

**CITIZENS POLICE REVIEW BOARD MEETING
CITY OF FORT LAUDERDALE
CITY HALL 8TH FLOOR CONFERENCE ROOM
100 NORTH ANDREWS AVENUE
FT. LAUDERDALE, FLORIDA 33301
DECEMBER 13, 2010 – 6:00 P.M.**

1/10 – 12/10

Board Members	Attendance	Cumulative Attendance	
		P	A
Alan Stotsky, Chair	P	9	1
Eileen Helfer, Vice Chair	P	10	0
Marc Dickerman	P	4	0
Lt. Glenn Galt	P	8	2
James Jordan	P	4	0
Officer Nina Justice (6:03 p.m.)	P	8	2
Sgt. William Schultz	A	7	3
Roosevelt Walters	P	9	0

Staff

Capt. Rick Maglione, Internal Affairs
Sgt. Dana Swisher, Internal Affairs
Sgt. Hector Martinez, Internal Affairs
Sgt. Timothy McCarthy, Internal Affairs
Sgt. Harvey Jacques, Internal Affairs

Guests

John Terrill, Complainant
Robert Dean, Complainant

Communications to City Commission

None.

A. Roll Call

Chair Stotsky called the meeting to order at 6:00 p.m. and roll was called.

B. Approve Minutes from November 8, 2010

Motion made by Mr. Walters, seconded by Mr. Dickerman, to approve the minutes of the November 8, 2010 minutes. In a voice vote, the **motion** passed unanimously.

C. General Information

Chair Stotsky reminded the Board members that the February 22, 2011 meeting would be held on the first floor in the City Commission Chambers.

Motion made by Mr. Dickerman, seconded by Lt. Galt, to move Agenda Item 2 to first. In a voice vote, the **motion** passed unanimously.

D. Review the Following Internal Affairs Investigations

2. IA Case 10-111

Complainant:	Franklin C. Adderley, Chief
Allegation:	Use of Deadly Force
Officers:	Sergeant Jerald Fuller Detective Jeffery Jenkins
Disposition:	Both Officers – Exonerated

Ms. Helfer requested to see a video of the incident. The video was shown to the Board at this time.

Motion made by Ms. Helfer, seconded by Mr. Walters, to accept findings. In a voice vote, the **motion** passed unanimously.

1. IA Case 10-091

Complainant:	John Terrill / Robert Dean
Allegation:	Discourtesy
Officer:	Sergeant Andrew Pallen
Disposition:	Exonerated

Mr. Walters requested an explanation from Internal Affairs of why Sgt. Pallen was exonerated. Capt. Maglione explained that “the allegation occurred, but either it was within our guidelines or the Department... understood, justified, or condoned the accused individual’s action.” He offered the comparison of “shooting at a moving vehicle,” in which an Officer may commit the alleged action but the Department may condone or justify the activity, or find it within Department guidelines.

Mr. Jordan asked from what action Sgt. Pallen was exonerated – for example, if the action was “being verbal at the meeting.” Capt. Maglione said the co-complainant wrote a letter to the Florida Department of Law Enforcement (FDLE) that was copied to Chief Adderley. The letter then became part of the complaint. Capt. Maglione said when he spoke to FDLE regarding the complaint, he had assured them that they would investigate “the big picture,” which appeared to “go beyond” the incident at City Hall.

Mr. Jordan asked if this meant Sgt. Pallen had been exonerated from “the whole picture.” Capt. Maglione said Internal Affairs had exonerated Sgt. Pallen from the entire issue, and it was now the Board’s decision on whether or not to accept the findings.

John Terrill, Complainant, stated he was disappointed that he was named as the complainant without his consent. He felt Chief Adderley should have been the official complainant. He added that when Robert Dean was made a co-complainant, Mr. Terrill was also not informed of this and did not give consent. He said by introducing Mr. Dean into the issue, Internal Affairs was “trying to keep the focus off of what has happened at City Hall.”

Mr. Terrill said Sgt. Pallen entered City Commission Chambers following the adjournment of the Marine Advisory Board meeting and demanded that the meeting be reconvened. Mr. Terrill offered to place Sgt. Pallen’s concerns on the next meeting’s Agenda. He noted that at this time, Sgt. Pallen was under investigation by Internal Affairs, and Mr. Terrill was the complainant. Mr. Terrill said he felt it was “astonishing” that Sgt. Pallen would “approach a witness in anger” while under investigation.

Mr. Terrill stated that Sgt. Pallen made “rapid-fire allegations,” including an allegation that Mr. Terrill had lied during the current Internal Affairs investigation. He said the incident occurred in a very brief period of time, estimated to be 10-15 minutes. Mr. Terrill ended the incident by leaving the room. He stated he was in fear for his personal safety at this time. He advised that had he known Sgt. Pallen wanted the opportunity to speak at the Marine Advisory Board meeting, he would not have adjourned the meeting.

Mr. Terrill said Sgt. Pallen was aware he had taken an interest in a Police report regarding a fuel spill. The report described an oil slick of large proportions, and Sgt. Pallen had reported to the Marine Advisory Board that Peterson Fuel was to blame for the spill.

Mr. Terrill stated while Peterson Fuel is based at Lauderdale Marine Center, his compensation as Dockmaster of that facility is not affected by Peterson Fuel’s occupancy, and he does not take “commissions or kickbacks” from any of Lauderdale Marine Center’s tenants. He asserted that a false charge of this nature would damage his career, “and slander is illegal.”

Mr. Terrill said he questioned the accuracy of the information about the fuel spill given the Marine Advisory Board by Sgt. Pallen, as he had personally spoken to others involved in the incident, including the Coast Guard’s investigating officer. He concluded that “there was not fuel in the water that day” according to the estimations of other witnesses, and asked “how far off base must a report be before the Police Department determines that a widely missed estimate is

actually a falsification?" He stated that Sgt. Pallen "is on a crusade to put Peterson Fuel out of business," and said there is a long history between the two.

Mr. Terrill said his own complaint is that Sgt. Pallen, "in an uncontrolled rage...slandered me." He asserted that he had "no confidence" in the sincerity of the Internal Affairs report, which he felt exaggerated his relationship with Mr. Dean in an attempt to divert attention from the incident with Sgt. Pallen. He also noted that witnesses testified that Sgt. Pallen said Mr. Terrill "took kickbacks," and said when interviewed, Sgt. Pallen "was not asked about the charges... [but] did say under oath that I was involved in inappropriate and illegal activities." He concluded that he did not "have an agenda against" Sgt. Pallen, but felt the actions described should be properly addressed.

Robert Dean, complainant, stated he is the owner of Peterson Fuel. He noted that the amount of testimony can be "rather confusing" to follow, and provided the Board members with copies of many of these pages highlighted in a manner that he felt could illustrate the issue.

Chair Stotsky pointed out that the Board members would not be able to read the handout provided by Mr. Dean at this time. Mr. Dean added that there were "one or two pages" included in addition to the testimony. He explained that the additional pages dealt with "an allegation that's been made that has nothing to do with this investigation."

Chair Stotsky said he would like to have time to read the document provided by Mr. Dean. Lt. Galt said he would like to read the document as well. Chair Stotsky suggested the Item could be tabled until the next Board meeting, by which time the Board members could have read Mr. Dean's document. Mr. Walters agreed this request was in order.

Capt. Maglione stated if there are materials included that were not previously made part of the case, it would be difficult to consider them as evidence. In addition, he cited a City Ordinance that requires every case to come before the Board within 20 days of closing; this has on occasion resulted in a special meeting in order to hear a case in a timely manner. Because of this, tabling the case until the next meeting would violate this Ordinance.

Mr. Walters noted that the statements on which Mr. Dean wished to comment were included in the document he had provided. Mr. Dean agreed this was the case.

Lt. Galt said he was not in favor of postponing the meeting, and proposed that Mr. Dean could provide a verbal summary of his views. Mr. Dean said he would remove the first five pages of the document, and would verbally describe what was included in them.

Motion made by Mr. Dickerman to postpone. The **motion** died for lack of second.

Mr. Dean redistributed the document after removing the first five pages. He explained that as Mr. Terrill had said, there were two complaints, the first of which was provided by the Chief of Police in relation to what had occurred at a Marine Advisory Board meeting. Mr. Dean said he was involved in this complaint because Sgt. Pallen had accused Peterson Fuel of paying kickbacks to Mr. Terrill. He asserted that the business did not engage in this behavior. Mr. Dean agreed with Mr. Terrill that Sgt. Pallen's comments constituted slander, and could be harmful to him and to his business. He said for this reason, he did not accept Sgt. Pallen's exoneration by Internal Affairs.

The second complaint was Mr. Dean's contention that Sgt. Pallen "authored a false Police report in order to influence a federal investigation" of the oil spill. Mr. Dean noted that Internal Affairs' findings suggest he and Mr. Terrill were "on a crusade." Mr. Dean said this was not true, and said a contributing factor to this finding was an occurrence "a long time ago" when Sgt. Pallen and another Officer "boarded one of our vessels illegally." He explained at the time he had spoken to Capt. Maglione regarding this issue, and Capt. Maglione had asked if Mr. Dean wished to file a formal complaint. Mr. Dean had declined to do so, stating that he only wanted it to be known that he was displeased and wanted the Officers involved to "follow the law."

Mr. Dean returned to the issue of "the falsification of a Police report," which he said had come to his attention via a letter from the Coast Guard on March 11, 2010. The letter referred to a fuel spill that had occurred on December 29, 2009. Mr. Dean did not have prior knowledge that a formal investigation had occurred.

Lt. Galt asked how many fuel spills involving Peterson Fuel had been documented. Mr. Dean said under federal regulations, a fuel spill is considered to be caused by the supplier "if the fuel comes from us;" if the fuel comes from a nozzle while a customer is fueling a boat, the customer is responsible. In this context, he estimated that there had been "maybe ten [spills] over the last year and a half, two years." However, he stated that Peterson Fuel had caused one spill in Fort Lauderdale in the past 12 years. He added that this information could be verified by the Coast Guard.

Mr. Dean said the Police report in question was "suspect" because Sgt. Pallen was aware of these regulations regarding who is responsible for a fuel spill.

Mr. Dickerman noted that the recipient of fuel signs an assumption of liability document, and asked if this document is standard in the industry or is required by the Coast Guard. Mr. Dean said it is "something that we have developed in

concert with the U.S. Coast Guard.” The document states that the recipient is responsible if he or she spills fuel. He asserted that recipients are aware of the consequences they would face if they are responsible for a spill.

Mr. Dean added that Peterson Fuel notifies the Coast Guard 95% of the time when a spill occurs, even when they are not responsible. He said a reason for this policy is that many owners will not make this notification when they are responsible, as they are then liable for both the spill and its cleanup.

Chair Stotsky noted that the spill in question was said to be “27 drops,” and asked how this number was determined. Mr. Dean said there is a chart used to calculate the size of a spill, and described this method briefly to the Board members. Lt. Galt asked if the method used to calculate the size of a spill was requiring recognized by an authority such as the Coast Guard or the EPA. Mr. Dean said he did not know this, but advised that even if his calculation was incorrect, it was “still a very small amount of fuel.” He added that witness statements from individuals fueling their boats estimate the fuel spilled at a very small amount, most of which was cleaned up.

He continued that the Police report includes a conversation with the Dockmaster of Sunrise Harbor Marina, in which the Dockmaster said “he had no record of any fuel spilled that day.” Mr. Dean reached out to the owner of this vessel, as well as to the Sunrise Harbor Marina and Coral Ridge Yacht Club Dockmasters; the Florida Department of Transportation; the manager of the Gallery One Hotel; and the manager Sunrise Harbor Condominium. None of these individuals recalled a fuel spill taking place on that day.

Mr. Dean added that he had spoken to “another witness” was standing on the balcony above the fuel job when the alleged spill occurred; he said this witness, who was not named, estimated the amount of fuel spilled to be two gallons. Mr. Dean said the individual also described Sgt. Pallen’s behavior as “walking up and down the dock yelling and screaming” when Sgt. Pallen arrived at the alleged spill.

He concluded that he had spoken to the individual from the Coast Guard who had advised him the investigation was complete. The individual had stated the Coast Guard received the report, but “totally disregarded it,” as they “had no idea what it was or where it came from.” Mr. Dean said the Coast Guard’s report refers to the letter received by Peterson Fuel on March 11, 2010, and a letter sent to the owner of the vessel that had spilled the fuel. The second letter identifies the owner as the party responsible for the spill.

Mr. Dean also noted the page from the Coast Guard report labeled “Appendix: Evidence.” He pointed out that the Police report was “totally disregarded...because they knew it was not factual.” Chair Stotsky asked how it

can be surmised that the absence of this report “means they don’t care.” Mr. Dean said otherwise it would be listed as part of the evidence.

Capt. Maglione asked what the Police Department’s responsibility is when they respond to a fuel spill into the water: specifically, if the Police Department should “assign responsibility or...to document what they observed” and then allow the Coast Guard to investigate further and place this responsibility. Mr. Dean said he agreed that the Police Department not assign responsibility for a spill, but should act as “fact takers” by preparing a Police report. He stated there were “26 items” in the Police report that were not factual.

Capt. Maglione asked if Mr. Dean was at the scene of the fuel spill when it occurred. Mr. Dean said he was not, but said he knew “what’s real and what’s not real.” He stated that the individual from the Coast Guard with whom he had spoken said, with regard to the Police report, “This guy is really working overtime to put you away.” Mr. Walters said he would like to see the quote. Mr. Dean said “there will be an opportunity” for the individual, Mr. McDaniel of the Coast Guard Sector Miami Spill Response Center, to provide quotes.

At 6:57 p.m. Officer Justice requested a brief recess. The meeting reconvened at 7:01 p.m. No discussion of the case occurred during the recess.

Mr. Dean reiterated that he had noted 26 items that were untrue in the report, and asked “what is the threshold” at which a Police report was considered to be “no longer factual...[and] creating a spin.” Capt. Maglione said the determining factor would be the intent. Mr. Dean said that meant “this argument is over.” The 26 items to which Mr. Dean alluded were not identified for the Board.

Mr. Walters noted that Mr. Dean has alleged Sgt. Pallen is lying, but pointed out that Sgt. Pallen made the same allegation about individuals “on [Mr. Dean’s] side.” He asked if Mr. Dean had any new information to offer the Board.

Mr. Dean said if the Board was present to exonerate Sgt. Pallen on the charge of discourtesy, he had “a problem connecting discourtesy to a falsified Police report in a federal investigation.” He characterized Sgt. Pallen’s statements as part of “a crusade,” including statements made before the Marine Advisory Board.

Mr. Dean continued that another issue was “the nuances” of Sgt. Pallen’s statements, such as accusing Peterson Fuel of not cleaning up a spill. He said these statements “go back to our character” and the place the business has in the community.

He concluded that Sgt. Pallen “does have an agenda” and reiterated the issues surrounding the Police report and the fuel spill, the intent of which he said was “to do damage to our company... [and] to do damage to me.”

Mr. Walters advised that the Board would not address the allegation of slander, as this should be discussed between Mr. Dean and his attorney. He stated that his greatest concern regarding this issue was that Mr. Dean had "talked about Sgt. Pallen but you have then wrapped the whole Fort Lauderdale Police Department...all around him." He said while he did not always agree with the findings of Internal Affairs, even with regard to this case, "the accusations that you're making bothered me."

Mr. Walters said he had read all the materials provided to him about this and other cases in an attempt to see all sides of the issue. He recalled Mr. Dean had said five tickets were issued to him, and noted that he only remembered two tickets were noted in the report. Mr. Dickerman and Vice Chair Helfer said they had also seen references to only two tickets in the report. Mr. Walters requested more information from Mr. Dean about those tickets not mentioned in the report.

Mr. Dean said Peterson Fuel had received tickets for blocking navigation in a channel; an allegedly suspended driver's license; causing an accident with a vessel; leaving the scene of an accident; and fueling where there was no upland structure. He noted that in the last case, the vessel had been located off the face of a marina.

Capt. Maglione asked if Sgt. Pallen wrote any of the tickets. Mr. Dean said he did not. Capt. Maglione observed that the accident in question was called in by a citizen, and tickets were issued based upon the citizen's testimony. Mr. Dean briefly described the circumstances related to the fifth ticket, noting that his vessel had permission to spud down in the location.

He reiterated that his concern was for the intent that led to his business "having such a problem" with Sgt. Pallen and the Marine Unit.

Chair Stotsky stated the Board was "not here to decide most of what you discussed," and advised that many of the issues Mr. Dean had raised should be taken before another entity for a decision. Mr. Dean agreed, and asked the Board to pass a resolution that the issue be turned over to the State Attorney's Office to determine whether or not "something's going on here."

Capt. Maglione explained that the Board does not charge an employee with violation of policy unless it is part of the original allegation. He said the Police report written by Sgt. Pallen was examined by Internal Affairs and was "most likely inaccurate on the amount." He noted that Mr. Dean had not been present at the scene of the fuel spill.

He continued that Sgt. Pallen had stated "based on what I knew, this is my estimation" of the amount of fuel spilled. He had also stated "regardless of the

amount...it could have easily been contained...or remedied by the people right there on the scene.” Capt. Maglione explained that this suggested Sgt. Pallen’s estimate of the size of the spill was not correct, as a larger spill could not have been easily cleaned up.”

Capt. Maglione advised that Mr. Dean could take the issue to the State Attorney’s Office, as the Board is not empowered to pass a resolution of this nature. He had not presented the case to the State Attorney’s Office because he did not believe a criminal infraction had occurred; however, either complainant could pursue the case if he wished.

Capt. Maglione added that Sgt. Pallen was not charged with lying in a Police report because it had already been determined that he did not lie “because of the totality of that report.”

Mr. Dean said if he had to take the case to the State Attorney’s Office he would not feel that he was “being represented by anything in this city,” which he said was a concern for him. He reiterated his issues with Sgt. Pallen’s Police report, and his report to the Marine Advisory Board, regarding the size of the spill. Capt. Maglione said he agreed the size of the spill would have been difficult to determine.

Lt. Galt asked why Sgt. Pallen was not present at the Board meeting. Capt. Maglione said Sgt. Pallen had wanted to attend but was advised not to do so by his union reps, as another complaint has commenced against him and it is believed the complaint has a connection with Mr. Terrill. He noted that the new complaint is an open investigation.

Lt. Galt confirmed that the Police report which Mr. Dean said was incorrect concerned an alleged fuel spill that occurred in December 2009. He noted that Mr. Dean wrote a letter to FDLE alleging that Sgt. Pallen “lied in the Police report” one day after the incident occurred at the Marine Advisory Board meeting in June 2010. He asked why there was a six-month lapse between the Police report and the complaint about the report. Mr. Dean said he was notified of the fuel spill by the Coast Guard on March 11, 2010 and “started doing my own investigation,” including speaking to witnesses and Dockmasters. He stated he wrote the letter to Chief Adderley in “early May,” then decided not to send it, hoping that the issue would be resolved on its own.

Lt. Galt asked if Mr. Dean had filed another complaint, or been a witness in a complaint, against Sgt. Pallen during this time. Mr. Dean said he had not, and explained that he had contacted Capt. Maglione over a year earlier regarding Police Officers “boarding our vessels illegally.”

Capt. Maglione explained that the Officers in that case were called to the scene due to an alleged spill that “trailed back to [Peterson’s] barge.” While they had been in uniform when they boarded the vessel, Coast Guard regulations state that a photo ID must be shown. This was not done, he said, “because they were on a first-name basis with the captain.” This constituted the illegal boarding to which Mr. Dean had referred.

Mr. Dean clarified that the Officers did not show ID or sign into the log book, which is required regardless of whether or not they were in uniform. He recalled that Capt. Maglione had asked if he wished to file a formal complaint about the incident. Mr. Dean had declined to do so.

Lt. Galt asked again if Mr. Dean had made a complaint against Sgt. Pallen prior to May 2010. Mr. Dean said he did not. Lt. Galt noted that the documentation provided by Mr. Dean included a letter to the Chief of Police, “stamped ‘Formal Complaint,’” that referred to an incident involving Sgt. Pallen on November 6, 2008.

Mr. Dean said his complaint was about another Officer involved in the incident. Lt. Galt noted that the formal complaint included both Officers’ names, including Sgt. Pallen’s. Mr. Dean said his intent in writing the letter was “I wanted to illustrate that there was a history here.”

Lt. Galt asked if Mr. Dean could see how others could interpret the complaint to be against Sgt. Pallen as well. Mr. Dean said he did not. He said his letter to Chief Adderley pointed out that he “had filed that formal complaint and nothing happened.”

Lt. Galt advised that the Board was discussing the issue of discourtesy rather than false Police reports or criminal intent. He noted that Mr. Dean has the right to object to the behavior he has described, and said he should take the case to the proper forum.

Lt. Galt asked Mr. Terrill why he did not contact the Police Department immediately following the incident after the Marine Advisory Board meeting. Mr. Terrill said he “had no faith in the Police Department at that time.” He added that Internal Affairs had also questioned why he did not seek out the security guard at the door, and explained that he had not expected the incident to occur.

Lt. Galt recalled that following the incident, Mr. Terrill had filed a request for a temporary injunction against repeat violence, and a hearing was set. He asked why Mr. Terrill did not attend the hearing if he felt he was in danger. Mr. Terrill said his attorney, Fred Haddad, had discussed the issue with the Chief of Police, who “made it clear to me that Sgt. Pallen was out of the state” for three to four weeks. He felt at this time that he was safe.

He reiterated that he did not believe Sgt. Pallen was able to control his emotions and “gets extremely angry and acts...completely inappropriately for a Police Officer.” He described this behavior as “a disgrace for all Police Officers,” but said it was not the kind of behavior that would make him go to the Police Department “at that moment.”

Mr. Dickerman said he could understand why Mr. Terrill had contacted other members of the Board for their input on the behavior they had witnessed by Sgt. Pallen, but asked why he would contact “an outside person like Genia Ellis,” who was not in the room when the incident occurred and was not a witness. Mr. Terrill said he had contacted Ms. Ellis and others after the incident because “from a personal level, I was incredibly insulted by what had occurred.” He felt that the more individuals who were aware of the incident, the more pressure would be on the Police Department or on Sgt. Pallen himself “to make sure that he doesn’t lose his temper.”

Capt. Maglione asked if Mr. Terrill felt his concern for his own safety was not reflected in the Internal Affairs report. Mr. Terrill said this concern was not discussed in the summary report. Capt. Maglione said this was stated in the report as “Mr. Terrill explained his desire to publicize what occurred.” Mr. Terrill said he did not feel the report’s summary was complete, as it did not specifically address his concern for his own safety.

Mr. Walters noted that Mr. Terrill had also stated he “wanted to keep anybody from trying to put a spin on it.” Mr. Terrill agreed this was part of the reason he had contacted other Board members and asked them to write letters.

Capt. Maglione asked who referred the incident to the media. Mr. Terrill said he had affirmed under oath that he did not contact the media.

Chair Stotsky said at the beginning of the incident, Mr. Terrill had discussed actions in which Sgt. Pallen had taken part “and was trying to...do what you wanted,” which was to “have good contact with the people on the water.” He said the issue was discussed toward the end of the meeting when Sgt. Pallen was not in the room and did not have the opportunity to respond. Mr. Terrill agreed with this summary.

Chair Stotsky said he felt Mr. Terrill was sufficiently familiar with Sgt. Pallen to know if the issue was discussed in his absence, “there should be some kind of response.” He concluded that his opinion was the matter should have been discussed in Sgt. Pallen’s presence.

Lt. Galt asked why the matter was not discussed in Sgt. Pallen’s presence. Mr. Terrill explained that the “waving program” was presented to the Marine Advisory

Board at an earlier meeting. At a subsequent meeting, another individual had made a joke about the waving program. Mr. Terrill said he was not aware at the time that Sgt. Pallen was on his way to the meeting. He asserted that no one was prevented from speaking at a Marine Advisory Board meeting, and Sgt. Pallen would have been allowed to respond on the record.

Mr. Terrill added that at the time he was a complainant in an open investigation, and there was "no question that [Sgt. Pallen] was...displaying anger towards me." He stated that witness statements would also reflect that Sgt. Pallen was angry.

Chair Stotsky said he did not feel the witnesses said Sgt. Pallen was angry "at you." Mr. Terrill said this was not accurate, and that witnesses reported "all of the attention was focused on me." He said even if the Board felt Mr. Terrill was "out to get [Sgt. Pallen]," Sgt. Pallen's response would have been inappropriate. Mr. Terrill asserted that as Chair of the Marine Advisory Board, he treated people with respect, including members of the Police Department. He had not attempted to "set up" Sgt. Pallen in any way.

Vice Chair Helfer asked if the incident was the first unpleasant confrontation that Mr. Terrill had had, and if there were other confrontations, if he had felt he should sign a restraining order. Mr. Terrill said he felt "the events that occurred in City Hall in this room were absolutely worthy of anything," including a restraining order.

He said at a previous encounter described to the Board, which "related to Lauderdale Marine Center," there was "an angry discussion" between himself and Sgt. Pallen. He said the Board had determined in this incident that Sgt. Pallen was "less culpable" than Mr. Terrill had suggested.

He noted that the issues discussed by Mr. Dean were not related to the incident at the Marine Advisory Board.

Lt. Galt pointed out that Mr. Dean's letter was written the day after this confrontation. Mr. Terrill said Mr. Dean had heard about the incident, including the mention of "kickbacks" that was "heard by every...witness in the room." Lt. Galt said it was not a coincidence that the letter was addressed to FDLE the day after this incident. Mr. Terrill said Mr. Dean "had his own history," and he could not say why Mr. Dean sent the letter.

Lt. Galt explained that saying the two incidents were not related may not be "genuine." Mr. Terrill said the issues discussed tonight were so global he did not feel the Board could absorb all the information and determine whether or not the incident occurred and whether it was appropriate.

Mr. Terrill added that there was a “smokescreen” related to the connection between himself and Mr. Dean, which, he asserted, was fabricated. He referred to testimony regarding a previous incident, which he said contained “leading” questions that sought to make a connection between himself and Mr. Dean.

He said Sgt. Pallen had added notes and other documentation to the record since the incident had occurred. This documentation, he said, was a Police report that also made reference to Mr. Terrill and Mr. Dean “working together.” Mr. Terrill described the incident that resulted in this report and stated it was not true.

Mr. Jordan requested clarification of Sgt. Pallen’s status with respect to the Marine Advisory Board. Mr. Terrill said Sgt. Pallen was not a Board member, and presented Police reports to the Board.

Capt. Maglione stated for purposes of clarification that the factual reason Sgt. Pallen was charged with discourtesy was “he came into this room and yelled and screamed at Mr. Terrill.” This was the incident that has been investigated by Internal Affairs. Capt. Maglione said the incident “could have been investigated by his command” had other circumstances not occurred, such as the letter by Mr. Dean.

He said other potential policy violations could be investigated, but Internal Affairs often sees, prior to bringing the Officer in for investigation, that the violations would not be sustained. He offered the example of calling Sgt. Pallen “a liar” because of the Police report he had filed about the fuel spill, stating that “there’s no way to say he’s a liar” because he had estimated the amount of fuel incorrectly.

Capt. Maglione said while the complainant(s) had said Sgt. Pallen called them “corrupt,” they had alleged Sgt. Pallen was “corrupt” throughout the meeting. He continued that if Capt. Maglione had authority over City advisory board members, he would report that “if anybody cursed, it was [Mr. Terrill]; if anybody threw any [papers] down, it was [Mr. Terrill].” He concluded that “just because Sgt. Pallen was wearing his uniform...doesn’t make [his actions during the incident] a threat.”

Capt. Maglione characterized the incident as “a mutual combat argument” in which both Sgt. Pallen and Mr. Terrill were discourteous to one another. He concluded that the incident had included “mutual discourtesy” on both sides.

He clarified that “exonerated” means the incident occurred, and noted that Sgt. Pallen has a document of written counseling in his file. What Internal Affairs had not sustained, he said, was a policy violation. Capt. Maglione added that Internal Affairs did not “stack...charges” against Sgt. Pallen “just to say we’re clearing him of them.”

Mr. Walters requested that Chair Stotsky explain the Board's responsibilities to the complainants, as they may be "confused" regarding the Board's authority.

Chair Stotsky said the Board votes to sustain, not sustain, exonerate, find unfounded, or defer the case for more information. Capt. Maglione said the Board's job is "to judge me," and to determine whether or not Internal Affairs' investigation was fair, thorough, complete, and transparent.

Mr. Walters explained he had raised the issue because he felt Mr. Dean believed the Board could "do something other than" these actions. They are only tasked with agreeing or disagreeing with the findings of Internal Affairs.

Motion made by Mr. Dickerman, seconded by Vice Chair Helfer, to accept the findings of Internal Affairs. In a voice vote, the **motion** passed unanimously.

There being no further business to come before the Board at this time, the meeting was adjourned at 8:14 p.m.

[Minutes prepared by K. McGuire, Prototype, Inc.]