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INTERNAL AFFAIRS INVESTIGATION

SWORN STATEMENT OF

DEPUTY CHIEF SCOTT PETERSOHN

IA# 201109297

\* \* \* \* \*

DATE TAKEN: DECEMBER 6, 2011

TIME: COMMENCED AT 11:34 A.M.  
CONCLUDED AT 12:46 P.M.

PLACE: BEACH SAFETY  
515 SOUTH ATLANTIC AVENUE  
DAYTONA BEACH, FLORIDA

STENOGRAPHICALLY  
REPORTED BY: SHAWNA R. STIMSON, RPR, FPR  
COURT REPORTER and NOTARY PUBLIC

\* \* \* \* \*

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APPEARANCES:

LARRY SMITH, ESQUIRE  
Deputy County Attorney  
NANCYE JONES, ESQUIRE  
Assistant County Attorney  
123 West Indiana Avenue  
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(386) 736-5950  
(386) 736-5990 - facsimile

ALSO PRESENT:

NIKKI DOFFLEMYER, CAPTAIN  
DEPARTMENT OF PROTECTION INTERNAL AFFAIRS UNIT

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S T I P U L A T I O N S

It is hereby agreed and so stipulated by and between  
the parties hereto, through their respective counsel,  
that the reading and signing of the transcript are  
expressly reserved by the Deponent.

## 1 PROCEEDINGS

2 THE COURT REPORTER: Do you solemnly swear, or  
3 affirm, that the testimony you are about to give  
4 will be the truth, the whole truth, nothing but the  
5 truth?

6 THE WITNESS: I do.

7 THEREUPON,

8 DEPUTY CHIEF SCOTT PETERSOHN,

9 having been first duly sworn, was examined  
10 and testified upon his oath as follows:

11 MR. SMITH: All right. I have to wait for  
12 Captain Dofflemeyer to give you your rights here,  
13 sir.

14 CAPTAIN DOFFLEMYER: All right. I'm Captain  
15 Dofflemeyer with the Department of Public  
16 Inspections Internal Affairs Unit. Also present is  
17 Ms. Nancye Jones from County Legal and Mr. Larry  
18 Smith, the Deputy County Attorney who will be  
19 acting as the investigator during this interview.

20 Today's date is the 6th of December, 2011.  
21 The time is 11:34 hours. We're conducting this  
22 interview with Deputy Chief Scott Petersohn at  
23 Beach Safety Headquarters in Daytona Beach,  
24 Florida. This is a recorded interview statement  
25 with Deputy Chief Petersohn who was given written

1 notice of intent to interview and appear today and  
2 provide a sworn statement. Deputy Chief Petersohn  
3 is not the subject of this investigation. He is  
4 currently on duty and has been released from  
5 service to participate in this interview.

6 I want you to be advised, Deputy Chief, that  
7 this is an active and open internal affairs  
8 investigation, and, per statute, you're not allowed  
9 to discuss any parts of this investigation with  
10 anyone until this case comes to a close. Do you  
11 understand?

12 DEPUTY CHIEF PETERSOHN: I understand.

13 CAPTAIN DOFFLEMYER: Can you identify yourself  
14 for the record, please.

15 DEPUTY CHIEF PETERSOHN: My name is Scott  
16 Petersohn, Deputy Chief, Volusia County Beach  
17 Patrol.

18 CAPTAIN DOFFLEMYER: Thank you.

19 BY MR. SMITH:

20 Q Okay, sir. How long have you been with the  
21 Beach Patrol?

22 A I started when I was 16 and that was in 1975,  
23 and I've been with it on and off ever since.

24 Q Okay. Please tell us the positions you've  
25 held with the Beach Patrol.

1           A     I've been a tower guard, a lunch relief,  
2     sergeant, lieutenant, captain, I've been training  
3     officer. I've served in just about every position you  
4     can have down here from the tower guard to what I am  
5     now, the deputy chief.

6           Q     What are the duties of the deputy chief, just  
7     so we'll understand that?

8           A     I am in charge of operation, scheduling,  
9     personnel. Primarily this time of the year it's  
10    maintenance, tower refurb, sign maintenance. I work  
11    people based on their skills. I put them into positions  
12    to cover different vacancies. We encourage people to  
13    take training this time of the year or use their vac  
14    time, so I allow them to do that. I make sure  
15    scheduling, all the positions are covered. Basically  
16    anything else that comes down the pipe.

17          Q     Okay. Do you know Captain Rich Gardner?

18          A     I do.

19          Q     And I want you to describe for us your  
20    relationship with Captain Gardner.

21          A     I know Captain Gardner as a member of the  
22    Beach Patrol. I have never interacted with him outside  
23    of work other than the -- like the banquets and the  
24    lifeguard Christmas parties and things like that.  
25    He worked -- we were equal captains for a long time. He

1 is in charge of investigations. He was always  
2 professional around me and did a great job.

3 Q How long would you say you've known Captain  
4 Gardner?

5 A Probably since the early '90s. He -- I was  
6 employed here when he started as a recruit. I remember  
7 him as a tower guard. I remember him working his way up  
8 as a lifeguard and lunch relief, going to EMT school and  
9 working in the stations. I've been around him pretty  
10 much his whole career.

11 Q Would you describe him as a friend?

12 A I would describe him as more of an  
13 acquaintance. We're kind of a decade apart in age and,  
14 you know, he -- we were cordial with each other,  
15 professional, but I would describe him more as an  
16 acquaintance than a friend.

17 Q I understand that he's in charge of  
18 investigations or that's been his area?

19 A That has been since Captain Wallace retired.

20 Q And how long would that have been?

21 A Or not since he -- I'm sorry, not since he  
22 retired. Since Captain Wallace stepped out of that  
23 position. It has to be -- has to be six or seven years  
24 maybe.

25 Q Okay.

1           A     I'm not actually sure of the date that Rich  
2 got the investigator's position.

3           Q     Okay. As to your knowledge, has Captain  
4 Gardner served as acting deputy chief when you and  
5 Director Sweat are not on duty?

6           A     There was three people that were either the  
7 deputy chief or acting deputy chief; me, Captain Gardner  
8 filled in when I was off, or Captain Manchester. We  
9 worked -- we rotated weekends so that there was always  
10 somebody here during the weekend and somebody was  
11 covering.

12          Q     So you would work a weekend, Manchester would  
13 be the acting deputy, and Gardner would be the acting --

14          A     As a three-man rotation.

15          Q     Okay. And how long has that been going on?

16          A     Ever since I became deputy chief, and that's  
17 been just about one year. I think I got this position  
18 November 27th of last year.

19          Q     Okay. Before that time, did you or Captain  
20 Gardner act as acting deputy chief on weekends or at  
21 other times?

22          A     I did prior to Mike Hensler, prior to his  
23 retirement. I rotated in after Deputy Chief Bussinger  
24 retired. They needed a third person, and at the time I  
25 started doing this, which was maybe two, two and a half



1 years ago, there was a three-man rotation; Deputy Chief  
2 Mike Hensler, Captain Tony Sopotnik and myself were the  
3 three-man rotation.

4 Q So Captain Gardner wasn't involved in that?

5 A No.

6 Q Was he -- before you became deputy chief, did  
7 he act as deputy chief --

8 A Not to my knowledge.

9 Q Okay. During the times that you or Captain  
10 Gardner or whoever is acting as acting deputy chief and  
11 the director is not here, are you the, in the chain of  
12 command, the lead commanding officer on duty?

13 A Yes.

14 Q Meaning that ultimately, everybody who is on  
15 duty during that period of time would be responsible for  
16 reporting ultimately to you?

17 A Ultimately up the chain of command.

18 Q Okay. Now, let me quickly show you a couple  
19 of things, and I'm going to be asking you -- I know  
20 you've seen them before, but I'm going to be asking you  
21 about your knowledge of any of the contents of these two  
22 letters which we now refer to as anonymous letters. One  
23 is a one-page letter Bates stamped County of Volusia,  
24 August 24, 2011, Department of Public Protection.

25 The other is a two-page letter which is

1 directed to Director Coffin and signed -- not really  
2 signed but just typed, "A Concerned Employee." And I'm  
3 going to ask -- I'm going to ask our court reporter to  
4 mark those as Exhibits 1 and 2. I'd like you to take  
5 some time and read them and I'm going to ask you some  
6 specific questions about them.

7 (Exhibit 1 is marked for identification.)

8 A (Witness complies.) I've seen this first one  
9 before. I've never seen this one.

10 Q The two-page letter you've never seen?

11 A Yes, sir. This is new to me. I've never read  
12 this one.

13 Q All right. Have you -- have you finished  
14 reading it?

15 A No. No, I just did the first one here.

16 Q Take your time and read that one. I want  
17 to -- the contents are slightly different and I want to  
18 be sure that I've had you look at it.

19 A (Witness complies.) I might be mistaken.  
20 This may be the one I've seen before.

21 Q The number -- the two-page?

22 A The number two, yes, sir. Because one of  
23 these came to our front desk here and I brought it up to  
24 Mr. Sweat, Chief Sweat, and he opened it, and I believe  
25 it was this one. And this must have been the one that I

1 didn't see, because this -- the stuff in here about Andy  
2 Ethridge I remember reading before.

3 Q Okay. Let's mark that as Number 2, the one  
4 that the deputy chief has indicated that he has seen  
5 before. The one-page letter we marked as Number 1,  
6 we'll just leave that for right now. I'm going to come  
7 back to this.

8 A Okay.

9 (Exhibit 2 is marked for identification.)

10 Q There's something I need to be sure that I ask  
11 you about today. And if I have to come back and ask you  
12 other questions another time I will, but this I need to  
13 know for sure. You were appointed as the deputy chief  
14 of the Volusia County Beach Services -- Safety -- what  
15 is the technical name of this place anyway?

16 A We always say Volusia County Beach Patrol or  
17 Beach Safety Division we're under.

18 Q Beach Safety Division. Okay. You were  
19 appointed in, you said, November 27, 2010.

20 A I believe so.

21 Q Okay.

22 A Roughly that date. I think that's what it is.

23 Q What was the process by which you received  
24 that appointment?

25 A I had to submit a letter of application, a

1 resume'. I had to go through a couple of interviews,  
2 and it came down to myself, Captain Gardner and I  
3 believe a person from Daytona. And I was eventually  
4 selected.

5 Q Okay. In the selection process, who conducted  
6 the interviews?

7 A Mr. Ryan, a person from personnel -- her name  
8 escapes me at the moment, I'll think of it in a  
9 minute -- and Director Sweat.

10 Q Okay. Was Director Coffin involved in any of  
11 the interviews with you?

12 A No, not the hiring process.

13 Q Okay. Was --

14 A I did -- I did speak with him before. We had  
15 to negotiate on some issues of pay and I have -- all my  
16 family has worked on and off as lifeguards before and by  
17 me moving to this position, I didn't want to keep my  
18 kid, my son, from being able to do a summer job. And I  
19 discussed that separate from the interview process. But  
20 interview process was with those three people.

21 Q So that would have been Director Sweat --

22 A Mr. Ryan.

23 Q -- Mr. Ryan and someone from personnel, is  
24 that what you're saying?

25 A I want to say Chandra.

1 Q Okay.

2 A But I -- I don't remember her name.

3 Q In your discussion with -- I want to speak  
4 specifically about Director Coffin.

5 A Uh-huh.

6 Q In your discussion with Director Coffin, do  
7 you remember him asking you any questions?

8 A Yes.

9 Q Tell me what you remember him asking.

10 A I don't remember the exact phrasing, but it  
11 was something to the effect, was my name ever going to  
12 come up in any of the stuff that was going on at the  
13 time, which was the sex scandal with Ashley Drury and  
14 Jecoa Simmons and Robert Tameris.

15 Q Okay.

16 A But again, I don't remember the exact  
17 terminology that he used, but I remember answering that  
18 I have never been involved in any of that stuff. I've  
19 always been kind of hearing about it through the rumor  
20 mill.

21 Q Okay. I want to ask you if you were asked a  
22 more generic question about whether or not there would  
23 be anything in your background that could bring any  
24 negative light on the -- on Beach Services.

25 A If there was, I took it to mean that it was

1 part of this Drury sex scandal. But to answer either  
2 one of those questions, both of them would be no. I  
3 have no issues in my background and I am not involved in  
4 the Drury sex scandal. But when I was asked that  
5 question, what I took that to mean was -- because that  
6 was what was boiling at the time, was I going to come up  
7 on any lists or names in some book or is somebody going  
8 to make any accusations against me.

9 Q Okay. In your talk with Director Coffin, did  
10 he explain at all why he was asking these kinds of  
11 questions?

12 A No, but it was obvious the reason why. It  
13 didn't really warrant an explanation. We were under  
14 incredible scrutiny at the time and we still are, and,  
15 you know, I understand why he asked.

16 Q Have you seen the letter which was sent by  
17 Captain Gardner's lawyers in this IA investigation?

18 A I did get a chance to look it over for a few  
19 minutes. I didn't read the entire thing. I've seen a  
20 copy of it, but I would like to read it again. But I  
21 did -- I have seen it, yes, sir.

22 Q In the interview process in which you were  
23 involved, was there anything asked by Mr. Ryan or any of  
24 the other people in that interview about the adverse  
25 publicity that the Beach Patrol has received?

1           A     I'm sure there was. I don't remember any  
2 specific question, but that was, you know, high on the  
3 list of topics at the time. It still is. I don't  
4 remember any specific question either -- any of the  
5 three people that interviewed me asked, but I'm not  
6 saying that there wasn't.

7           Q     Did they ask you specifically whether or not  
8 there was anything that you -- that you knew or that you  
9 did or did not do that might have any influence on that  
10 adverse publicity?

11          A     I don't recall.

12          Q     Okay. I don't know how to ask it any  
13 different than what I've done. I'm trying to elicit  
14 what you remember and what you don't remember because of  
15 these allegations --

16          A     I understand. I honestly don't -- I'm sure  
17 that there was something mentioned in the interview  
18 about it. I would have answered it. The answer would  
19 have been no, I didn't know of any and I wasn't involved  
20 in any and my name wasn't going to come up, but I can't  
21 specifically say whether Mr. Ryan or Mr. Sweat or the  
22 person from personnel asked me about it. I don't  
23 remember exactly what it was.

24          Q     Okay. Did you make any notes about the  
25 interviews or about any of the questions asked of you?

1 A No, I did not.

2 Q Do you know if anybody made any notes?

3 A I do not.

4 Q Okay. I want to come back to the letters now.  
5 Obviously now we know there's even another letter that's  
6 been received. Do you -- do you know anything at all  
7 about who wrote the letters?

8 A I know what I've read in the paper, and I know  
9 that Captain Gardner hired a person to analyze  
10 handwriting, and he analyzed the handwriting on the  
11 envelope of the letter. And this person says that it's  
12 Tom McGibney that wrote the letter. That's what I  
13 heard.

14 Do I believe it? I'm not a hundred percent  
15 sure I believe anything right now. I have no idea. I  
16 know nothing other than what's been in the paper about  
17 who wrote this letter. I'm still appalled by the whole  
18 thing. I think it's incredibly hurtful to the  
19 department, and it sounds to me like it's sour grapes  
20 and somebody's mad, trying to do people in, but I --  
21 that's what I know.

22 Q Okay. The first -- you said that the, what is  
23 now marked 2 actually came here to Beach Services or  
24 Beach Safety, right?

25 A Yes.



1 Q And you brought it up -- brought the letter up  
2 to Kevin Sweat?

3 A Yes.

4 Q Let me ask you a question. It actually  
5 directly affects you, I think. In one of the interviews  
6 that we conducted there was someone said that -- and I  
7 think it was McGibney who said that he was teaching --  
8 he's apparently an instructor at a school, instructs  
9 swimming or something like that at a school?

10 A He's a swim coach.

11 Q A swim coach, okay. And that he was told by  
12 another coach that your wife had mentioned that there  
13 was a letter that had been sent. Do you remember  
14 speaking to your wife about the letter --

15 A I eventually told her about it, but I kept my  
16 mouth shut about it until it just about came out in the  
17 paper.

18 Q Okay. But that would have come from you, in  
19 other words?

20 A Absolutely.

21 Q How about -- just talking about the letters,  
22 the two letters and the contents of the letters, tell  
23 me, having read them, what information in those letters  
24 you actually have some knowledge about.

25 A Well, the first part of this letter that says

1 Captain Rich Gardner is sleeping with Officer Paige  
2 Winters, the only thing that I know about this is I saw  
3 Rich and Paige come down and train early in the morning  
4 a couple of times, and I didn't think anything of it  
5 because a lot of people do that. I don't have -- I  
6 didn't have any knowledge about she actually slept with  
7 him until that came out in the paper, through the IA.  
8 Do you want me to go step by step here?

9 Q Sure.

10 A Rumors about sleeping with other female  
11 officers on duty, I've never heard any of that.

12 This part where it says Captain Gardner  
13 nominated -- was nominated -- she was investigator --  
14 she helped Rich in a couple of situations where they  
15 recovered a boatload of stolen property, and Cara is an  
16 incredibly talented person with the keyboard and with  
17 the computer systems. And she helped him process that  
18 scene, and it was all here. It was all done out in the  
19 open, you know. It wasn't anything that I saw as far as  
20 any inappropriate comments or actions taken by either  
21 one of them.

22 Q Did he actually nominate her for Officer Of  
23 The Year?

24 A No. I believe Kevin nominated her for Officer  
25 Of The Year, or Director Sweat.

1 Q Do you know if Captain Gardner ever  
2 recommended or nominated Officer Gittner for a  
3 commendation for any of her work?

4 A No. I don't -- I don't know of any of that.

5 Q Okay. Would there be anything wrong with him  
6 doing that?

7 A Absolutely not. She is -- she is a very  
8 talented, intelligent officer and she does an incredibly  
9 good job on the beach and she -- she's excellent at what  
10 she does.

11 Q Do you know if she actually worked with  
12 Captain Gardner on active investigations?

13 A I know that Rich, or Captain Gardner, found a  
14 hotel room or an apartment full of stolen items from the  
15 beach, and I know that she worked with him on that  
16 particular case extensively. There was a lot of  
17 follow-up. There were credit cards and cell phones and  
18 all kinds of things that she helped track down, and I  
19 know that Rich gave her assignments. We ended up doing  
20 background checks on all of our lifeguards again, and  
21 you know, there's 300 part-time lifeguards.

22 So Rich gave her an assignment to, on duty,  
23 from a -- you know, her remote, her MDC, to do these  
24 background checks. So he did give her assignments to  
25 do, you know, things, but she was always -- she would

1 volunteer for anything right now; she still does, and he  
2 used her talents.

3 Q Well, we know now from the investigation that  
4 they were -- they had a romantic relationship that was  
5 ongoing for two years. From -- based upon practice and  
6 custom here in Beach Services, is there anything  
7 inappropriate about a superior officer having a romantic  
8 relationship with someone that he is directing or who is  
9 reporting to him?

10 A Do I feel that there's anything inappropriate?  
11 I think that -- you know, in Rich's situation, he's  
12 married and I think it's -- you know, it's not the  
13 greatest thing in the world to do. You know, as far as  
14 an affair, I personally did not witness anything that  
15 would lead me to believe that they were having, you  
16 know, any type of a, you know, romantic affair. And in  
17 hindsight, I don't think it's right. You know, I don't  
18 think it's right to do that, especially in a situation  
19 being married. But I don't -- I don't -- at this stage  
20 in the game, I guess now in hindsight, you know, we  
21 should address that, but I don't believe there's  
22 anything in policy about it. And as tacky as it is, I  
23 don't know if it's ...

24 Q Well, we have taken a look at the records of  
25 Officer Gittner's work and found that Captain Gardner is

1 either her backup or she's his backup. This is just one  
2 year. In the three years many, many times she is  
3 clearly reporting to him in a number -- on a number of  
4 occasions.

5           What I'm asking you is whether there's any  
6 written policy or not from -- based on your experience,  
7 is there anything -- does the -- does Beach Safety have  
8 an interest in knowing whether a superior officer is  
9 having a romantic relationship with an inferior officer,  
10 especially if they are working together?

11           A     Yes.

12           Q     If you ask an officer, a captain, as deputy  
13 chief, if they were having -- if he was having an  
14 inappropriate relationship with a subordinate officer,  
15 would you expect that captain to tell you the truth?

16           A     Probably so. I think you start getting into  
17 off-duty interactions is one thing. And going back to  
18 all this, Rich worked this area, the core area of  
19 Daytona. He worked extra duties, he worked -- he would  
20 take law enforcement calls to keep our people on the  
21 beach, and he would have backed up about anybody that  
22 went out with anything. And a lot of the stuff that  
23 occurred right here, whether it's right or wrong, Cara  
24 helped him, or Officer Gittner helped him, and that's  
25 where a lot of that came from. He's helped a lot of

1 people. If you see on a lot of the calls, you're going  
2 to see Captain Gardner on -- you know, in the call  
3 history because he always got involved in any kind of  
4 law enforcement call.

5 When he worked as an officer on the beach,  
6 there was still another supervisor on duty that Officer  
7 Gittner worked under. Rarely was Rich ever the zone  
8 supervisor, and that would be who Officer Gittner would  
9 have worked under.

10 Q Let's talk about that. If it's a criminal  
11 investigation and he's on scene, as the head of  
12 investigations, wouldn't he be the commanding officer?

13 A He would take over that particular call and he  
14 would utilize the officers around him to collect  
15 evidence or take people into custody or help them with  
16 witness statements, paperwork, that kind of ...

17 Q Do you know, either by being told or of your  
18 own personal knowledge, if the director ever asked  
19 Captain Gardner about his relationship with Officer  
20 Gittner?

21 A I understand that Kevin point-blank asked  
22 Captain Gardner if he was romantically involved with  
23 Officer Gittner.

24 Q And what do you understand his answer to be?

25 A His answer was no.

1 Q Do you know when that was? Give us an idea,  
2 if you can't do any better than a year.

3 A It's a while back. I don't -- I don't  
4 remember. I think it was before I was a deputy chief,  
5 so that would be at least a year ago.

6 Q Okay. Do you think it was before 2009?

7 A I have no idea.

8 Q Okay.

9 A I know I -- I don't know. It was more than a  
10 year ago, though.

11 Q Why would the director be interested in that  
12 if there was nothing wrong with it?

13 A I don't know. Head off a problem like what  
14 we're going through right now. I don't know.

15 Q All right. Let's go back to the letters just  
16 for a moment. Other than that information that you got  
17 on the internet about this handwriting expert, do you --  
18 has anybody spoken to you or admitted to you that they  
19 wrote or sent these letters?

20 A No.

21 Q Have you spoken to Officer McGibney about  
22 this?

23 A No.

24 Q Do you know anybody who has spoken to him or  
25 anyone else who said, "I wrote those letters" or "I sent

1 them"?

2 A No. Since -- since this happened, I probably  
3 haven't had a dozen words with Officer McGibney.

4 Q Okay. Is there any information in that letter  
5 that you actually have any personal knowledge about or  
6 that people told you about, rumored to you about, before  
7 the letters actually came out and were presented?

8 A Not -- not really. I mean, some of this stuff  
9 is meant to hurt people. This -- this line about  
10 Captain Manchester and -- I'm acquainted with Kim Kuehl.  
11 I've known her since she was probably 12, and I've known  
12 Ray Manchester my whole adult life, and that -- to me  
13 that discredits -- whoever wrote this is vindictive  
14 because, if anybody, Captain Manchester is one of the  
15 best guys around here and it's offensive to see this.  
16 And it's offensive about Kim Kuehl. She's -- she's a  
17 very nice girl and I know --

18 Q What's the allegation? I'm sorry.

19 A Texting girls on his county-issued cell phone  
20 while working the parking garage early in the morning;  
21 in particular, Kim Kuehl. Other inappropriate issues  
22 that are outside the department that Kevin knows all  
23 about.

24 Q So do you have any idea about whether that's  
25 true or not true?



1           A     I know -- since this letter's come out, I've  
2 spoken to Captain Manchester about this and he said that  
3 Kim Kuehl did text him, text him, when she was at  
4 college up in Jacksonville a couple of times. He  
5 carries his county-issued cell phone around with him  
6 24/7. And he said, "Yeah, I've been, you know, out" --  
7 he went to Kim Kuehl's 21st birthday but he had his wife  
8 with him. They went to Planet Hollywood or something  
9 over at Disney or something. And those are the  
10 occasions that he knows that they were out, and I  
11 just -- inappropriate behavior, Captain Manchester, I've  
12 never been a witness to any of that.

13           Q     Okay. Anything else in there that you can  
14 tell us anything about?

15           A     No. Well, the Rodrigo Miranda thing and the  
16 pressure cleaning the house while on duty, I know that  
17 was brought up a long time ago and that never happened.  
18 Even Rodrigo Miranda says there was -- there was nothing  
19 to that. I don't know -- some of this stuff it seems  
20 like it was just thrown out there to see if it's going  
21 to stick on the wall.

22           Q     Okay. That's why we're asking.

23           A     I know about the John Texter inappropriate  
24 comments towards a girl. I don't know about the  
25 Polaroid pictures of girls' breasts or in other sexual

1 positions. I know that this allegation about Officer  
2 Texter was followed up on with an IA and I believe he  
3 was suspended for five days or three days over it. And  
4 his -- he said that he was talking to the person behind  
5 the counter and this woman in line at the -- Larry's  
6 Giant Subs in Ormond overheard him and took it to mean  
7 that he was saying that to her, but he -- that was  
8 investigated and ...

9           The Andy Ethridge thing, Andy Ethridge has two  
10 arrests, but he was never charged with domestic violence  
11 or domestic battery, and that was well over ten years  
12 ago. I knew about that. I don't know anything about  
13 off-duty relationships with anybody else and him.  
14 That's about it.

15           Q     Anything else in there? What about this thing  
16 about officers showing up with alcohol on their breath?

17           A     Well, there has been occasions in the past. I  
18 know Greg Laos was terminated by us and that was one of  
19 the accusations that he had had was showing up with  
20 alcohol on his breath. That was years and years ago.  
21 I know that we've had some officers that have gone  
22 through EAP, I've heard rumors of, because of alcohol.  
23 But as far as some of this other stuff goes, if it did  
24 occur, it was an exception, not the rule. I mean, it's  
25 not tolerated.

1 Q We heard the name John Anderson. Is John  
2 Anderson one of the guys who --

3 A I believe so.

4 Q Okay. Anything else that you know about that?

5 A No.

6 Q Have you told us everything you know about  
7 those letters or have any knowledge of?

8 A Pretty much.

9 Q Okay. Let me just be specific with you about  
10 the matter with Gittner. I want to know, she is a --  
11 she is a law enforcement officer.

12 A Yes.

13 Q And she is not a captain?

14 A No, she's an officer.

15 Q Has she ever been a captain?

16 A Never. She's -- she's acted as a supervisor  
17 before, and when we have a situation where there's a  
18 zone that the supervisor worked early, she may have  
19 filled in as the acting supervisor. She may have been  
20 the senior person on -- you know, in charge, but she  
21 would not be titled as captain or supervisor.

22 Q I want to know -- and you know who Captain  
23 Mindy Greene is.

24 A Yes.

25 Q At some point in time in one of her statements

1 she alluded to a conversation that she had with -- I  
2 believe she said with you, where she confided about  
3 her -- about the relationship between Gittner and  
4 Gardner.

5 A (Witness shakes head.)

6 Q No?

7 A We had one instance where Mindy Greene spoke  
8 to me about Captain Gardner and Cara Gittner, and it was  
9 on -- it was last summer some time. And she said  
10 that --

11 Q Would that be 2010 or this summer?

12 A No, this summer.

13 Q Okay.

14 A I believe it was this summer. She said that  
15 Cara had said that Rich -- and I forget what she said,  
16 but I took it to mean that Rich had berated her on the  
17 radio about a call. And I said I didn't hear it. I  
18 said, "Does Officer Gittner want to, you know, follow up  
19 or do anything about it?" She said no. And I said I  
20 would listen, you know, listen up on the radio.

21 But I've also got to say that Rich berated a  
22 lot of people on the radio, and it wasn't uncommon where  
23 he would say something probably in the heat of an  
24 exchange with somebody and, you know, blurt something  
25 out over the radio that maybe offended people. That

1 wasn't a common occurrence but it did happen. And  
2 that's what I took it to mean, and from that day on I  
3 listened for anything that I could say was any type of  
4 berating or belittling on the radio and I didn't hear  
5 it.

6 Q Did you speak to him at all about that?

7 A No, I did not.

8 Q Did Captain Greene tell you why she was  
9 bringing this to you?

10 A No. Well, I was -- I was the acting deputy --  
11 I was the deputy chief at the time --

12 Q Okay.

13 A -- so that would be why she would bring it to  
14 me.

15 Q We've had some folks that we've interviewed  
16 who are officers, law enforcement officers with this  
17 agency, tell us that it was widely assumed out there  
18 that there was a romantic relationship between Officer  
19 Gittner and Captain Gardner. Did any of that  
20 information ever get back to you in any form?

21 A I wouldn't say anybody came running up to me  
22 and said, you know, Captain Gardner and Gittner are  
23 romantically involved, but there were, you know -- there  
24 was rumors out there, you know, that I had heard over  
25 the years, going back before I was a deputy chief. When

1 I got in this position, I kind of went by what I saw,  
2 what I saw first person, what was reported to me  
3 officially, what I knew about what was going on.

4 For me to jump to a conclusion or to pry into  
5 somebody's personal life at the time I didn't do, and I  
6 still would feel very uncomfortable doing it. I never  
7 saw anything inappropriate between them at work.  
8 You know, that's the thing about assuming. I always  
9 took it as what they did, what I heard, what I  
10 personally observed is what I based my decisions on.  
11 And I never saw it. I never saw anything to -- to make  
12 me think that there was something ongoing. And if there  
13 was, in front of me in my presence, either over the  
14 radio -- I never -- I never saw anything inappropriate  
15 from either one of those two.

16 Q After the Drury matter and the Danielle Smith  
17 matter, were you present when there was any effort by  
18 the County to, for lack of a better term, reeducate  
19 everybody about --

20 A We all went through sexual harassment  
21 training, how to report it. We had a couple of classes,  
22 we had some management classes here in this building  
23 mostly, and I went to every one of them.

24 Q Did Captain Gardner go to those?

25 A Yes.

1 Q Was there any kind of, in any of these  
2 discussions, whether it was personnel or county  
3 attorney's office or anyone else that came -- do you  
4 remember someone from the county attorney's office  
5 coming down here and speaking, Charles --

6 MR. SMITH: What's Charles' last name?

7 MS. JONES: Hargrove.

8 Q -- Hargrove?

9 A I believe so, yeah. One of them I believe he  
10 did.

11 Q Okay. Was there any -- any -- any emphasis  
12 put on being more sensitive to what -- to this whole  
13 sexual thing?

14 A We've been preaching it ever since the Drury  
15 thing happened. Everybody knows.

16 Q So, I mean, it isn't a matter of the captains  
17 or anyone in a supervisory position not knowing that  
18 this was a very sensitive subject?

19 A Absolutely.

20 Q And that the Beach Patrol was under a lot of  
21 scrutiny because of this. Am I correct about that?

22 A You are correct.

23 Q Okay. I wonder if, based upon any of these  
24 rumors, if you ever had any conversations at all with  
25 Captain Gardner about his relationship with Officer

1 Gittner?

2 A Never.

3 Q Did you ever have any conversations with  
4 Officer Gittner about her relationship --

5 A No.

6 Q Okay.

7 A Like I said, in my presence, in my circle, at  
8 work, in this building, on the beach, they both acted  
9 professionally and in an appropriate matter. I never  
10 personally witnessed or observed anything inappropriate  
11 from either one of them on duty. Or off duty, because  
12 I've never been in a situation around either one of them  
13 off duty.

14 Q Well, I'm putting aside the fact that he's  
15 married here for a moment. I need to understand  
16 something from you, Chief. If a captain in Beach  
17 Services is involved in a romantic relationship with a  
18 subordinate officer who reports to him, works with him,  
19 whether it's in investigations or in some other  
20 capacity, is that a matter of concern to the  
21 administration of this division?

22 A It is.

23 Q And why?

24 A We are heavily scrutinized by what our people  
25 do. And, you know, fair or unfair, it is what it is



1 and, you know, we need to be above the fray right now.

2 Q What would -- what, based on your experience,  
3 would normally be the action taken if somebody disclosed  
4 that to you? "I'm a captain and I have a romantic  
5 relationship with" --

6 A We'd separate them. We have it going on right  
7 now. That's -- we have -- Captain Greene is living with  
8 Officer McGibney.

9 Q Right.

10 A And we -- if we know about it, we separate  
11 them. Captain Driscoll is living with newly-appointed  
12 supervisor Liz Johnson. We never let them work in the  
13 same zone together. It's just been something we've  
14 kept them, kept people separated that are romantically  
15 involved.

16 Q Now, how long has that practice been in  
17 effect?

18 A As long as -- as far back as I can remember.  
19 Way before I got into this position they were practicing  
20 it.

21 Q So it's not like a brand new thing just since  
22 the Drury thing?

23 A Nope.

24 Q So apparently the relationship between Greene  
25 and McGibney, that was disclosed somehow or known.

1 A (Witness nods head.)

2 Q Was it disclosed or known, I don't know.

3 A It was known. I don't think anybody --  
4 once -- Mindy Greene was married to another person that  
5 worked here on the beach, Chris Nowviski. And after  
6 they separated, got divorced, Chris Nowviski moved away  
7 and then the McGibney/Greene affair started. And I  
8 don't know how it was -- whether they came forward, but  
9 they were -- they were separated.

10 Q Okay. And was that -- did that happen from  
11 the top? In other words, did that happen from the  
12 director --

13 A Or the deputy chief or the supervisor, yes,  
14 sir.

15 Q But that -- that is a custom and practice of  
16 Beach Safety? You can say that without any doubt or any  
17 question?

18 A Yes.

19 Q Okay.

20 A I would also like to say that sometimes things  
21 happen between adults in the workplace that I am not  
22 privy to or I do not know about, so -- and I'm taking  
23 the Gardner/Gittner thing out of this. I mean, I'm sure  
24 it's happened in other parts of the -- of our  
25 department, division, public protection, the county, and

1 you may not know about it. It may -- but we've made an  
2 effort since this to field any rumors and ask questions  
3 about anybody who's had any kind of romantic  
4 relationship within the department.

5 Q Well, just to follow that line of our  
6 discussion before, if you're a law enforcement officer  
7 in Beach Safety and a captain, whether you're having a  
8 relationship with him or not, gives you a legal order,  
9 you're obliged to follow that order?

10 A Unless that order is illegal.

11 Q And I called it -- that's why I called it a  
12 legal order, a lawful order.

13 A Uh-huh.

14 Q A lawful order of a captain in Beach Safety is  
15 to be obeyed by the subordinate officer. Is there  
16 any -- other than being unlawful, is there any exception  
17 to that?

18 A No.

19 Q Okay. Do you have any knowledge at all of an  
20 incident where Captain Gardner was called to Officer  
21 Gittner's home and took her weapons?

22 A I heard about this after the fact. I heard  
23 about this --

24 Q Before these letters came out did you know  
25 about it?

1           A     No, I didn't know about it. I think these  
2 letters is when that part of it surfaced. I had no  
3 knowledge of that ever happening until -- I believe it's  
4 in the second letter or the first letter. It came out  
5 and I understood that to be -- to have happened, but  
6 whenever it happened, I had no knowledge of that until  
7 it was made public due to the letters or the media or  
8 however it came out.

9           Q     All right. Well, Chief, just give me your,  
10 your take on that. An officer calls a captain and says  
11 -- is upset and says, "I want you to come get my  
12 weapon." And he comes and takes her weapon and her  
13 personal weapon and makes no report of it. What's your  
14 take on that?

15          A     That's -- that's shaky. That's -- without  
16 knowing the circumstances, if it was a situation where  
17 she was, you know, not in full possession of her mental  
18 faculties and he was taking it as a safety deal, that's  
19 one thing that should have been documented. If it was a  
20 situation where she was -- I don't know what -- I know  
21 that resigning or whatever was thrown out there and come  
22 get it, I'm done, but still, that should have been  
23 documented either way. That should not have been --  
24 that should not have happened the way it did.

25          Q     Is that another reason that you need to know

1 about the relationships --

2 A Absolutely.

3 Q I'm talking about whether there's a romantic  
4 relationship, could have an effect on something like  
5 that?

6 A If -- if an officer called me in the middle of  
7 the night and said, "come get my weapon because I'm  
8 either mad" or "I'm going to kill myself" or whatever  
9 reason, I would go get the weapon but I would cover  
10 myself by documenting it fully and passing it up the  
11 food chain to the -- or to Chief Sweat. I would not  
12 want to have that ...

13 Q Okay. Do you know anything at all, other than  
14 from these letters, about an allegation that Captain  
15 Gardner entered Officer Gittner's Facebook account in  
16 order to get information?

17 A No.

18 Q And we already asked you about the Officer of  
19 The Year stuff and the commendation. To the best of  
20 your knowledge, sir, have you told me everything that  
21 you know, outside of these letters, about the  
22 relationship between Captain Rich Gardner and Officer  
23 Cara Gittner?

24 A I have.

25 Q Do you know anyone who has told you, after the

1 fact, "I knew more about this, I knew about their  
2 romantic relationship and just didn't tell anyone"?

3 A No, I don't.

4 Q Okay.

5 A I know Rich has a circle of friends his age  
6 that he went out with, and -- you know, Ethridge and a  
7 few people like that, and I just know that was just a  
8 separate entity from my little world that I lived in.  
9 That was something removed from here, so I don't think I  
10 would have been included in any information about that  
11 through any of those people.

12 Q Do you know who that circle of friends is?

13 A Well, Ethridge was pretty close to Rich. I  
14 believe the gentleman that was just in here before me --

15 Q Kyle McDaniel?

16 A Kyle McDaniel was pretty -- he worked under  
17 Rich as the assistant. He was friends with him. Some  
18 of the other people from the outside that used to work  
19 here. I know his initial attorney, Abe --

20 Q McKinnon?

21 A -- McKinnon is pretty close to Rich.

22 Q How about Captain Berard?

23 A Captain Berard knows Rich pretty well.

24 Q Which leads me to ask you a question about the  
25 investigators' position, the guy that -- the position

1 that Kyle McDaniel held working under Captain Gardner.

2 I understand that when Pat Casey retired, that that

3 position came open. How was that filled?

4 A Rich had a list of people that he thought

5 would fit the bill. Kyle McDaniel was one of them. We

6 had -- I know Tom McGibney expressed interest in doing

7 that. We sent some people to a detective's academy. I

8 believe Mark Christman was another person that trained

9 with Rich. Kyle -- Kyle, I believe he filled in -- was

10 the guy that filled in right after Pat left, and then

11 when Kyle moved to the Sheriff's Department, you know,

12 we tried to plug other people in.

13 Officer Christman ended up moving to

14 Louisiana. Tom McGibney kind of lost interest in it.

15 Who was it, Rick Eckert was another one who expressed

16 interest and I believe he took the training. I'd have

17 to look but I believe he had some training in the --

18 Q So who made the decision on the -- on the --

19 on who would be that person?

20 A Rich picked the person he thought would best

21 fit in, and he ran it by Director Sweat and myself. And

22 with -- I know Ethridge was the most recent one, but at

23 the time Rich requested him we were so incredibly short

24 that I could not afford to plug him in here to work with

25 Rich full time, so I let him train with Rich on a

1 day-by-day basis until he picked it up. Because when  
2 Rich would leave town or go -- when he was off, it  
3 really is, especially in the summer, a very difficult  
4 position. You're on call 24/7. You're called out to  
5 anything that is unusual that one of the line officers  
6 can't handle, so you need somebody who's really got  
7 their stuff together.

8           So when Rich would go take vac time or be out  
9 sick or whatever, we needed a group of people that would  
10 fill in for him, and Andy Ethridge had expressed  
11 interest. Andy Ethridge is an intelligent person and,  
12 you know, he moved in. He was also injured, too, in the  
13 summer which it made it easier to plug him in to do some  
14 light duty stuff with Rich.

15           Q     Do you know whether Cara Gittner expressed any  
16 interest in --

17           A     I believe she expressed interest in wanting to  
18 be the assistant investigator. But she -- we don't  
19 really let people move up until they've been sworn for a  
20 couple of years, and she did not fill that -- that  
21 wasn't something -- she hadn't been around long enough.

22           Q     She just didn't qualify, is that what you're  
23 saying?

24           A     Uh-huh.

25           Q     Yes?



1 A Yes.

2 Q Okay. Tell me, did you have any knowledge at  
3 all about the relationship between Officer Paige Winters  
4 and Captain Rich Gardner?

5 A No. Like I said, the only time I ever saw  
6 those two even in the same room was -- even in the same  
7 room was -- we do drill at 9:15 in the morning in the  
8 summer. And part of working down here is you have to be  
9 able to make rescues, so everybody does some sort of  
10 training every day. And Paige showed up to swim with  
11 Rich a few times, but a lot of the people did. Abe swam  
12 with him, there was a whole group of people that usually  
13 would go for a long swim with Rich, a whole group they  
14 trained with. But that was the only time I ever saw her  
15 around him.

16 Q Okay. Was -- did Cara Gittner train with  
17 him --

18 A She did.

19 Q Have you ever seen the two of them, Paige  
20 Winters and Captain Gardner, in a social setting?

21 A Never.

22 Q Did you ever speak to Captain Gardner about  
23 his relationship with Officer Winters?

24 A Never.

25 Q Or her with you?

1           A     Never.

2           Q     Or to her?

3           A     None of the above.

4           Q     Okay.  Is she still on probation?

5           A     Yes, yep.

6           Q     How long is that probation?

7           A     A year.

8           Q     Okay.  And were you told by any source,  
9           through any source, that there was a relationship  
10          between Captain Gardner and Officer Winters before these  
11          letter --

12          A     This is when I saw it (indicating), and I was  
13          kind of --

14          Q     You're saying "this" being Exhibit 2?

15          A     The letter, the original letter that I saw  
16          that came to our front desk that we opened and looked  
17          at.

18          Q     But no other source?

19          A     No.

20          Q     You didn't know anything about it?

21          A     (Witness shakes head.)

22          Q     Okay.  Have you told me everything you know  
23          about the relationship between Officer Winters and  
24          Captain Gardner?

25          A     Yes.

1 Q Officer Gittner and Captain Gardner?

2 A Yes.

3 Q Do you have any knowledge of a -- I'm just  
4 going to call it a misunderstanding between Officer  
5 McGibney and Officer Ethridge over the last captain's  
6 appointment?

7 A I -- I do.

8 Q Tell me what you know about it.

9 A I know that we -- the most recent test and  
10 interview for the openings created by people retiring,  
11 we do interviews and there's a test and there's a list.  
12 And I know that McGibney and Ethridge, I don't know  
13 exactly how it started, but there was accusations made  
14 that somehow Captain -- Mindy Greene was -- or Mindy --  
15 yeah, Mindy Greene was going to help -- or how was it?  
16 It was -- I believe Andy Ethridge said that he heard  
17 that if Tom McGibney interviewed before Captain -- or  
18 Mindy Green, that he was going to go back and give her  
19 the answers to the questions we asked during the  
20 interview.

21 But that was Andy Ethridge talking and I don't  
22 think he had any way of knowing that was going to  
23 happen. And I don't even think the way it fell, that  
24 she was in a position that she could have -- or Tom  
25 could have given her the answers to the questions.

1 Q Now, is the process here, there's an interview  
2 that goes on? Is there an application?

3 A Application. There's a test given through  
4 personnel.

5 Q Is that a written exam?

6 A Yes, and then there's an interview.

7 Q Now, do you publish the times of the  
8 interviews for everybody to know?

9 A They make appointments. We give them what's  
10 available and then Nancy would make the interview times.

11 Q I mean, do you let the other people know whose  
12 appointment is at -- in other words, who's being  
13 interviewed --

14 A I don't -- I think if they looked they could  
15 always find out, but we don't send out a list, I don't  
16 believe, that says, you're the next person behind Mindy  
17 Greene. I don't think that happened. I think Nancy  
18 just made the appointments and, you know, they were back  
19 to back, you know.

20 Q Do you know if Captain Gardner had any -- had  
21 any -- offered any information to Ethridge about who was  
22 being interviewed first or had anything to do with that?

23 A No.

24 Q Were you -- were you one of the people that  
25 interviewed?

1 A Yes.

2 Q How many positions were actually open?

3 A I think at the time of the interview there  
4 were -- there was just one or maybe two, and there were  
5 five people that ended up getting through to be rated.  
6 And, you know, to this point the top three of the five  
7 have been hired. The last two on the supervisor's test  
8 are Ethridge and McGibney and that's the order that  
9 they're in. If we go by the list, then Ethridge would  
10 be the next supervisor and McGibney would be next after  
11 him.

12 Q These are some throw-away questions but I  
13 needed to know if you know anything about them.

14 A That's fine.

15 Q We've been told that somehow Captain Gardner's  
16 wife got ahold of Officer Winters' name and confronted  
17 him about it. Do you know anything about that at all?

18 A (Witness shakes head.)

19 Q No?

20 A I do not. Now I do. If that happened, I --  
21 this is the first I've heard of that. I can see it  
22 happening, though. I mean ...

23 Q Do you -- I understood that maybe you had some  
24 influence on Officer Winters coming to Beach Patrol.

25 A I did. She swam with us, a master's program

1 that I swim Mondays, Wednesdays and Fridays at  
2 5:00 a.m., and she's been going to that. You know, I've  
3 been swimming with her a couple of years and she started  
4 asking questions about being a guard. Pat Casey was  
5 swimming with us at the same time. He hasn't -- since  
6 he retired he hasn't been back. I don't think he gets  
7 up that early anymore, but -- yeah, she asked me, I gave  
8 her the dates and times and said "come try out" and she  
9 did and, you know, she did great. She's a good  
10 candidate. She's an unbelievably good swimmer, very  
11 smart, talented, mature.

12 Q Have you read that letter that Captain  
13 Gardner's attorney sent to --

14 A Mr. Coffin?

15 Q Yeah.

16 A Yes, part. I haven't sat down and --

17 Q Did you see anything in there that jumped out  
18 at you as just absolutely not true?

19 A I'd have to look it over again. I was kind of  
20 blown away by the whole thing.

21 Q I'll tell you what, let me take five minutes  
22 and chat with these ladies, and ask you to have a look  
23 at this letter. It's dated October 24, 2011.

24 A Uh-huh.

25 Q And if you find something in there that you

1 think I ought to have some information about, will you  
2 let me know about it?

3 A Uh-huh.

4 Q Just give us about five minutes.

5 A All right.

6 Q And I mean it, we've got to go to New Smyrna.

7 (Short recess.)

8 BY MR. SMITH:

9 Q We talked a little bit about some of the  
10 rumors that you may have heard about Officer Gittner and  
11 Captain Gardner. Did you share any of those rumors with  
12 anyone else?

13 A No.

14 Q I'm going specifically now to the director.  
15 Did you say anything to him about that?

16 A No.

17 Q After Captain Greene came to you and reported  
18 whatever it was that she reported about Officer  
19 Gittner's complaint, did you share any of that  
20 information with the director?

21 A No, I did not. I didn't think anything of it  
22 at the time. Like I said, he's -- everybody on the  
23 beach has been berated or belittled at one time by Rich  
24 when he's all fired up doing -- it's -- and I listened  
25 and I specifically listened the whole -- the rest of the

1 time that day and weeks after that. I never heard  
2 anything.

3 Q Well, that just brings me really to the last  
4 thing I wanted to ask you, and that is, was there any  
5 discussion with him or talk with him about berating  
6 people over the --

7 A Most of the time he did it they probably  
8 deserved it. Not maybe the way he did it, but just  
9 people would talk over something going on on a rescue or  
10 be battling information over the radio that wasn't  
11 pertinent to the call and he would, you know, tell them  
12 to stop transmitting, or something. You know, it's  
13 probably stuff that needed to be done but, you know, it  
14 wasn't anything that was out of character or anything  
15 that wasn't done by other supervisors at one time or  
16 another.

17 Q Okay. So he wasn't asked to go to any  
18 training or come in for any talks about that?

19 A No, no.

20 MR. SMITH: All right. I think that's all the  
21 questions I have then, for at least this time. And  
22 we will be on our way to New Smyrna Beach. Thank  
23 you for your time.

24 THE WITNESS: Oh, no problem.

25 (The sworn statement concluded at 12:46 p.m.)



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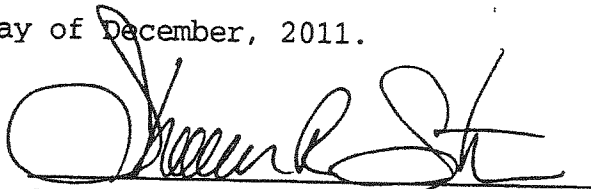
## REPORTER'S CERTIFICATE

STATE OF FLORIDA )  
COUNTY OF VOLUSIA )

I, SHAWNA R. STIMSON, RPR, FPR, certify that I was authorized to and did stenographically report the foregoing sworn statement of DEPUTY CHIEF SCOTT PETERSOHN; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 8th day of December, 2011.



SHAWNA R. STIMSON, RPR, FPR  
COURT REPORTER

(This signature is valid only if signed in blue ink.)

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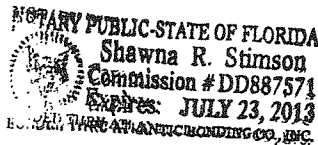
CERTIFICATE OF OATH

STATE OF FLORIDA )  
COUNTY OF VOLUSIA )

I, the undersigned authority, certify that  
DEPUTY CHIEF SCOTT PETERSOHN personally appeared  
before me and was duly sworn on the 6th day of  
December, 2011.

WITNESS my hand and official seal this 8th day  
of December, 2011.

Shawna R. Stimson, RPR, FPR  
Notary Public - State of Florida  
My Commission No.: DD887571  
Expires: July 23, 2013  
(This signature is valid only  
if signed in blue ink.)



1 December 6, 2011

2 Volusia Reporting Company  
3 432 South Beach Street  
4 Daytona Beach, Florida 32114  
5 Telephone (386) 255-2150

6 LARRY SMITH, ESQUIRE  
7 Deputy County Attorney  
8 123 West Indiana Avenue  
9 DeLand, Florida 32720  
10 (386) 736-5950  
11 (386) 736-5990 - facsimile

12 In Re: Sworn statement of Deputy Chief Scott Petersohn

13 Dear Mr. Smith:

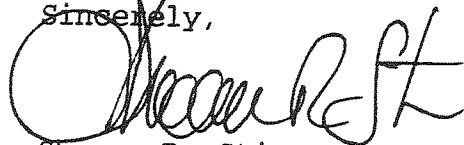
14 Attached please find your copy of the statement of  
15 DEPUTY CHIEF SCOTT PETERSOHN, which was taken in the  
16 above-styled cause on December 6, 2011. Also attached  
17 is the Errata Sheet to be completed by him when reading  
18 your copy of the deposition. This form is  
19 self-explanatory.

20 After Deputy McDaniel has completed this form, please  
21 return it to our office for inclusion in the original  
22 transcript.

23 If the reading and signing is not completed within 30  
24 days, we shall conclude that the witness has failed to  
25 exercise his right to read and sign the transcript. If  
this is not ample time, please contact our office.

Thank you for your cooperation.

Sincerely,



Shawna R. Stimson, RPR, FPR  
Court Reporter



County of Volusia

AUG 24 2011

Dept. of Public Protection

Director Coffin:

you might want to know what is going on in one of the departments you are responsible for-

There is a rumor- speculation that Captain Rich Gardner is sleeping with officer Paige Winters (still on probation)

there is also another rumor that he has also been sleeping with another female officer while on duty and on a personal level. (she was vying for an investigator spot under Captain Gardner, as well as nominated by him for officer of the year 2 years in a row, is this the "right of passage" to get the spot?

He has also been known to hack into her Face book account and her bank account information. We tell our employees they are not allowed to pull up to a tower and talk to a lifeguard, yet he is a Captain and she is a trainee and with all the heat from other similar incidents something needs to be done.

You might want to look into Captain Ray Manchester texting girls on his county issued cell phones while working the parking garage, one in particular is Kim Keil, (2008) as well as MANY other inappropriate issues that are going on inside this department that Kevin knows all about.

There was a sexual complaint about a night shift officer and a female having sex in the Ormond Beach lifeguard station, Capt. Gardner and Pat Casey responded and took a complaint and "talked the girl out of going forward with it" this is another cover up issue that needs to be looked into.

Captain Williams was known to have younger girls take showers with him at the Ormond lifeguard station while on duty after the morning drills, (Jessica Addington) and others Danielle Smith, Sasha Medina, he would also drink with underage lifeguards on his boat.

To say Kevin Sweat did not know about any of these incidents would show that he has no idea what is going on in his department and lets them run free without supervision.

You also have multiple officers all the way up to the Chief that do a lot of personal business on duty, getting a haircut on Main St, running errands etc. in county vehicles and personal vehicles, even leaving work early and showing up late.

There was also another complaint about Officer Texter ref. a comment made to a female along the lines of "do I make you wet" and Kevin "explained" how the investigating officer should handle it in the absence of Capt. Gardner. This is only a small amount of information that is out there, I think you need to clean up your department.

This letter will also be mailed to the News Journal as well as other media sources if nothing is done about this situation.

Δ π EXHIBIT 1	
Deponent	Petersch
Date	12/4/09
Rpt	SS
WWW.DEPOSPOOL.COM	

Director Coffin:

you might want to know what is going on in one of the departments you are responsible for-

There is a rumor- speculation that Captain Rich Gardner is sleeping with officer Paige Winters (still on probation)

there is also another rumor that he has also been sleeping with another female officer while on duty and on a personal level. (she was vying for an investigator spot under Captain Gardner, as well as nominated by him for officer of the year 2 years in a row, is this the "right of passage" to get the spot?

He has also been known to hack into her Face book account and her bank account information, as well as an ongoing issue where she asked him to come over and secure her weapon as she was unstable. We tell our employees they are not allowed to pull up to a tower and talk to a lifeguard, yet he is a Captain and she is a trainee and with all the heat from other similar incidents something needs to be done.

After Capt. Gardner is aware of this complaint, he will begin asking around and attempting to find out where this originated, he intimidates people, protect your employees.

You might want to look into Captain Ray Manchester texting girls on his county issued cell phones while working the parking garage until early in the morning, one in particular is Kim Keil, (2008) as well as MANY other inappropriate issues that are going on inside this department that Kevin knows all about.

There was a sexual complaint about a night shift officer and a female having sex in the Ormond Beach lifeguard station, Capt. Gardner and Pat Casey responded and took a complaint and "talked the girl out of going forward with it" this is another cover up issue that needs to be looked into. (separate from the Nowviskie complaint)

Captain Williams was known to have younger girls take showers with him at the Ormond lifeguard station while on duty after the morning drills, this was brought to Kevin's attention but no one ever heard about it being investigated- as he retired abruptly once this came to light- another cover up? (Jessica Addington) and others Danielle Smith, Sanna Medina, he would also drink with underage lifeguards on his boat.

To say Kevin Sweat did not know about any of these incidents would show that he has no idea what is going on in his department and lets them run free without supervision.

You also have multiple officers all the way up to the Chief that do a lot of personal business on duty, getting a haircut on Main St, running errands etc. in county vehicles and personal vehicles, even leaving work early and showing up late.

2007 time- Kevin Sweat also directed a full time employee (Rodrigo Miranda) to take his county vehicle up to his personal home and pressure clean his house while the employee was on duty, then when that same employee puts his daughter on the front of a 4 wheeler and drove her in circle in front of a council member, Kevin disciplines him for "improper use of county

Δ π EXHIBIT 2
Deponent <u>Peterson</u>
Date <u>6/11</u> Rptr <u>SS</u>
WWW.DEPBOOK.COM

equipment" because the council member "saw" it. Special treatment for the Chief?

Officer Texter has made several inappropriate comments towards girls as well as driving around with a bag-binder with several Polaroid pictures of girl breast and other sexual positions that he took with a county issued camera. This is a known fact within the department including Capt. Manchester, Capt. Gardner, Capt. Williams, Capt. Cunningham and others. There was also another complaint (Internal Affair Investigation) about Officer Texter ref. a comment made to a female along the lines of "do I make you wet" and Kevin "explained" how the investigating officer should handle it in the absence of Capt. Gardner. This is only a small amount of information that is out there, I think you need to clean up your department.

As well as your next supervisor Andrew Ethridge is in line for a promotion has been arrested 2 times regarding domestic battery while working for the county , yet he continues to be employed with his LEO certificate and now will become a supervisor. He constantly becomes possessive of fellow female employees and has been known to have sexual relations while on and off duty with them. This is also a known issue amongst other employees and supervisors.

Your agency is corrupt with several different issues as well as covers ups regularly. Such as with Capt. Gardner, once he realized that he might be in trouble for different issues he got into the county employment help program to help cover it up, you have other officers that show up with strong odors of alcohol on their breath and in their system while carrying a gun and this is a KNOWN fact amongst fellow employees, his supervisors, and all the way up to Kevin.

I think SOMEONE that isn't going to try to cover this up needs to take a very close look at these issues. A copy was sent out 3 weeks ago and nothing has been done to even kind of curtail these actions.

This letter will also be mailed to the News Journal, Orlando Sentinel, as well as other media sources if nothing is done about this situation.

A Concerned Employee