



Rick Staly, Sheriff
FLAGLER COUNTY SHERIFF'S OFFICE

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

MEMORANDUM

DATE: February 15, 2018
TO: Undersheriff J. Bisland *JB 5/9*
VIA: Chain of Command
FROM: Investigator Randall Doyle (#805) *RD 805*
RE: Internal Inquiry FCSO case# 2018-002

On Monday, January 22, 2018, I met with Undersheriff J. Bisland in reference to an Investigative Inquiry involving Deputies Jeff Puritus and John Freshcorn. At this time both deputies were assigned to the Flagler County Courthouse.

I was provided with a memorandum authored by Ms. Anne Landolfa, Administrative Services Director at 125 E. Orange Avenue Daytona Beach, FL 32114. The memorandum was dated December 22, 2017 and directed to Mr. Mark Weinberg, Court Administrator.

Incident and complaint:

The aforesaid memorandum indicated that Ms. Landolfa was directed to meet with staff members headquartered at the Flagler County Courthouse in reference to inappropriate workplace behavior being identified and stating, **"untenable work environment for the staff has developed."** Ms. Landolfa asserts that the source of this behavior is isolated to Deputies Puritus and Freshcorn as well as Sergeant J. Bray.

In summary, Ms. Landolfa recommends that the individuals involved be re-assigned in order to re-establish a cohesive and welcoming work place for court personnel.

In addition to the memorandum, I was provided an additional memorandum authored by Commander B. Pasquariello on November 29, 2017 and directed to Chief S. Cole via Chain of Command.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 2

In brief, the memorandum informed that Commander Pasquariello was asked by Flagler County Judge, Dennis Craig to meet with him in his office. According to the memorandum Judge Craig was relaying information told to him by Flagler County Civil Judge, R. Lee Smith.

The information was regarding an inappropriate photograph sent to Judge Smith's Judicial Assistant, Kenley Matejka. Commander Pasquariello had since met with Judicial Assistant Kenley Matejka and confirmed that the picture was in fact sent by Deputy J. Puritus. The photograph captured a woman wearing see-through lingerie. This text was sent on September 28, 2017. Ms. Matejka advised Commander Pasquariello that she did not wish to file a formal complaint and was not seeking discipline for Deputy Puritus but was offended by the interaction.

Commander Pasquariello identified that Deputy Puritus had in fact violated General Orders regarding Standards of Conduct and recommended disciplinary action in the form of a written reprimand. A follow-up meeting with Judge Craig was conducted at which time; Judge Craig endorsed the resolution.

On December 1, 2017, Deputy J. Puritus was in fact issued a written reprimand and mandatory remedial sexual harrament training. **Note: this incident is included in the memorandum authored by Ms. Landolfa.**

On Monday, January 22, 2018, I made contact with Ms. Landolfa via email and arranged to meet with her on Wednesday, January 24, 2017 at 1030 hours at 125 E. Orange Avenue Daytona Beach. Upon meeting with Ms. Landolfa she requested we delay the interview until Mr. Mark Weinberg could attend the meeting.

Sworn recorded interview of Ms. Anne Landolfa/Mark Weinberg:

At 1031 hours of said date, I began my interview of Ms. Landolfa in the presence of Mr. Weinberg. To begin the interview, I requested Ms. Landolfa advise me how she became involved in this matter and how she proceeded.

Ms. Landolfa immediately advised she had no previous knowledge of the incident and was unaware of any issues prior to her inquiry. Ms. Landolfa advised she first became aware in early December by two of the Flagler County court personnel however; she could not provide a date. The employees identified were Ms. Kenly Matejka and Antoinette Arcuri. I then asked which one of these individuals had contacted her however; Ms. Landolfa advised me it was Mr. Weinberg that requested she meet with these two individuals based on information he had been provided.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 3

Mr. Weinberg then clarified that he had been contacted by Chief Judge R. Zambrano and was informed that he was aware of allegations of inappropriate behavior occurring at the Flagler County Court House that warranted inquiry. I then asked Ms. Landolfa when she met with the employees. Ms. Landolfa could not recall right away and took some time before advising it was December 11, 2017. Ms. Landolfa met with Ms. Matejka first at which time, I went through the list of allegations provided by Ms. Landolfa in her memorandum. I began by reviewing the allegations provided by Ms. Landolfa:

- 1) Deputies Puritus and Freshcorn discussing **"Child porn"** on Deputy E. Velazquez's cell phone. **(Arcuri)**
- 2) Inappropriate Photo via text. **(Arcuri and Matejka)**
- 3) Racial comments **(Arcuri)**
- 4) Deputy Puritus having a phone conversation with a drug court participant regarding her driver's license and getting her oil for her car then commenting that he could get divorced and lose his job over that. **(Arcuri)**
- 5) Deputy Puritus states to Arcuri, narcotics officer is gay because he has long hair and that they are dirty cops. **(Arcuri)**
- 6) Deputy Puritus asks Arcuri, why do you listen to that **"nigger music?"** **(Arcuri)**
- 7) Deputy Puritus advises Arcuri that she is sick if she dates an African American. **(Arcuri)**
- 8) Deputy Puritus, 11/9/17 sends Arcuri a text asking her for a **"boob shot."** **(Arcuri)**
- 9) Deputy Puritus had a tantrum with vulgar language and flipping of furniture. Occurred in early November but not reported until the meeting with Ms. Landolfa. **(Arcuri)**
- 10) 11/13/17, Deputy Puritus is in the interior office and is asked repeatedly by both Arcuri and Matejka to leave due to him sitting in the guest chair and bouncing a ball off the wall while they attempted to work. Occurred in both JA's offices at separate times. **(Arcuri)**
- 11) Deputy Puritus advising court staff tells Arcuri to stop telling the deputies how to do their jobs. This was in reference to Arcuri looking for a deputy for court for a visiting judge. **(Arcuri)**
- 12) Sergeant J. Bray talking about his most recent trip to the mountains and advising the air is clear there because there are **"no niggers there."** **(Arcuri)**

Ms. Landolfa's memorandum advises that the office atmosphere has become uncomfortable while noting that the Deputies rarely acknowledge the staff and are presenting an air of intimidation and fear. Ms. Landolfa advised that both Ms. Arcuri and Ms. Matejka have identified this behavior however; Ms. Matejka has only become aware recently. Ms. Landolfa advised that to the best of her knowledge the described incidents are in fact isolated to just these two deputies and primarily Deputy Puritus. This activity has generally occurred in the Judges suite area.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 4

Mr. Weinberg was asked if he had anything to add or if he had any further knowledge of this matter. Mr. Weinberg informed that he had no real knowledge of this prior to talking with Judge Zambrano and had no idea that an earlier investigation had already taken place. Ms. Landolfi also advised the same and commented that she really did not know what to ask either of the two assistants. Both Mr. Weinberg and Ms. Landolfi then informed me that Ms. Matejka had informed them that Deputy Puritus had in fact apologized for his actions and assured her that he would refrain from any such behavior in the future. Ms. Matejka informed them that she felt as though the apology was heartfelt and sincere and wanted this to all be put behind them and move on.

Mr. Weinberg closed by advising that their primary objective was to restore a comfortable and welcoming atmosphere for their employees. Mr. Weinberg advised that he is confident the Sheriff's Department is doing their part to assure that this is achieved. The interview was concluded at 1055 hours.

Sworn recorded interview of Ms. Antoinette Arcuri:

On Friday January 26, 2018 at 1041 hours, I met with Ms. Antoinette Arcuri Judicial Assistant for Judge Craig at the Flagler County Courthouse in Bunnell. Ms. Arcuri is the original source of this inquiry and was asked to start from the beginning and to provide as much detail as possible.

Ms. Arcuri advised that sometime around June of last year Deputy Puritus purchased a new home and he and Deputy Freshcorn were in her office having coffee on a Monday morning talking about Deputy Velazquez having "**Child Porn**" on his phone. This discovery was to have occurred while everyone was at Deputy Puritus' house on the weekend prior. Ms. Arcuri explained that Deputy Velazquez later informed her that he could not get involved in this inquiry because he works with them every day. According to Arcuri, Velazquez did tell her that they have caused a lot of issues for him because they told others about the alleged child porn and it was all untrue. Ms. Arcuri also advised Velazquez informed her that these guys are basically schemers and they will plot together against her just like they did with him.

Ms. Arcuri then introduced the text message regarding photo of the woman wearing the see through negligée. Ms. Arcuri advised that she confronted Deputy Puritus about the photo in front of Deputies Freshcorn and Marino at which time; he laughed and proceeded to forward the same photo to Ms. Matejka which, she confirmed later. Ms. Arcuri advised that she and Ms. Matejka both agreed at that time to ignore it and to move forward. Ms. Arcuri advised that she has been ignoring Deputy Puritus and his behavior for some time now while advising of an incident involving a picture of her daughter and daughters boyfriend. Puritus is alleged to have stated, "**Why doesn't she get rid of that little boy so I can teach her what a real man is.**" Ms. Arcuri advised she was very angry and upset over this particular comment.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 6

Ms. Arcuri then advised of the text messages Deputy Puritus sent her regarding a request for another **"boob shot."** Ms. Arcuri advised this has occurred on several occasions.

The week of November 13, Deputy Puritus entered into Ms. Arcuri's office, sat down and began bouncing a ball off of her wall while stating, **"You need to be friends with me."** He began to explain that they work together and they need to get along at which time; Ms. Arcuri asked him to leave. Deputy Puritus continued to bounce the ball and reiterated that they need to get along and basically refused to leave until he was ready. When asked if she reported this, Ms. Arcuri advised she would not complain to Sergeant Bray because he is also rude and perverse. Deputy Puritus finally left and went into Ms. Matejka's office and began doing the same thing with ball. Ms. Arcuri advised that both she and Ms. Matejka tried to advise Deputy Puritus that they did not have a problem with him and he could just leave them alone.

Ms. Arcuri then advised of the day she was looking for a Bailiff for a visiting judge. Ms. Arcuri explained that a few minutes after she asked for a bailiff Sergeant Bray came to her and stated, **"Don't tell us how to do our fucking jobs."** When this occurred, Ms. Arcuri requested Sergeant Bray to step out in the hallway and asked him if he had a problem with her. According to Ms. Arcuri, Sergeant Bray stated, **"Ya I have a problem with your fucking mouth, your always running your fucking mouth."** Ms. Arcuri advised that this took place in front of Commander Pasquariello. According Ms. Arcuri, Sergeant Bray then looked at the commander and said, **"Do you wanna tell her what's gonna happen to her?"** Ms. Arcuri advised that the commander did not say anything and actually **"looked dumb founded."** Sergeant Bray then advised Ms. Arcuri that they were going to have a meeting about her and then go to Judge Craig.

Ms. Arcuri then explained that it was in fact her that informed the Flagler County Narcotics Unit that the named courthouse deputies were talking badly about them calling them names and making allegations about their behavior. Ms. Arcuri advised that she asked that they not report it because she would lose her job and then confirmed that she is in fact being replaced. Ms. Arcuri is of the belief that she is in fact losing her position because Sergeant Bray went to Judge Craig and informed him that her allegations initiated an investigation into the deputies.

Ms. Arcuri advised that she was then questioned about this by Judge Craig at which time, she informed him that she was clear that she did not want to make a formal complaint but did verbalize that she thought what these particular Courthouse Deputies were doing was wrong.

Ms. Arcuri then informed me that she overheard Deputy Puritus on his personal cell phone telling someone and assuming it was a female from the drug court program that her Driver's License was valid and she was safe to drive.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 7

Ms. Arcuri advised that she also knows of Deputy Puritus buying oil for another female from the drug court program and believed her name to be **"Trimoli"** or something close to that. Deputy Puritus had stated in front of Ms. Arcuri that he could lose his job and get divorced over this. Ms. Arcuri advised that she even cautioned Deputy Puritus about that type of activity and how it would be perceived.

Ms. Arcuri advised that just prior to her meeting with Judge Craig, Deputy Velazquez came to her office and informed her that the whole group were conspiring against her just like they did to him. According to Ms. Arcuri, Deputy Velazquez informed her that there was a meeting involving Commander Pasquariello, Sergeant Bray, Deputy Puritus and Deputy Freshcorn.

Ms. Arcuri advised that shortly after this all took place Deputy Puritus did come to her and Ms. Matejka and apologized. She advised that he was actually in tears and asked why this had to go this way he meant no harm. Ms. Arcuri advised that she did not believe the apology to be sincere.

Ms. Arcuri concluded by advising that she and Ms. Matejka no longer feel safe at work and they feel as though the deputies now look at them differently. Ms. Arcuri does not believe that these deputies have their best interest in mind and have created a very uncomfortable workplace for them both. Ms. Arcuri broke down and cried while advising that she has always been very pro law enforcement but the interaction she has had to endure with these officers has made her very concerned and hurt ultimately changing her overall outlook. The interview was concluded at 1116 hours.

Sworn recorded interview of Ms. Kenly Matejka:

On Thursday, January 25, 2018, I made arrangements to meet with Ms. Arcuri at the Flagler County Courthouse at 1030 hours for an interview and scheduled my meeting with Ms. Matejka on the same date at 1130 hours. I was unable to actually make contact with Ms. Matejka however; Ms. Arcuri advised that she had spoken with Ms. Matejka and that she would be present. However; on the date in question I waited for Ms. Matejka for 45 minutes and phoned her office numerous times during that period to see if she was going to make our meeting with no success. Over the next two weeks I made numerous attempts to reschedule our appointment. On Friday, February 9, 2018 at 1105 hours, I met with Ms. Kenly Matejka, Judicial Assistant to Judge Smith at the Flagler County Courthouse.

It was at this time Ms. Matejka advised me that she did not wish to participate in this investigation and has declined to participate. Ms. Matejka advised that she is aware that discipline has already been administered and she believes **"what's done is done."** The interview was concluded at 1108 hours.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 8

Sworn recorded interview of Commander B. Pasquariello

On Tuesday, February 14, 2018 at 0830 hours, I met with Commander B. Pasquariello at the Sheriff's Operation Center 901 E. Moody Boulevard. My interview of Commander Pasquariello focused on a single conversation between Ms. Arcuri and Sergeant Bray that was alleged to have occurred in his presence.

Commander Pasquariello was asked if he was present during a verbal altercation between Sergeant Bray and Ms. Arcuri regarding what deputy was going to be working with the visiting judge on this particular day. Commander Pasquariello advised that he was present in the court room when the conversation was initiated however; he did not hear what the conversation entailed or how it began. Commander Pasquariello advised that he did see Sergeant Bray and Ms. Arcuri start to exit the courtroom at which time, Sergeant Bray motioned for Commander Pasquariello to follow. Commander Pasquariello advised that upon exiting the courtroom it was obvious that both Sergeant Bray and Ms. Arcuri were upset and Sergeant Bray did in fact ask Commander Pasquariello if he wanted to tell Ms. Arcuri what was going to happen to her. Commander Pasquariello advised that he could not be certain what was exactly said but it was something similar or close to what Ms. Arcuri offered in her statement. Commander Pasquariello advised that he instructed them both to calm down as Ms. Arcuri had begun to walk away. Commander Pasquariello advised that there was no further contact on that day however; he did make contact with Ms. Arcuri the next day to discuss the previous described incident regarding the inappropriate photograph texted by Deputy Puritus. During this time he also discussed the incident involving Sergeant Bray however; it was at this time Ms. Arcuri informed Commander Pasquariello that she was informed by her attorney not provide a statement at that time. Commander Pasquariello honored her decision and did not pursue the issues any further. It was not until sometime later that Ms. Arcuri advised that she would discuss the described issues with him which lead to the written reprimand and remedial training for Deputy Puritus. The incident involving Sergeant Bray was said to have occurred due to the prior interactions involving Deputy Puritus and the overall atmosphere at the time and did not reach a level that warranted disciplinary actions.

I asked Commander Pasquariello if he understood what Sergeant Bray was referring to when he commented about what was going to happen to Ms. Arcuri. Commander Pasquariello advised that it had become common knowledge amongst the deputies that Ms. Arcuri was going to be replaced however; he was uncertain if Ms. Arcuri was aware at that time.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 9

Commander Pasquariello advised that since he has been made aware of the entire incident and activities occurring in this circle of individuals, he has focused on establishing and maintaining a stable working environment for everyone involved.

Sworn recorded interview of Sergeant J. Bray

On Thursday, February 15 2018 at 1230 hours, I met with Sergeant J. Bray at the District II Substation located at 160 Cypress Point Way for the purpose of taking a recorded sworn statement regarding this inquiry. I asked Sergeant Bray if he was familiar with the allegations being made by courthouse personnel prior to January 2018. Sergeant Bray acknowledged that he was.

I then identified my reason for meeting with him specifically regarding these allegations and referred to an alleged verbal altercation occurring between himself and Judicial Assistant, Ms. Antoinette Arcuri. I explained that Ms. Arcuri advised that on a specific occasion she entered Judge Craig's courtroom and asked what bailiff would be attending with the visiting judge on this day. Sergeant Bray advised that he was not present when she entered however; shortly after he arrived he was advised that Ms. Arcuri was inquiring about the attending deputy and had remarked that they can never be found when needed. Sergeant Bray advised that Ms. Arcuri should have already known since that bailiff does not change.

I then asked Sergeant Bray if at some point Ms. Arcuri asked him to step out of the courtroom. Sergeant Bray confirmed that she had and he immediately motioned to Commander Pasquariello to come with him. Sergeant Bray advised Ms. Arcuri was holding the door open and he did in fact follow her outside added that Commander Pasquariello was right behind him. I advised Sergeant Bray that Ms. Arcuri then advised that she asked him if he had a problem with her and did he recall that taking place. I informed Sergeant Bray that Ms. Arcuri advised that he responded by stating, **"Yes I have a Problem with your fucking mouth, your always running your fucking mouth."** Sergeant advised that this was totally untrue and that he did not utilize any profane language in her presence. Sergeant Bray advised that his response was, **"No I don't have a problem, it's your mouth."** Sergeant Bray then advised that he then asked Commander Pasquariello if he wanted to tell her or if he wanted him to tell her? It was at this point Commander Pasquariello put his hand up and he and Commander Pasquariello walked back into the courtroom. I asked Sergeant Bray what he was referring to about what he was going to tell Ms. Arcuri. Sergeant Bray advised that over the past few months Ms. Arcuri was **"Pitting"** detectives against bailiff's starting trouble as well as making allegations against the deputies and telling him that he needed to write certain officers up for their behavior. Sergeant Bray wanted Ms. Arcuri to know that they were aware of what she was trying to do and the trouble that she was creating for them.

/rd

Memorandum - Internal Inquiry - FCSO case# 2018-002

February 12, 2018

Page 10

I informed Sergeant Bray that Commander Pasquariello had informed me that he was not present for the initial portion of the conversation he had with Ms. Arcuri outside the courtroom but he did hear the portion involving who was going to tell Ms. Arcuri. Sergeant Bray advised that Commander Pasquariello's account was accurate. I informed Sergeant Bray that Commander Pasquariello did identify that both he and Ms. Arcuri appeared angry and upset. Sergeant Bray did confirm that they were both clearly upset with each and he believes it was due to everything that had been going on over the past few months. Sergeant Bray adamantly denies ever addressing Ms. Arcuri with foul or inappropriate language and considers his tone with Ms. Arcuri to have been firm but not rude.

The interview was concluded at 1241 hours.

Findings:

Judge Craig's Judicial Assistant, Ms. Antoinette Arcuri along with Judge Smith's Judicial Assistant, Ms. Kenly Matejka interact with Sergeant Bray and Deputies Puritus and Freshcorn on a daily basis during the course of their duties and have subsequently informed courthouse administration of some improprieties on behalf of these officers. It has been determined that the most significant of these actions has been addressed in a previous inquiry conducted by Courthouse Commander Pasquariello. Deputy Puritus was subsequently disciplined in the form of a written reprimand on December 1, 2017.

The remaining allegations represent remarks and language utilized by the named parties and witnessed by both Ms. Arcuri and Ms. Matejka however; only Ms. Arcuri would provide a sworn statement attesting to this behavior. Ms. Matejka under oath clearly advised that she did not wish to participate in this inquiry revisiting that she had received an apology from Deputy Puritus and was aware that Deputy Puritus had been disciplined for his actions. In addition, Ms. Landolfi could not confirm what if any of the remaining allegations Ms. Matejka could confirm therefore; corroboration has not been recognized at this time.

As of this date Sergeant Bray and Deputy Puritus have been transferred from Courthouse Duty and Ms. Arcuri is being replaced as Judge Craig's Judicial Assistant effective February 28, 2018.

Investigation closed.

/rd

Cc: