



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

"An honor to serve, a duty to protect."

Internal Investigation Report

Internal Inquiry Incident #2018-0009

Civilian Employee

Nancy Birdsong

Internal Inquiry Incident #:2018-0009

Subject Employee: Nancy Birdsong

Division: Court & Detention Services Division

Date of Hire: 07/01/1998

Probation Status (if any): None

Date of Most Recent Promotion: None

Previous Corrective Measures:

Written Reprimand on 11/27/01 Failure to follow chain of command

Memo of Consultation on 04/11/00 Unprofessional non-work related conversation while a Dispatch

List of Witnesses:

1 CD of witnesses in the Criminal Investigation Case # 2018-18931

Sgt. John Bray

Corporal Eric Allen

Corporal Scott Wetherhold

List of Exhibits:

Exhibit 1: Memorandum from Corporal Scott Wetherhold to Chief Steve Cole via Chain of Command outlining Nancy Birdsong Time Sheets on February 14, 2018.

Exhibit 2: Authorization to Conduct Internal Investigation from Undersheriff Bisland to Investigator Commander Glenn Davis.

Exhibit 3: Employee notice of Internal Investigation and Internal Confidentiality Acknowledgement Form (**Nancy Birdsong**).

Exhibit 4: Template for Interview of Department Employee as a subject and Garrity Notice (**Nancy Birdsong**)

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Exhibit 5: Audio recorded interview (Nancy Birdsong)

Exhibit 6: Investigative Summary Report for Grand Theft FCSO# 2018-18931 submitted by Detective N. Thomas #709

Exhibit 7: Criminal Investigation Exhibit 1 (Timesheets)

Exhibit 8: Criminal Investigation Exhibit 2 (Benefits Summary)

Exhibit 9: Criminal Investigation Exhibit (Hours History Detail)

Exhibit 10: Criminal Investigation Exhibit (Transaction Report by User Nancy Birdsong Door Card)

Exhibit 11: Criminal Investigation Exhibit (Miranda Warning)

Exhibit 12: 7th Judicial Circuit 707 & Capias case# 2018 CF 000299 of Grand Theft

Exhibit 13: 53 pages of E-mails sent and received from Nancy Birdsong to HR Staff in reference IA case# 2018-009

Incident and Complaint:

On February 14th, 2018, Cpl. Scott Wetherhold drafted and submitted a memorandum via Flagler County Sheriff's Office Detention Services Division chain of command with subject "Time sheets for FCSO Civilian Employee Nancy Birdsong". The memorandum stated the following information:

"There have been some recent questionable entries, discrepancies and omissions to FCSO civilian employee Nancy Birdsong's timesheets in reference to her use of time off to include sick leave, vacation leave, personal time, comp time, and use of FMLA (Family Medical Leave Act) time. According to HR employee Missy Perry, Nancy Birdsong began FMLA on 03/23/2017.

When comparing Nancy Birdsong's timesheets that are shown on Executime to the time deducted from her Benefit Summary, there appears to be the following issues. See Exhibit 1 Time Sheets 1-21 for Nancy Birdsong and Exhibit 2 Benefits Summary for Nancy Birdsong."

Also on February 14th, 2018, Detective N. Thomas was assigned by Chief Steve Brandt to conduct a criminal investigation into the allegations provided by Corporal Wetherhold against civilian employee, Nancy Birdsong. Detective N. Thomas was directed to have a meeting with Chief Cole and Commander Brian Pasquariello in regards to this information and was provided the following:

Sgt. John Bray was reassigned to the Palm Coast Precinct Desk Duty on January 17th, 2018. During the interim period of Sgt. John Bray being moved from Courthouse supervision, Commander Pasquariello was assigned to supervise the courthouse personnel. As a part of his job function, he reviewed timesheets submitted by the courthouse personnel. Commander Pasquariello reviewed Nancy Birdsong's timesheets and immediately noticed there were potential issues with her method of documenting time.

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Commander Pasquariello contacted Corporal Wetherhold and incoming Sgt. Kim Davis and advised them to conduct an initial fact finding investigation into the possible inconsistencies on Nancy Birdsong's timecards. Commander Pasquariello and Chief Cole both indicated there was a need for a criminal investigation to be conducted.

During the timeframe of 02/14/2018 to 02/26/2018, Detective N. Thomas began a criminal investigation into the allegations provided by the aforementioned people. The following is a summary of the discrepancies and inconsistencies documented by Nancy Birdsong on her timecard. It should be noted; there are numerous timecard entries where Nancy Birdsong adds her time appropriately and the leave is appropriately subtracted from her Benefits Summary to show that there is no misunderstanding on Nancy's behalf of how to enter her time.

Investigation:

On Monday, March 26, 2018, Commander Glenn Davis of the Internal Affairs Unit was provided authorization to conduct Internal Investigation #2018-009 by Undersheriff Bisland.

On Monday, March 26, 2018 at 1200 hours, Undersheriff Bisland met with Nancy Birdsong at Operations, 901 E. Moody Blvd, Bunnell, FL 32110. Undersheriff Bisland informed Nancy Birdsong that she was the subject of Internal Investigation #2018-0009 regarding #20-General Orders Standards of Conduct. Nancy Birdsong was provided a copy of the signed notice and informed that Commander Glenn Davis would contact her in the near future in order to obtain a Sworn Recorded Interview.

Sworn recorded statement Nancy Birdsong:

On April 2, 2018 at 1324 hours I, Commander Glenn Davis conducted an interview with Nancy Birdsong in reference to IA case# 2018-009 at Operations, 901 E. Moody Blvd, Bunnell, FL 32110. In attendance was her attorney Josh Davis and Detective Randall Doyle only in an observational capacity. Ms. Birdsong was read Garrity and sworn in under oath.

Ms. Birdsong was asked if she had received copies of the complaint and evidence made against her in IA case# 2018-009, which she advised she did. She was also asked if she had time to go over all the information that I provided to her and her attorney. She stated she did.

Ms. Birdsong stated that she has been employed with the Flagler County Sheriff's Office since July 1, 1998. She has worked in dispatch and the judicial process fugitive unit.

I asked Ms. Birdsong if she was familiar with the incident that occurred from April 26, 2017 until February 13, 2018. She stated that she was aware of the allegations made against her. I asked if she was familiar with the timecard program called Executime. Ms. Birdsong stated she was. I asked have you ever had questions on how to use Executime or how to properly input your time. Ms. Birdsong stated that she had many questions about its use. I asked if her questions were related to how to enter her time and she stated that is correct. I then asked if she was currently on intermittent FMLA. Ms. Birdsong stated she was. I then asked how long had she been on intermittent FMLA and was advised that it started on March 27, 2017. I asked Ms. Birdsong what was her understanding of the intermittent FMLA.

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Ms. Birdsong stated that she was to use FMLA for only 12 weeks as needed to care for her granddaughter, who she was granted custody by the State of Florida.

I then asked if she could explain any of the inaccurate entries made on her timecard. Ms. Birdsong stated that there were many, with vacation summary and benefit summary. She then stated she didn't understand any other inaccuracies. I advised her the issues with her putting down regular time and then in the comment section she put down FMLA. She stated that was correct, and it was the only way she could save her time on the time sheet. Ms. Birdsong explains due to the inconsistencies with her benefit summary the system would not allow her to enter FMLA vacation or FMLA sick. She stated that it would tell her it was an error and would not allow her to enter any other thing but regular time. She then stated that was why the comments were placed into the box to the right of the drop down. I asked, did you ask questions about those and she stated that she had sent an email to Renina Fuller on June 23 of 2017 reporting she was having issues regarding her FMLA payroll. Ms. Birdsong stated that she did not receive an email back. I asked if there were other instances where she had reported issues. Ms. Birdsong stated yes she sent another email to Adrienne Felton to ask how to do her time sheet and again she never received an email back. I then asked why did you start at the beginning of your FMLA time correctly and then near the end of the year you started to do it incorrectly. Ms. Birdsong stated that it was due to the benefit summary not correctly calculating her time. She went on to state that her wage statement would show one thing and her benefit summary in Executime would not let her use the time. I asked Ms. Birdsong when she saw this did she reach out to anyone. She stated no because she was also under donated time and was never told how much donated time she had or who donated to her. She went on to state she had a personal conversation with Adrienne Felton in December of 2017 about how much time she had left on the books for FMLA. She searched for my file and could not locate it. Ms. Birdsong stated Ms. Felton stated do not worry about it mama if you are getting close I will let you know. Ms. Birdsong stated she advised Ms. Felton that she was unable to use any of the drop downs to make the correct selection. Ms. Felton then asked if there had been any questions from anyone and Ms. Birdsong stated no. Ms. Felton then stated to Ms. Birdsong, if no one asked any questions do not worry about it. Ms. Birdsong was not sure of the date the conversation with Ms. Felton occurred but may have been when she was called to Detective Thomas's office for an interview for an IA investigation of another employee. I then asked if she had received direction from any of her supervisors instructing her complete her time sheet in this manner. Ms. Birdsong stated there has never been any communication with her supervisors about her timesheet but he was aware there were issues not allowing her to use the correct drop down boxes and she had sent an email to payroll. I asked who were your direct supervisors at the time. Ms. Birdsong stated that at the time of the issues it was Corporal Wetherhold and before that it was Corporal Allen. Ms. Birdsong stated when Corporal Allen was her supervisor she did not believe there were any issues with her time sheets. She went on to state that when Corporal Allen was her supervisor that was the start of her FMLA and she was advised to submit her time sheets to Adrienne Felton so she could do her time sheets as it pertained to her intermittent FMLA. She stated she did this and copied all the emails to Corporal Allen. I asked if she did this when Corporal Wetherhold was her supervisor and was advised that she had no conversation with Corporal Wetherhold about it nor did he ever advise her there were any problems with her time sheets. She went on to say no one ever questioned her about her timesheets. She then stated that she sent an email to payroll and no one ever got back with her on it so to her knowledge there was never an issue with her timesheet. I then asked if Sergeant Bray was one of your supervisors at the time and she advised he was. I then asked if she had intentionally fabricated her time card due to the lack of hours and she advised me she did not. I then asked if she was at work when she entered regular time on the entries in question. Ms. Birdsong stated that was the only option she had and made comments in the drop down that she was out on FMLA.

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Ms. Birdsong stated to me she did have an email from February 26 of 2018 that she sent to Renina Fuller that she had vacation hours on her wage statement and she was unable to use them because it was calculating wrong in Executime. Ms. Birdsong stated she had to go into Executime and delete. She went on to say she was not sure what she needed to delete but then she was able to use her vacation time after February 26. I then asked what your anniversary date was and she stated it was July 1, 1998. I asked if she had any further statement she would like to make. Ms. Birdsong stated that she knows there was an email sent out for donated time starting with Human Resources Director Ken McClinton but was never made aware of how much time was donated. She went on to report that some of the emails sent to donate time were sent to Adrienne Felton which she later found in her spam email. She stated there was also an email sent in October to Renina Fuller to have more donated time sent to her. Ms. Fuller responds back to the email that there was no time that was needed due to Ms. Birdsong having time on the books. I asked if she saw the donated time and was advised that she had not nor did she know who donated time to her. At this time I asked both Ms. Birdsong and Josh Davis if they had anything further and was advised by both they had nothing further. The interview ended at 1344 hours.

On April 12, 2018 at 1311 hours Ms. Birdsong and her Attorney Josh Davis came into my office by my request to review e-mail that I had pulled that Ms. Birdsong referenced in her prior interview with me. They reviewed the emails and I stated I had no questions to ask of her. Ms. Birdsong nor her Attorney asked any questions of me and they departed at 1332 hours.

Discussion:

- A criminal investigation was conducted with evidence that determined Nancy Birdsong falsified her time sheets.
- The total hours documented as "Regular Time" that can be proven Nancy Birdsong was not at work is 77 hours. Nancy Birdsong's base pay rate is listed as \$20.4885/ hr. The total financial gain for Nancy Birdsong and loss for the Flagler County Sheriff's Office is \$1577.61.
- A warrant was secured based on the evidence in the investigation and Nancy Birdsong was arrested on the charge of Grand Theft.
- All interviews conducted during the criminal investigation of her supervisor's statement's established that at no time she was instructed to fill out her time sheet in the manner she completed them.
- It should be noted, during the course of this investigation by Detective Thomas, it was confirmed with Human Resources Director Fuller and Adrienne Felton that permissions were never given to Nancy Birdsong to complete her timesheet in this manner.
- None of the emails referenced by Nancy Birdsong show she was advised by her supervisors or HR to complete her time sheets in the manner she did.

Findings:

This investigation is **SUSTAINED** for the following violation(S):

General Order 020**Category Nine Violations:**

h. Violation of Rules: Personnel will obey the policies, procedures, instructions and directives of the Sheriff.

Category Ten Violations:

a. Truthfulness: Personnel shall truthfully relay all information and answer all questions related to their employment with the agency, off-duty employment, volunteer activities with the agency, or questions otherwise related to Sheriff's Office operations, that are asked by, or provided to the Sheriff, the Sheriff's designee, or a superior officer. Personnel shall truthfully answer any questions during any legal proceeding, or otherwise under oath.

c. Conformance to State and Federal Laws: Personnel will comply with the laws, rules and Constitution of the United

f. Falsification of Records:

Personnel will not falsify any document, record, statement, report or communication.

Disciplinary Action: Flagler County Sheriff's Office **General Order 019-Discipline** Category nine includes all ranges of discipline, from written reprimands up to and including termination. Category ten Termination.

To be completed by the Investigating Supervisor or Official:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any rights contained in ss. 112.532 and 112.533, Florida Statutes.

[Signature] 290
Signature

4/23/18
Date

Sworn to and subscribed before me, the undersigned, this 23rd day, April month, year. 2018

Sheria. Supu
Notary



v/s JACK BISHAW
Reviewing Supervisor Printed Name

04-23-18
Date

[Signature] #599
Signature of Reviewing Supervisor