



**INTEROFFICE MEMO  
LEGAL DEPARTMENT**

**TO:** Jim Willits, Public Protection Director

**FROM:** Nancye R. Jones, Assistant County Attorney

**DATE:** February 4, 2008

**RE:** John M. Bandorf

In response to your inquiry regarding certain matters involving the above referenced former employee, I offer the following information:

In 2004, I was assigned to handle the appeal of a disciplinary personnel matter involving Volusia County Department of Corrections Officer John Bandorf. That issue was ultimately resolved through negotiation with Mr. Bandorf's attorney at the time. However, during my preparation for the appeal, I had the opportunity to review all Volusia County Department of Corrections documents regarding Mr. Bandorf, including his personnel file, internal affairs investigations, internal documents and forms that had been filed with the FDLE regarding his actions which had resulted in the pending disciplinary appeal hearing. I have also had the opportunity to discuss these matters in detail with both the Volusia County Department of Corrections Director, Cynthia Clifford, (who was not in that position at the time Mr. Bandorf left employment) and Capt. Kenneth Modzelewski.

During the negotiated settlement of Mr. Bandorf's disciplinary matter, he and/or his wife, repeatedly made some of the same allegations regarding the May 3, 2004 incident that are contained in their December 4, 2007 complaint to FDLE. Their complaints were investigated and explanations for each issue were provided to them on more than one occasion.

In August, 2007, long after Mr. Bandorf's disciplinary issue was resolved but while his certification and retirement issues were still pending, Mr. Bandorf's wife requested copies of documents pursuant to the public records law. The Bandorf's had previously repeatedly requested the same documents and their requests had been

appropriately responded to. I attach a copy of my last response to Mrs. Bandorf which is self-explanatory.

At that time, I was also made aware of Mr. and Mrs. Bandorf's allegations that Director Clifford had "submitted lies or perjured" herself while testifying before the Florida State Retirement Commission in January, 2007. In light of that allegation, I reviewed the excerpt of her testimony which was attached to the email from Mrs. Bandorf. I also again reviewed the related documents previously enumerated.

First, it was relevant to me, in my review of these allegations, that Director Clifford was testifying about a time period when she was not the Director and had no firsthand personal involvement in the events about which she was testifying. She was responding to questions from the prosecuting attorney about investigations into certain conduct of Mr. Bandorf in the context of whether the Department was on a witch hunt against him. The questions to Director Clifford were not sufficiently specific as to what type of investigation had been opened. I did not interpret the prosecutor's questions as to whether an investigation was opened into certain events in that context, to mean whether a formal internal affairs investigation had been opened but rather whether the Department was looking into the incident involving Mr. Bandorf's arrest by another agency.

After reviewing Director Clifford's testimony in the context of what the prosecutor was attempting to establish, in light of my extensive previous experience as an Assistant State Attorney and police legal advisor, and my knowledge of the elements of the crime of perjury, I concluded that Director Clifford had not knowingly and intentionally made a false statement under oath. I can assure you that, had I concluded otherwise, I would have contacted you immediately.

Please let me know if I can be of any assistance in resolving this matter.

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COUNTY OF VOLLSIA  
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gm