

FLORIDA
COMMISSION ON ETHICS

December 8, 2014

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Virlindia 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.

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