

Summary of email correspondence:

The following is my email correspondence with the Florida Department of Law Enforcement Alcohol Testing Program (FDLE/ATP) Manager Ms. Laura Barfield. Since neither Ms. Barfield, FDLE, FDLE/ATP nor the Hillsborough County Sheriff Office (HCSO) would investigate my allegations into felonies being committed by law enforcement personnel and law enforcement officers, I made a Public Record Request for all email correspondence to document the sequence of events and my investigation.

The email correspondence below details my repeated request to Ms. Barfield to investigate this matter. The responses I received from FDLE Asst. General Counsel Linton Eaton and the Alcohol Testing Program Manager Ms. Barfield was that FDLE's position was that the Alcohol Testing Program was only an '*administrative arm of FDLE, the ATP does not have the authority to independently investigate complaints against the employees of other agencies*'. This does not relieve ATP from investigating these allegations nor does it relieve the Florida Department of Law Enforcement from responsibility to investigate. In addition, this response is counter to FDLE/ATP's written Policy and Procedure in section **5.02 Administrative Complaints** of the Alcohol Testing Program Operations Manual (ATPOM) which was authored by Ms. Barfield. The protocol for section 5.02 Administrative Complaints can be found on page 3 of this Pdf document or on page (36) of the ATP Operations Manual Pdf attachment included with this correspondence. Since Ms. Barfield was the author of (ATPOM) and therein section 5.02 Administrative Complaints, Ms. Barfield's inquiry of, '*What should I do with this?*' to Linton Eaton the Asst. General Counsel of FDLE along his response would appear to be Official Misconduct and dereliction of their duties.

Why doesn't FDLE/ATP or the Hillsborough County Sheriff Office want this exposed? If this investigation becomes public, anyone who was convicted or plead out with tainted evidence may be able to petition the courts to reopen their case which would be a financial and judicial nightmare for the Hillsborough County Court system. The Hillsborough County Sheriff Office breath tests and arrests 600-800 people a month for DUI. HCSO's fatal flaw in their central breath testing unit was to have 'only' one (1) person conduct the required Ch. 11D-8 monthly Agency Inspections. In order for the state to get your breath test results into evidence the state has to prove that your breath test results are reliable, and to prove your breath test are reliable, the state has to prove that the Intoxilyzer 8000 is reliable, and how the state proves that the Intoxilyzer 8000 is reliable is by laying a scientific predicate that the Intoxilyzer 8000 is still within the factory calculations. This predicate requires the state to proffer the following Agency Inspections for; 1.) the month before, 2.) the month of and, 3.) the month after Agency Inspections. This predicate is supposed to show that the Intoxilyzer 8000 was operating properly the month before, the month of, and the month after your breath test results, so therefore your breath test results were 'scientifically accurate and reliable'. The fatal flaw in this predicate is that the Intoxilyzer 8000 results rely on the integrity of the operator/inspector's procedures and credibility. Once the Agency Inspector's credibility is destroyed by falsifying the monthly test reports, the evidence is tainted and inadmissible. HCSO Agency Inspector Ms. Beverly Gray conducted the monthly Agency Inspections for 20 + years. Ms. Leslie Sammis, Esq. has file a Motion To Produce contact information for Ms. Gary to which the court denied. Inquiries made to the HCSO for Ms. Gray's whereabouts, address and contact information have proved futile.

I have contacted the Florida Attorney General about this matter and I was instructed to contact FDLE. Since this option was already attempted with no resolution, I am now contacting the Tampa Division of the F.B.I.

Email correspondence from FDLE:

For the date & timeline of this correspondence below please read from the bottom page (7) up to page (2).

From: Eason, Linton
Sent: Tuesday, March 23, 2010 11:13 AM
To: Barfield, Laura
Subject: FW: Requesting FDLE Investigation into Criminal Acts by HCSO CBT Agency Inspector Beverly Gray

FYI

Linton B. Eason
Assistant General Counsel
Department of Law Enforcement
Alcohol Testing Program
850-617-1276
lintoneason@fdle.state.fl.us

From: Ramage, Michael
Sent: Tuesday, March 23, 2010 10:44 AM
To: Eason, Linton
Subject: RE: Requesting FDLE Investigation into Criminal Acts by HCSO CBT Agency Inspector Beverly Gray

ok

Michael Ramage
General Counsel
Florida Department of Law Enforcement
(850) 410-7676

From: Eason, Linton
Sent: Tuesday, March 23, 2010 10:41 AM
To: Ramage, Michael
Subject: FW: Requesting FDLE Investigation into Criminal Acts by HCSO CBT Agency Inspector Beverly Gray

Mike-My plan is to respond one last time that, as an administrative arm of FDLE, the ATP does not have the authority to independently investigate complaints against the employees of other agencies. Also, I intend to inform him that ATP will **not** engage in argument concerning such complaints nor will it respond to further inquiries concerning allegations against HCSO employee Ms. Gray. Okay?

Linton B. Eason
Assistant General Counsel
Department of Law Enforcement
Alcohol Testing Program
850-617-1276
lintoneason@fdle.state.fl.us

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From: Barfield, Laura
Sent: Monday, March 22, 2010 1:39 PM
To: Eason, Linton
Subject: FW: Requesting FDLE Investigation into Criminal Acts by HCSO CBT Agency Inspector Beverly Gray

What should I do with this?

Laura

From: DUIundoConsultants [mailto:DUIundoConsultants@tampabay.rr.com]
Sent: Monday, March 22, 2010 1:35 PM
To: Barfield, Laura
Subject: Requesting FDLE Investigation into Criminal Acts by HCSO CBT Agency Inspector Beverly Gray

Ref: Hillsborough County Sheriff Office CBT Agency Inspector Beverly Gray

Laura, you stated that,

"The Alcohol Testing Program does not have the statutory or rule authority to conduct independent investigations of persons employed by other criminal justice agencies".

Please explain how FDLE can investigate the Hillsborough County Commissioners and NOT investigate criminal acts by HCSO Agency Inspector Beverly Gray that you not only have constructive knowledge of, but copies of the videos which document these actions. I do believe that you do have the authority to request that FDLE initiate and investigation per the Alcohol Testing Program Operations Manual 5.02 Administrative Complaints.

5.02 Administrative Complaints (*see page 36 of the ATP Operations Manual Pdf attachment*)

GENERAL INFORMATION

When an ATP member receives information or has reason to believe that the holder of an ATP issued permit has violated the requirements of such permit, that member shall inform the Program Manager in writing and attach all supporting documentation. Upon receipt of information alleging a permit violation, the Program Manager shall assign a member to investigate.

The investigating member shall research the allegations, obtain certified copies of documents whenever possible, interview witnesses, and submit a written report to the Program Manager upon completion of the investigation.

The Legal Advisor and the Program Manager shall consult with the Bureau Chief to determine whether probable cause exists to initiate administrative sanctions. If the Bureau Chief authorizes further action, the Legal Advisor shall prepare a charging document (Administrative Complaint), to be delivered to the permit holder (Respondent), pursuant to Chapter 120, FS. Copies of all relevant documentation involving a law enforcement officer, correctional officer, Correctional Probation Officer or CJSTC instructor, will be provided to the Officer Discipline Section, Standards and Training Commission.

Sincerely,

Stephen F. Daniels

DUI Expert Witness/Consultant
DUI **undo Consultants, LLC**
P.O. Box 9403
Treasure Island, Florida 33704-9403
Main: 727-647-4258
www.DUIundo.com

THIS COMMUNICATION IS WORK PRODUCT AND IS INTENDED FOR THE ADDRESSEE ONLY.

-----Original Message-----

From: Barfield, Laura [mailto:LauraBarfield@fdle.state.fl.us]
Sent: Wednesday, January 27, 2010 3:56 PM
To: 'DUUndoConsultants'
Cc: Eason, Linton; Martin, James
Subject: RE: The integrity of the HCSO CBT has been seriously flawed

Mr. Daniels,

In response to your email below, Ms. Beverly Gray still holds valid Agency Inspector and Breath Test Operator Permits.

The Alcohol Testing Program does not have the statutory or rule authority to conduct independent investigations of persons employed by other criminal justice agencies.

I can assure you that this email, as well as your previous email, has been forwarded to the Hillsborough County Sheriff's Office, the employing agency of Ms. Beverly Gray.

Sincerely,

Laura D Barfield
Alcohol Testing Program Manager

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From: DUIundoConsultants [mailto:DUIundoConsultants@tampabay.rr.com]
Sent: Monday, January 25, 2010 11:21 PM
To: Barfield, Laura
Cc: Eason, Linton; Martin, James
Subject: RE: The integrity of the HCSO CBT has been seriously flawed
Importance: High

Ms. Barfield,

My email to you concerning HCSO CBT employee Beverly Gray was not a complaint, it was asking for clarification in regards to FDLE/ATP's position on Beverly Gray's Agency Inspector and Breath Test Operator Permits. In my email to you on January 21, 2010 I informed you that in my opinion, I had conclusive video evidence that Agency Inspector Beverly Gray intentionally violated Chp. 11D-8.015. Upon further research these violations are also grounds for criminal charges per Fla. Stat. 838.022.

Since FDLE is the authority that issues permits for Florida's Alcohol Testing Program, is it the policy of FDLE/ATP to not to investigate or act upon serious violations of Chp. 11D-8?

Additionally, in our last correspondence you not only mentioned that Beverly Gray was relieved from her duties as the Agency Inspector, but you mentioned that Ms. Gray was still permitted and allowed to collect evidentiary samples as a HCSO CBT breath test operator. I have submitted conclusive video evidence of Ms. Gray's willful falsification of failing agency inspection testing results to FDLE/ATP for review. The decision by FDLE/ATP to not revoke Ms. Gray's permits and still allow her to conduct evidentiary breath test is not only an egregious violation of the very rules FDLE/ATP promulgated but it is a grave injustice.

I respectfully suggest that you review said videos. Please contact me at your earliest convenience to schedule a time to review the videos in question. If I can be of any further assistance please contact me at the number below. Thanks again

Laura, I look forward to your thoughts.

Kindest regards,

Stephen F. Daniels

DUI Expert Witness/Consultant

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-----Original Message-----

From: Barfield, Laura [mailto:LauraBarfield@fdle.state.fl.us]

Sent: Thursday, January 21, 2010 5:00 PM

To: 'DUIundoConsultants'

Cc: Eason, Linton; Martin, James; Suereth, Don

Subject: RE: The integrity of the HCSO CBT has been seriously flawed

Mr. Daniels,

Any complaint against a Hillsborough County Sheriff's Office employee should be directed to the Hillsborough County Sheriff's Office.

Sincerely,

Laura D Barfield

Alcohol Testing Program Manager

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From: DUUndoConsultants [mailto:DUUndoConsultants@tampabay.rr.com]
Sent: Thursday, January 21, 2010 11:50 AM
To: Barfield, Laura
Cc: Eason, Linton; Martin, James

Subject: The integrity of the HCSO CBT has been seriously flawed
Importance: High

Ref: The integrity of the HCSO CBT has been seriously flawed

Ms. Barfield,

As you are aware, Hillsborough County Sheriff's Office has relieved Ms. Beverly Gray of her duties as the Agency Inspector. I made a public record request to FDLE/ATP regarding the status of Ms. Gray's Breath Test Operator Permit and her Agency Inspector Permit and your response was that both of her permits were still valid. You further stated that Ms. Gray was still employed by HCSO as a Breath Test Operator. I have grave concerns in regards to the integrity of the evidentiary testing at HCSO CBT based of the following:

In my opinion, I have conclusive video evidence that Beverly Gray has committed serious infractions which are violations of: Chp. 11D-8.015 (2)(a), (c) and (3)(a)

11D-8.015 Denial, Revocation, and Suspension of Permits.

(2) The Department is authorized to suspend any permit for any of the following reasons:

- (a) Failure to prepare and maintain breath or blood testing records as required by these rules.
- (c) Any violation of these rules, or aiding and abetting any violation of these rules.

(3) The Department is authorized to revoke any permit for any of the following reasons:

- (a) Knowingly making a false statement or providing false information on any agency document or on any document required by these rules.

I would like to meet with you and present to FDLE/ATP evidence of these violations. Please contact me at your earliest convenience to schedule a time to review the videos in question.

Cc: Linton Eason
James Martin

Stephen F. Daniels

DUI Expert Witness/Consultant

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To All Media Contacts:

If anyone would like to see the original videos in question or have questions regarding this investigation or press release please contact me at the number below.

Regards,

Stephen F. Daniels

Nationwide DUI Expert Witness/Consultant

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