarding the use of the agency credit card until October 2013 when these issues came to light. All agency policies were signed off by Manfre when he re-assumed office in January 2013 except certain policies he identified which had nothing to do with the use of the agency credit card. I did not have knowledge of the inappropriate expenditures because Manfre failed to submit the actual itemized receipts. Both Linda Tannuzzi (accounts payable) and I asked Manfre and his assistant, Pat Rizzo, for receipts on different occasions and were told that they did not exist; that is why he was handwriting comments on the folios and statements. Every month receipts were requested for charges he made and each time he would write notes and not provide itemized receipts.

Page Four, Paragraph Two:

Manfre continued to use the agency card for inappropriate purchases as evidenced by receipts received by FCSO finance from the "Juicy Blue Bar" on May 3, 2014 for alcohol, and May 4 for food for two. Interestingly, his wife Cornelia signed the receipt on the agency credit card so it can be assumed she was the 2nd party on the bill. This is after he received upfront per-diem money for his meals and after we had a discussion about inappropriate expenditures in October of 2013. Manfre claimed the vendor posted the purchases on the wrong credit card. He said they should have posted it on his personal credit card. However, Manfre made no effort to have this changed on his folio before leaving the hotel, which clearly shows a continued pattern of unethical behavior. The change was not made until returning to Flagler County and learning that an ethics complaint was being filed against him, which also seems to be a pattern of behavior. Linda Tannuzzi did not know until October 2013 that Manfre was making improper charges on the agency credit card because Manfre never produced itemized receipts after being asked on different occasions. There was no way for her to notify me of the improper charges.

Notwithstanding the allegations made by Manfre's lawyer, regarding my work performance and reliability, there are not *any* documented disciplines, evaluations documenting the same, or any memorandums for record from my immediate supervisor or Manfre himself in my personnel file, (which I have a complete copy of from the time of my separation). Furthermore, on January 23, 2014, Manfre called me into his office to discuss my forced separation. He said to me "I never questioned your quality of work or any work product that you have submitted. I could always trust it, but something has happened between us over the past couple of months to cause us to fall apart." Additionally, in my last days of work at the Sheriff's Office, I received a telephone call from attorney Sid Nowell in which he told me the agency was going to miss my professionalism. I then told him, "honestly Sid, I think that is the reason why I am having to leave."

I hope these facts help in the decision making process of the Commission.

Sincerely,


Linda P. Bolante

EXHIBIT D

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re: JAMES L. MANFRE,

Respondent.

Complaint No.: 14-097

AFFIDAVIT OF JAMES L. MANFRE

STATE OF FLORIDA
COUNTY OF FLAGLER

BEFORE ME, the undersigned authority, personally appeared James L. Manfre, who being first duly sworn, deposes and says as follows:

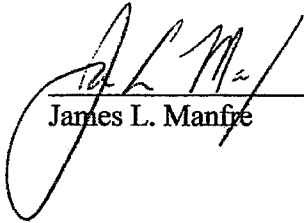
1. I am over the age of 18 and have personal knowledge of the matters set forth herein.
2. I was elected as Sheriff of Flagler County on November 7, 2012 and took office on January 8, 2013. I currently serve the citizens of Flagler County in that capacity.
3. In May 2014, I traveled to Tallahassee for the State Law Enforcement Memorial Celebration as a result of the death of former Sgt. Frank Celico. I stayed at the Sheraton Four Points Hotel (Hotel). In accordance with the Flagler Sheriff's Office policy in place at the time, the agency credit card was used to pay for the hotel room. When I arrived, I provided my personal credit card to cover incidentals. While there, my wife and I had a meal at the hotel restaurant, Juicy Blue Tapas and Bistro. I charged the meal to my personal credit card and received a receipt indicating the same. When I checked out, the receipt that I received only showed the room charge on the agency credit card, however, when the statement came, the food charge showed up on the agency credit card and my personal card. When I learned that the food

charge showed up on the agency credit card, the Hotel was contacted and the Hotel corrected the error and only charged the amount to my personal card.

4. In May 2004, I traveled to Washington DC with others to attend the National Law Enforcement Memorial Commemoration because former Flagler Deputy Sheriff Charles Sease was being honored and recognized because of his death in the line of duty. After the ceremony, the group went to ESPN Zone restaurant for a meal. I did not attempt to use the agency credit card to pay for the meal for all those in attendance.

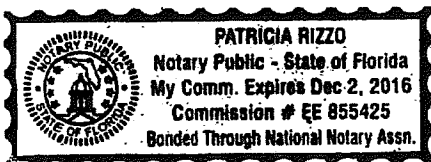
5. Whenever I traveled and had a meal at the hotel, the meal would be charged to the hotel folio. Upon my return, I would submit the bill that I received from the hotel that showed the room charge and the meal charge. I was not asked to provide any information beyond that folio. On one occasion when I forgot to submit a gas receipt, accounting asked for the receipt and on another occasion they asked for a receipt for a meal at a restaurant. I provided the information through my assistant in both situations.

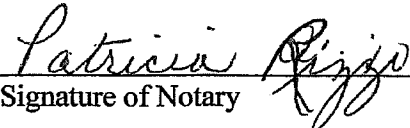
FURTHER AFFIANT SAYETH NAUGHT.


James L. Manfre

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was sworn to and subscribed before me this 6th day of April, 2015, by James L. Manfre.




Signature of Notary

PRINT, TYPE OR STAMP NAME OF
NOTARY

Personally known ☒

OR Produced Identification ☐

Type of Identification Produced _____

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re: JAMES L. MANFRE,

Respondent.

Complaint No.: 14-097

AMENDED AFFIDAVIT OF JAMES L. MANFRE

STATE OF FLORIDA
COUNTY OF FLAGLER

BEFORE ME, the undersigned authority, personally appeared James L. Manfre, who being first duly sworn, deposes and says as follows:

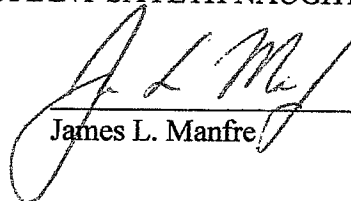
1. I am over the age of 18 and have personal knowledge of the matters set forth herein.
2. I was elected as Sheriff of Flagler County on November 7, 2012 and took office on January 8, 2013. I currently serve the citizens of Flagler County in that capacity.
3. In May 2014, I traveled to Tallahassee for the State Law Enforcement Memorial Celebration as a result of the death of former Sgt. Frank Celico. I stayed at the Sheraton Four Points Hotel (Hotel). In accordance with the Flagler Sheriff's Office policy in place at the time, the agency credit card was used to pay for the hotel room. When I arrived, I provided my personal credit card to cover incidentals. While there, my wife and I had a meal at the hotel restaurant, Juicy Blue Tapas and Bistro. I believed that I was charging the meal to the personal credit card that I presented when I checked in. When I checked out, the receipt that I received only showed the room charge on the agency credit card and I believed that the charges at the Juicy Blue Bar had been charged to my credit card. When the bill arrived and showed that the charge for the meal was included, I was surprised because I had provided my personal card at the

time of check-in and saw the clerk swipe my card. When I learned that the food charge showed up on the agency credit card, the Hotel was contacted and the Hotel corrected the error and only charged the amount to my personal card.

4. In May 2004, I traveled to Washington DC with others to attend the National Law Enforcement Memorial Commemoration because former Flagler Deputy Sheriff Charles Sease was being honored and recognized because of his death in the line of duty. After the ceremony, the group went to ESPN Zone restaurant for a meal. I did not attempt to use the agency credit card to pay for the meal for all those in attendance.

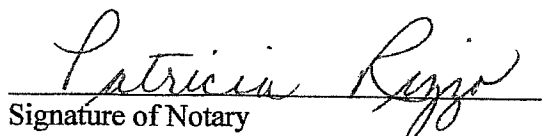
5. Whenever I traveled and had a meal at the hotel, the meal would be charged to the hotel folio. Upon my return, I would submit the bill that I received from the hotel that showed the room charge and the meal charge. I was not asked to provide any information beyond that folio. On one occasion when I forgot to submit a gas receipt, accounting asked for the receipt and on another occasion they asked for a receipt for a meal at a restaurant. I provided the information through my assistant in both situations.

FURTHER AFFIANT SAYETH NAUGHT.


James L. Manfre

STATE OF FLORIDA
COUNTY OF FLAGLER

The foregoing instrument was sworn to and subscribed before me this 21st day of April, 2015, by James L. Manfre.


Signature of Notary



PRINT, TYPE OR STAMP NAME OF
NOTARY

Personally known ✓
OR Produced Identification _____

Type of Identification Produced _____

EXHIBIT E

CHECK # 55510 DATE 5/03/14
NAME L TIME 9:31PM

BAR : COLIN
ITEMS ORDERED AMOUNT
1 KAHLUA 6.50
2 GLS Magnolia Grove Chard 14.00

SUBTOTAL 20.50
Sales Tax 1.54
TOTAL DUE 22.04

OF GUESTS 2

Thank you for joining us at
Juicy Blue!

For Hotel Guest Only

Room#: 906

Tip: 5.01

Total: 27.04

Name: James L. Mantre

Signature: JLM

CHECK # 55554 DATE 5/04/14
TABLE # 7 TIME 9:46AM

DINING : JEREMY
ITEMS ORDERED AMOUNT
2 BREAKFAST BUFF 20.00
FIRE/POLICE -2.00

PROMOTIONS
TYPE AMOUNT
FIRE/POLICE -2.00
-2.00

TOTAL CHK 20.00

PROMO -2.00
SUBTOTAL 18.00
Sales Tax 1.35

TOTAL DUE 19.35

OF GUESTS 1

Thank You For Coming to
Juicy Blue

FOUR POINTS BY SHERATON
316 W. Tennessee St.
Tallahassee, Florida
850-422-0071

For Hotel Guest Only

Room#: _____

Tip: 4.00

Total: 24.35

Name: J Mantre

Signature: J Mantre

E1

Four Points Tallahassee Downtown
316 W Tennessee St
Tallahassee, FL 32301
850-422-0071
<http://www.starwood.com>

FOUR
POINTS
BY SHERATON

Manfre, James Page Number 1
Booking Guest Number 118740 Arrive Date 05-03-2014 17:14
51 River Trail Drive Folio ID A Depart Date 05-05-2014 13:00
Palm Coast United No. Of Guest 2
States 32137

Room Number 906
Time 05-04-2014 16:51

Invoice

Date	Reference	Description	Charges	Credits
05-03-2014	RT906	Room Charge	\$306.00	
05-03-2014	DEPOSIT	Deposit Applied		\$-689.63
05-03-2014	VI	Visa	✓ \$76.63	
05-04-2014	VI	Visa	✓ \$153.50	
05-04-2014	half night	Room Chrg Retail	\$136.44	
05-04-2014	half night	State Tax	\$8.19	
05-04-2014	half night	County Tax	\$2.05	
05-04-2014	half night	Tourism Tax	\$6.82	
		** Total	\$689.63	\$-689.63
		** Balance	\$-0.00	

REFUND OF TAXES

CHD OUT 4.52

For your convenience, we have prepared this zero-balance folio indicating a \$0 balance on your account. Please be advised that any charges not reflected on this folio will be charged to the credit card on file with the hotel. While this folio reflects a \$0 balance, your credit card may not be charged until after your departure. You are ultimately responsible for paying all of your folio charges in full.

EXPENSE SUMMARY REPORT

Currency: USD

Date	Room & Tax	Food & Bev	Telecom	Other	Total	Payment
05-03-2014	\$306.00	\$0.00	\$0.00	\$0.00	\$306.00	\$-613.00
05-04-2014	\$153.50	\$0.00	\$0.00	\$0.00	\$153.50	\$153.50
Total	\$459.50	\$0.00	\$0.00	\$0.00	\$459.50	\$-459.50

As a Starwood Preferred Guest, you could have earned 360 Starpoints for this visit. Please provide your member number or enroll today.

Thank you for choosing Starwood Hotels We look forward to welcoming you back soon!

Tell us about your stay. www.sheraton.com/reviews

F2

EXHIBIT F

4/15/2015

Regular Checking Account — Apr 15 - Jun 1, 2014 Custom

05/27/2014	DBT PURCHASE ON 05/23 @ 05:05 / FOUR POINTS HOTE FOUR POINTS HOTEL TALLAHASSEE FL CARD NBR: -1796		\$50.39	\$518.84
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F1