

Narrative Report

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and put them in my truck and that's where they've remained since then. Uh, and that's the bottom line. I wouldn't steal anything for personal gain. Absolutely not. And I'm offended by the uh, I, I, I understand that I should have documented them, and I understand I went outside of procedure in documenting what it was we took from a scene and I'll take whatever punishment as a result of that. But I will not accept the fact that I stole them for my personal gain as it is alleged because they were not, it was, if anything it was at the end of a long day, they got thrown in my truck and that's where they stayed.

R.C.: Okay. All right. You know, I'm not going to dwell on this one for a very long time. Um, I think I'm going to shut the tape off at this time. You, you've told me what happened. I'm going to ask you to give me the goggles obviously.

D.F.: Uh huh, surely.

R.C.: Which uh, and figure out how to document them at this point uh to put them away, but um, uh, we'll just close it at this point, and uh, there's a good likelihood we may have to talk to you again about these, this matter as well as the other.

D.F.: Sure.

R.C.: Okay?

D.F.: Okay.

R.C.: All right. I'm gonna shut the tape off at this time. It is 1651 and uh, shut the tape off.

End of tape.

6/9/05 ss

J:\personel\A36INVSTA36.740 Fontenot.doc

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Supervisor Approval: Ron Carson

Date: _____

Date: 6/14/05

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CLALLAM COUNTY SHERIFF'S DEPARTMENT

Case No: A36.740

RUN DATE: 6/10/2005

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Page 1

INVESTIGATIVE INTERVIEW BY CAPTAIN RON CAMERON

R.C.: CAPTAIN RON CAMERON

CONFIDENTIAL

R.C.: Okay, the date is June 10th of 2005. The time is 1140. Um, I, this is Captain Cameron of the investigative division of the Sheriff's Department. I'm here with [REDACTED] This is concerning A36 investigation number 740. Uh, [REDACTED] you are aware that the tape is on?

[REDACTED] Yes.

R.C.: And it's okay to make this recording?

[REDACTED] Yes it is.

R.C.: Okay. Um, the first of two complaints centers around a search warrant that was served in January of this year. Do you re, recall that?

[REDACTED] Yes I do.

R.C.: Okay. Can you tell me the basis of your complaint and how it stemmed out of that execution of that search warrant?

[REDACTED] Um, well, uh, Sergeant Fontenot and I, as well as Detective Ellefson were being assisted by the Sequim Police Department for this, um, execution of this search warrant at the [REDACTED] Mini-Storages in Sequim. Um, it was during the [REDACTED] case, concerning the construction site thefts, um, of tools and materials and stuff like that. Uh, in any event, during the search, um, Dave, Sergeant Fontenot, came across this pair, what looked like antique um, pilot's goggles. And he remarked how, you know, cool they were and he put them on and he says, "Well I'm taking these things," and he said something about having, wearing them having sex and all that stuff, normal type of stuff. Um, so, um, I just kind of laughed it off and we uh, we kept searching and at some point in time we were finish loading up all our gear. Um, you showed up with the trailer and uh, we left. Um, I think that was on a Friday, in fact, I'm sure it was on a Friday. So, the next week we come back, and I'm not sure which day of the week it was, but hanging from uh, Sergeant's Fontenot's rear-view mirror in his uh, work truck, is that pair of goggles. Now, I wasn't too impressed with that. Um, but I didn't say anything about it immediately. I mean, the guy's [REDACTED] and I just assumed he's going to do the right thing. Um, and I just completely let it go. We had, I had thousands of dollars worth of property laying out at C.I.B. that I had to deal with and the goggles were the least of my worries at that point in time. Um, since then it has been forgotten up until this last week where we had another incident involving this case in a storage unit, and, and the same people are even in, involved for the most part. Um, that operation included the, er was um, about the arrest of a wanted felon [REDACTED] It didn't work out, um, and uh, we had some, some words about it um, nothing really harsh, but uh, Dave's opinion was that, that basically it was Benedict's fault, yeah, whatever. So I started thinking back at other instances um, stuff like that that Dave has been involved in, um, and uh, I thought about the previous search warrant service at the [REDACTED] Mini-Storage. Um, and I hadn't even thought of the goggles yet, but I, up on the, up on the board we had the operational plan basically laid out and uh, I, I was writing things on it and we were making jokes

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about, you know, [REDACTED] hiding from Dave and everything so I wanted to get, I got a picture of [REDACTED], a booking photo, I put it up on the board and I needed to get a picture of Dave. So, in his office, he's got this picture of himself, standing out in front of a storage unit that they were searching, when he was working for patrol, and he was wearing this horned helmet. And I started looking at that and all of a sudden I remembered the goggles. Because I thought, oh I wonder where this, I'm thinking to myself, I wonder where this helmet's at now, if it's, you know, in his truck with the goggles essentially because obviously it was something else he liked too. And then I started thinking, well, I wonder what happened to those goggles. Um, so I get into Aegis and I go through [REDACTED] property and the [REDACTED] case, the [REDACTED] et al. Um, they ain't in there. In fact, there is no um, evidence that I can see that has been placed in there outside of what had been placed in up to that point in time. Um, so now these things are in limbo, um, and I don't know where they're at. Um, and, before I made any type of complaint or statement to anybody about it, you know, I, I wanted to make sure what it was I was saying and I wanted to check to see if anybody else had seen these things because I was frankly wanted to be prepared for the fact that, "No I didn't do it, I don't know what you're talking about." And for it to be a he-said, he-said thing from, from now to eternity and nothing ever is resolved. So, I asked [REDACTED], um, [REDACTED] about it. I, I asked her about it. I said, have you ever seen Dave in possession of any goggles in the past few months? And she says, she wasn't really clear on what I was talking about then I explained to him, well, I said, they're like, you know, antique-looking pilots goggles. I think they're, have some leather stuff. And she says, "Oh yeah. I know what you're talking about." She says, "Yeah. He did have those. He was wearing them at McDonalds one day," or something like that. [REDACTED] was there and he was joking around wearing them," whatever. And I said, "Oh, okay. So, well thanks." Um, I said, "You know, I have to say something about this, so, you know, be prepared to be talked to." You know, when I did actually write the memo about it, including the other things, um, I let [REDACTED] know, what was in it. I said, "You know, I, I said I talked to you and this is what it is and this is what it says," and so she was aware. Um, and uh, that's about it.

R.C.: Um, now you mentioned the second search warrant.

[REDACTED] Mmhuh. (Positive)

R.C.: The re, the one you had more recently, um, on another storage facility. Now you mentioned that. Does that have any bearing on this other then it served to help remind you um,

[REDACTED] Right.

R.C.: about the one that happened in January.

[REDACTED] Right.

R.C.: Is that why you mention this?

[REDACTED] Yes.

R.C.: Okay. I just wanted to clarify that. You said it was the operational plan and

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CLALLAM COUNTY SHERIFF'S DEPARTMENT

Case No: A36.740

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[REDACTED]: Yeah. It was just the whole thing it, the way it went down and then needing the picture of Dave and the, the helmet, him in front of the storage unit and everything, it all came full circle and I said, "Oh! That's right! The goggles." And uh, it, it all, it all just came together, right, right there.

R.C.: So that kind of, that kind of answers my question, uh, as to why you waited so long to report this to me.

[REDACTED]: Mmhuh. (Positive)

R.C.: Because, and, and I'd mentioned this to you previously, I, I was there at the search warrant on January, I think it was the 28th,

[REDACTED]: Mmhuh. (Positive)

R.C.: and I don't remember the goggles thing, but is there a possibility that it happened before I got there? I hope.

[REDACTED]: Yeah, I think we were about half way, half way into the unit when it happened. Um, so it, I, it probably was before you got there, I mean.

R.C.: Um, when you're talking about the goggles during your explanation of the events, you, you mentioned these things, making it plural, is there anything else besides the goggles that you, uh, don't think were recorded onto the evidence sheets as a result of that search? You said it plurally and I, I, I keyed on that and I just want to make sure that you weren't thinking of something else or

[REDACTED]: No. I, I, maybe I, maybe I mis-spoke at that point, or, um,

R.C.: I may have heard it incorrectly.

[REDACTED]: The

R.C.: But I, it sounded like you might have meant something else.

[REDACTED]: No.

R.C.: Besides the goggles.

[REDACTED]: No. The goggles is the only thing that I am aware of that were taken outside of the scope of the warrant and then not placed into evidence.

R.C.: Okay. Were there other things that may have been taken outside of the scope of the warrant that

[REDACTED]: Well, you know, we took that, we took a large screen TV, um, and uh, and we, we still have it in evidence. I mean, it was taken as evidence, put in evidence, put in a trailer, taken, taken. I, I wasn't really concerned with the scope at that point. It was a TV that we felt was stolen out of a house. We wanted to

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research it further. We didn't have all the information so I don't think I could have even put together an adequate addendum.

R.C.: I understand.

[REDACTED]: to um, include it, so I was prepared to, to take it, get it returned to the owner and not have anything become of it, because there, frankly it was outside of the scope and I would pursue it that way, um. So we treated it the way we did.

R.C.: Okay.

[REDACTED]: And actually it was uh, that was Dave's calling, in any event.

R.C.: So the long and the short of it, there are no other incidences, at least that you are personally aware of, besides the goggles, um, that Dave may have been involved with, as far as, that, Dave may have been involved with, as far as removing items without recording them. Because I understand that, through your statement, there was no recording, not on your evidence sheet, that you, that goggles were taken.

[REDACTED]: No. There was none, and.

R.C.: As far as you know, the goggles were the only thing.

[REDACTED]: Yes.

R.C.: All right. I think that's it. I think that's really all we needed to know. You have submitted a written complaint, which basically says the same thing, maybe a little more detailed on the event itself in this tape. Is there anything else that you want to add to that? Concerning that event?

[REDACTED]: Uh, no.

R.C.: Okay. The time is 1250, or I'm sorry, 1150. It's still the same date. I'm gonna shut the tape off at the time. Uh, thank you.

End of tape

SS 061005

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Supervisor Approval: *[Signature]*

Date: _____

Date: 6/14/05 Ex 9p 4

CONVERSATION WITH [REDACTED] (Addendum)

It was difficult for [REDACTED] to provide information to me based on a former relationship with Det. Sgt. Fontenot outside the Sheriff's Department. This relationship ended in March of this year, and she feared any negative statements against Fontenot would be interpreted as retribution.

She did tell me that she was seeing Fontenot during the time the goggles incident occurred. It was also during that time that she noted Fontenot was [REDACTED]

It is known that Det. Sgt. Fontenot and his team responded to an unusual amount of violent calls throughout 2004. There were several serious traffic accidents, one of which included a young girl; a homicide / assault where, after over 14 hours of pursuing the suspect, the suspect shot himself to death in the presence of Fontenot and his team; and the self inflicted gunshot death of an 8th grade student at school. [REDACTED]

L16.23/L50.2005 03842

Date: 5/3/05

To: [REDACTED]
[REDACTED]

Port Angeles, Wa., 98362

NOTICE OF SEIZURE AND INTENDED FORFEITURE

☒ [XX] Delivered by Personal Service
☐ [] Certified/Registered Mail

RE: Case Number 2005 [REDACTED]

Seizure Date: 4/29/05

YOU ARE HEREBY NOTIFIED that the vehicle, aircraft, vessel, equipment, drug paraphernalia, money, negotiable instruments, securities, proceeds or other property, identified below, is being or has been seized by the Olympic Peninsula Narcotics Enforcement Team under authority of RCW 69.50.505 (a) and (b), and is intended to be forfeited in accordance with procedures set forth in RCW 69.50.505.

You have a right to a hearing before the Chief Law Enforcement Officer of the Port Angeles Police Department, or his designee, or, if the property seized is valued in excess of \$500.00, before a court of competent jurisdiction. In order to obtain a hearing, you must notify the Olympic Peninsula Narcotics Enforcement Team, Attention: Undersheriff Fred W. DeFrang in writing (certified mail preferable) of your claim of ownership or right to possession of the seized property within forty-five (45) days of the seizure. Failure to notify the Olympic Peninsula Narcotics Enforcement Team within forty-five (45) days of seizure will result in the forfeiture of the property to the Clallam County Sheriff's Department.

CASE NUMBER 2005- [REDACTED]

STATE OF WASHINGTON }
COUNTY OF CLALLAM } ss

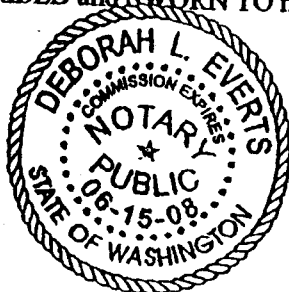
The undersigned, being first duly sworn on oath states:

That on this day, Affiant, David Fontenot of the Clallam County Sheriff's Department, mailed certified or personally served this notice to the person named above, containing a copy of the document of which this affidavit is attached.

Dated this 16th day of MAY, 2005, at 1041 time.

[Signature]
Detective

SUBSCRIBED and SWORN TO me before me this 16 day of May 2005



[Signature]
Notary Public in and for Washington
Residing at:
Seaview
Clallam County



**CLALLAM COUNTY
SHERIFF'S
DEPARTMENT**



Employee Notification of Investigation

TO:

Det. Sgt. David Fontenot

FROM:

CAPT Ron Cameron

This is to advise you that a complaint has been issued against you and that you are the subject of an investigation. Specifically, the allegations are:

1. ON 5-16-05, YOU HAD A SEIZURE NOTICE NOTARIZED, RECORDING AS FACT THAT THE NOTICE WAS SERVED ON 5/3/05. THE ALLEGATION IS THAT THIS STATEMENT WAS FALSELY MADE, AND THE PERSON WAS SERVED WELL AFTER 5/3/05.
- 2.
- 3.

COMMENTS:

OPNET CASE #05 - [REDACTED]

You have specific rights and responsibilities during the investigation. These rights and responsibilities include the right to have a union representative present during questioning and the responsibility to cooperate and answer questions. Other rights and responsibilities are outlined in Chapter 6 of Policy and Procedures in the current labor contract.
Remember: This is not a disciplinary action. It is an investigation of a complaint or allegation filed against you.

INVESTIGATOR'S SIGNATURE

Ron Cameron

DATE

6/8/05

A36.741

INVESTIGATION BY CAPT. RON CAMERON

On or about 5-17-05, [REDACTED] came to me with a concern about a notice of intended forfeiture served by Det. Sgt. Fontenot. She indicated that the item had been elected to be served by Det. Sgt. Fontenot outside the fifteen days required by law and that she questioned the service. This has happened in the past, and I advised her that should the party contest the seizure, the property will be returned.

Later, I did not record the date, I talked with [REDACTED] who mentioned this event to me as well. I advised him what I told [REDACTED] and he seemed to understand.

I talked with Det. Sgt. Fontenot about seizure notice seizures around the same time this report was made, but did not record the date and time. There had been several seizure notices served around the same time and we did not refer to any one of them in this conversation as I remember. However, in that discussion he told me that notices had been served but returns may not have been notarized at the time of our conversation. This specific notice that is the subject of this complaint was not mentioned, only notices in general.

On 6-3-05, [REDACTED] informed me that through their attorney, the party had contested the seizure and [REDACTED] provided me with a copy of the letter, and the copy of the notice. I reviewed the item and discovered that though the seizure notice was dated 5-3-05, the return was notarized on 5-16-05. I entered into discussion with her again and learned that her initial report to me was intended to express concern about not only the 15 day window, but the date that seemed to suggest the paper was served inside that 15 day window when it was not.

On the afternoon of 6-6-05, [REDACTED] came to me and reported concerns about Fontenot, and included his concern about the seizure notice.

On the morning of 6-7-05, [REDACTED] presented me with a typed formal complaint against [REDACTED]. This complaint included [REDACTED] personal feelings and comfort level on his part in making the report, which included a second complaint as well. (See A36.740).

Ex 13 pl

INTERVIEW WITH DET. SGT. FONTENOT 6-8-05 / appx. 1630 hrs

Before beginning the interview, I clearly explained to Det. Sgt. Fontenot that "A36's" had been alleged against him and that they were serious allegations. I afforded him a few moments prior to initiating the interview to review the Policy and Procedure Manual so he could re-familiarize himself with the process and his options. He declined this offer.

With his permission, this conversation was recorded. Please refer to the transcript for details of the interview.

To summarize, Det. Sgt. Fontenot told me that the seizure notice was served outside the 15 day window. He told me that he discovered from Deputy Keegan, whom he had thought served the paper that it had not been served. As a result, he made attempts to locate the party. Det. Sgt. Fontenot told me that on Monday, 5-16-05, he located the party. Fontenot said he went to Civil Deputy Deb Everts and had the paper notarized indicating he personally served the notice. Short on time, as he was leaving for training, Fontenot contacted Deputy Duane Hayden on the morning of 5-17-05 and requested he locate and serve the notice that day. He admitted to me during the recording, that he had the "return" notarized before it was served by Hayden.

I questioned Fontenot about the date 5-3-05. He told me he had no idea how the date was to be displayed on the paper and that he was certain he created the document on 5-16-05. I asked if it was possible that he created the document on the third, with the intention of giving it to Keegan to serve, but he said no, that it was created on his assigned laptop on 5-16-05.

Fontenot told me at no time, was it his intent to deceive anyone in this process by trying to display that the paper was served inside the fifteen day window. He did say he erred when he had the notice of service notarized before it was served by Hayden.

Later, after the interview, Fontenot showed me his laptop and we found the document on that computer. Under "properties", it showed the document was created on 5-16-05. Fontenot said his only possible explanation was that the document was created over another document that he generated on 5-3-05, and that he failed to change the date. He could not determine if he generated a document on 5-3-05 that could help suggest this theory.

Fontenot expressed some anger of the source of the complaint, that being [REDACTED]

INVESTIGATION (CONT)

I advised Det. Sgt. Fontenot not to discuss the matter and also to familiarize himself with his responsibilities towards witnesses and the reporting party in this event. I requested him to meet me at the Sheriff's Department at 0900 hours on 6-9-05.

On the evening of 6-8-05, I met with Sheriff Martin and Capt. Snover. In reviewing the results of the interview with them, it was concluded that the investigation continue with interviews of all involved, including an interview of [REDACTED]. It was also determined that though the results of this and A36.740 would likely result in discipline, that he would not be placed on administrative leave at this time.

On 6-9-05 at 0900 hours, I met with Det. Sgt. Fontenot and advised him that he should continue his duties as Detective Sergeant. In this short conversation we again talked of his feeling about the source of the complaint and the fact that the complainant, [REDACTED], increases his chances of promotion as he is [REDACTED].

On 6-9-05, at about 1000 hours, I met with [REDACTED]. She had no information on this incident, but provided some information on Det. Sgt. Fontenot. (Comment: Please see supplement to my conversation with [REDACTED] attached)

Also on 6-9-05, I talked with [REDACTED]

INTERVIEW WITH [REDACTED] 6-9-05 APPX. 1230 hours:

With her permission, I taped my conversations as [REDACTED] informed me the details surrounding her initial report to me on or about 5-17-05 over the service of the notice. She told me she did not mention the inference of the misleading date of 5-3-05 on that day and centered her report around the service outside the 15 day window, not the apparent misrepresentation of dates.

She added that she was present when Fontenot and Deputy John Keegan were discussing the fact that the notice had not been served in time and that Fontenot elected to serve it anyway. This occurred on 5-16-05 according to [REDACTED]. She was also aware that the paper may not have been served until later in the afternoon on 5-16-05 at the earliest. She was surprised to find a notarized paper on 5-17-05 indicating the notice had been served on 5-16-05 as she thought Fontenot had left work about the same time she did on that day.

Ex 13 p 3

██████████ said she discussed this matter with me, ██████████ and ██████████ on or about 5-17-05.

For details of this interview, please refer to the transcript.

INTERVIEW WITH ██████████ 6-10-05 appx 1215 hours

Though ██████████ submitted a written dialogue describing his complaint, I conducted a taped interview asking him to outline his complaint. The transcript is included with this investigation.

██████████ told me that ██████████ had come to him concerning the service of the forfeiture notice on or about 5-16-05. Although he understood ██████████ was somehow concerned about how Det. Sgt. Fontenot had handled the service, she was not real clear about it in her discussion with him and he did not respond immediately.

Later, he talked with ██████████ again and found that the seizure notice had been served after the fifteen day period had expired and that Fontenot dated the notice to suggest it was served inside the 15 day period. ██████████ said he reviewed the notice and saw it had been served on 5-16-05 and that ██████████ report to him that it was likely turned in as being served before it actually was.

INTERVIEW WITH DEPUTY HAYDEN 6-10-05 APPX 1530 hours

I talked with Dep. Hayden on the telephone as he was working west end detachments on this particular date. My questions to him surrounded the notice he served for Det. Sgt. Fontenot.

Dep. Hayden was unable to remember exactly the day this occurred, but did tell me that sometime in May, while he was working a dayshift, Det. Sgt. Fontenot gave him a seizure notice to serve. Originally, it was thought the party lived in the Joyce area and Dep. Hayden went to the Joyce location to serve it. He found however, that the party had moved to a location closer to Port Angeles and was able to locate the party and serve them. Dep. Hayden said he knew that Det. Sgt. Fontenot was leaving for training, so called him on his cell phone soon after the paper was served to let him know.

I asked Hayden if Det. Sgt. Fontenot gave him any instruction about a return of service or any other direction. Hayden said no, that there was nothing else needed of him pertaining to the service.

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At my request, Deputy Hayden researched and found that he served the paper on 5-17-05 at about 1200 hours.

INVESTIGATION RESULTS

The complaint from [REDACTED] is multi layered. First, that the paper was served outside the fifteen day window outlined by RCW 69.50.505; second, that Fontenot created a document with a false date to show that it had been served inside that 15 day window; and third, that Fontenot had deliberately filed the notice of service before it had been served.

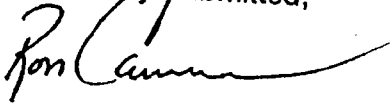
The investigation finds that Det. Sgt. Fontenot did arrange for the notice to be served outside the fifteen day window. Though infrequent, there have been times previous to this where it had been discovered that notices of intended forfeiture had not been served on time and it was elected to serve them just the same. Should the party contest the seizure, the property is returned unless it is evidence. This phase is not part of the criminal investigation, but a civil process. Det. Sgt. Fontenot was acting on past practice and did nothing wrong in electing to serve the notice outside the 15 day window.

For the second allegation, the investigation finds that though one can infer from the date of 5-3-05 that appears on the notice, that Det. Sgt. Fontenot wanted it to appear it was served inside the fifteen days, it is more likely that it is a typographical error. It does not benefit someone that is trying to suggest it was served on one date inside that 15 days, then file a document showing it was served outside the 15 days. As soon as the question was asked, Det. Sgt. Fontenot told me the notice was created by him, on his assigned computer on or about May 16, 2005, not the third. As a result, the investigation concludes that the seizure notice was not created with any intent, even through implication, to show it was served inside the time period.

Ex 13 p 4

Finally, it is apparent that Det. Sgt. Fontenot did file the "return" indicating he personally served the paper before it actually was. Knowing it would likely be served, he filed the documentation before leaving on training. Det. Sgt. Fontenot's decision to file this documentation was based on being in hurry to finish up on things before he left on training, not to hide wrongdoing or deceive on his part. As a result, this aspect of the allegation will be sustained as a violation of Policy and Procedures 5.1.2 (Performance of Basic Duties-Competent Manner).

Respectfully Submitted,



Ron Cameron
Capt. of Investigations

Date 6/14/05

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RUN DATE: 6/9/2005

Narrative Report

Page 1

INVESTIGATIVE INTERVIEW BY CAPTAIN RON CAMERON

R.C.: CAPTAIN RON CAMERON

D.F.: DETECTIVE SERGEANT DAVE FONTENOT

R.C.: Okay, the date is June 8th, 2005. This is Captain Ron Cameron, uh, of the investigative division of the Sheriff's Department. And I'm here with Detective Sergeant Dave Fontenot. Um, we are here on a couple of matters, the first of which is an A36 involving um, Detective Sergeant Fontenot. A complaint has been made. Uh, we'll start with A36 file number 741. Um, Dave knows very little about this, this um, and basically I'm going to put it in a nutshell. It has to do with a civil seizure notice that was served on [REDACTED] in reference case number, it's an OPNET case, and it's case number, well I don't remember the case number and I thought I put it down, but I guess I didn't.

D.F.: 2005 [REDACTED]

R.C.: That is it.

R.C.: I knew I wrote it some where. Um, specifically the concern is, is that the item indicates there that it was served on May 3rd of this year.

D.F.: That's when the sheet was filled out.

R.C.: Okay.

D.F.: That's when I filled out the sheet.

R.C.: Okay.

D.F.: It didn't get served until later.

R.C.: Okay.

D.F.: And I don't recall the day I had Deputy Hayden go out and serve it that day. I don't remember the day, it was, because she moved and it was probably a week later, maybe even

R.C.: Okay, so you, you're indicating that it wasn't served on the 3rd,

D.F.: Correct

R.C.: but rather on the 10th?

D.F.: I'm going to say a later, at least a week later, because she had moved, the paper got shuffled

R.C.: Okay.

J:\personel\A36INVSTA36.741Fontenot.doc

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. Written and signed in Clallam County.

Deputy: _____

Supervisor Approval: _____

Date: _____

Date: 6/14/05

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RUN DATE: 6/9/2005

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D.F.: And, it didn't get filled out, or it didn't get served on her until later when I gave it to Deputy Hayden, but I don't recall the day he served it.

R.C.: Okay, the date of the 16th that shows that you took it to Deb Everts to have it notarized.

D.F.: Oh, that's probably the date.

R.C.: What does that indicate?

D.F.: That's probably the date it got served. That's the day it got served.

R.C.: Okay.

D.F.: Because that was the day I realized that I had thought that Keegan had already done this.

R.C.: Uh huh. (Positive)

D.F.: Had been filled out and everything had been done.

R.C.: Uh huh. (Positive)

D.F.: I went to Deb on the 16th, the notary day, had it signed, gave it to Hayden, said you need to go find her, I realized that she had moved, because her address is not [REDACTED] Road. It's now out west of town so I had Hayden go out and serve it that day, the 16th.

R.C.: Do you know where her address is then?

D.F.: Oh.

R.C.: Okay, we can get that later.

D.F.: It's off of 112 and it's a little road right before Joyce and I want to say [REDACTED] something, but I don't remember, I looked, it's in the computer because she had to keep track of it as part of her court proceeding.

R.C.: Okay.

D.F.: Uh, and when I realized the paper had not been served, I got it notarized and served that day. The 16th. Obviously I didn't know, I didn't remember that.

R.C.: What does the May 3rd represent?

D.F.: Up here?

R.C.: Yes.

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Deputy: _____

Supervisor Approval: _____

Date: _____

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D.F.: Probably the day it was filled out I would guess. I would guess that's the day it was filled out. Obviously it wasn't served on the 3rd because it's the 16th notary.

R.C.: Well that was the day, do you remember a conversation that you and I had. I didn't not record this conversation as far as date and time, but I asked you about a seizure notice and you indicated that it had been served but that you hadn't had the return notarized at that point and time. Do you remember that conversation?

D.F.: I remember I was talking about seizure notices

R.C.: And I remember that conversation.

D.F.: and I was under the impression from Deputy Keegan that they'd all been served.

R.C.: Uh huh. (Positive)

D.F.: Every single one of them had been served. When I found out that they had not, and I don't recall the day you and I had that conversation

R.C.: I don't either

D.F.: It was probably right around.

R.C.: It was after, it was right around this.

D.F.: Uh, at the same time, I don't recall the day, but I do recall that they had not been served and making it a priority to get them served the minute I found that out. And that's what I did.

R.C.: Okay.

D.F.: Uh, I, I, if the date here, I don't know what that, I mean that was obviously the day that the form was filled out?

R.C.: Who filled that form out?

D.F.: I did. That's my writing on here so I probably filled it out and I thought that

R.C.: Where was that form generated? Do you know?

D.F.: Nuhuh (Negative) I'm sure it was on my computer.

R.C.: Okay.

D.F.: I'm sure it was on my computer.

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R.C.: On your lap top?

D.F.: Yeah I'm sure it was on my computer. I'm not sure, I'm not sure why I didn't put a new address, I mean, I should of. Uh, but I don't know the day I filled it out. I know that the, the day that I did this was the 16th, obviously because I took it to Deb when I realized they hadn't been served. Keegan hadn't served any of them. It was on the board in my office.

R.C.: When, when did you realize John hadn't done that? That day or?

D.F.: Yeah.

R.C.: hadn't served it that day or?

D.F.: Yeah, it would have been, it would have been that day, absolutely.

R.C.: So.

D.F.: It would have been that day because I went, oh crap! The seizure was suppose to have been served a week ago and, or even two weeks ago I guess.

R.C.: Let me ask you this, did you, what was the, did you generate the seizure notice and give it to John or was John suppose to do everything on ~~his~~ own?

D.F.: It was a mixture of those. And it was probably a miscommunication between John and I on who was going to do it.

R.C.: Okay, uh, the problem that stems is the date that's on the seizure notice. It says May 3rd. Now while the dates are the problem, but it says that it's May 3rd.

D.F.: Now, okay. That may be.

R.C.: I don't understand if,

D.F.: That may be

R.C.: if you generated that

D.F.: I generate this

R.C.: on the 16th

D.F.: Then why does it say May 3rd?

R.C.: Why does it say May 3rd?

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Date: _____

Date: 6/14/05

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D.F.: I don't know. I don't know the answer to that. Uh, I may have generated, no if I generated this the 16th, then I would have put it under a new address. I don't know where the paperwork came from. I know obviously I got it signed on the 16th and Deputy Hayden is the one that served it. Uh, the May 3rd, I don't recall if that's the day I filled it out. I remember filling it out but I know I didn't do it on, on, I'm pretty sure I didn't do it on the 16th because I would have put in her new address. Because I knew her new address was [REDACTED] something Lane in Joyce, or near Joyce. Uh, but I wouldn't, I don't recall. I just don't recall.

R.C.: Did you serve it yourself or did John go out and serve it?

D.F.: No. Dwane Hayden did.

R.C.: I'm sorry you told me that Dwane did.

D.F.: He was working that day, I gave him the address. I asked him to go serve it for me because he was, he had a, he had [REDACTED] with him and they went out and served it and he called me and said, yep, they had it served because they had to figure out which one exactly.

R.C.: And you're saying it was the 16th?

D.F.: It was, it was the same day I had all that done, absolutely.

R.C.: Okay.

D.F.: It was the same day I had, same day I had, in fact I got this done right here and I walked across the hall and Dwane was standing there and I said I need you to do this for me right away.

R.C.: So you did the return of service before it was served? Is that what you're saying?

D.F.: I gave the return to [REDACTED] before I left here because I was going to go out and serve it right then. I had the return. I gave it to [REDACTED]

R.C.: Yeah, but I mean the notarized page there.

D.F.: I had this done before I had it served, yes.

R.C.: Okay. Now what is your understanding on, that notarized document on the last page means?

D.F.: That you had it served and that it was served and that you served it.

R.C.: Okay.

D.F.: And, I was wrong. I should have served it first, then had it notarized that that was what I had served,

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Date: _____

Date: 6/14/05

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CLALLAM COUNTY SHERIFF'S DEPARTMENT

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R.C.: Have you had any conversation with anybody concerning this at all besides what you told me at all, or in other words, you had a conversation with Keegan involving the fact that he did do it.

D.F.: He didn't do it.

R.C.: Or that you thought he did then he didn't do it and then of course with Dwane, anybody besides those two on any matters here? Did you make any statements to [REDACTED] when you uh, turned it in.

D.F.: I remembered that I needed to get it served, it didn't get served and if we had to back date, if we had to go back to the date, to make sure that what day it was, then we were going to have to do that, but that it needed to get served right away because it had not gotten served.

R.C.: Okay.

D.F.: And I, I take responsibility for having that filled out prior to my serving it. Absolutely.

R.C.: Okay.

D.F.: Should, I, my intention was to get it served, I was at the office, I got it notarized, then I went and got it, then I was gonna go get it served, and that's what happened.

R.C.: Okay.

D.F.: That's exactly what happened.

R.C.: Okay. And no other conversation with anybody else concerning this at all?

D.F.: Not that I recall.

R.C.: Okay. Um,

D.F.: I remember being disappointed that the seizure notices were completely

R.C.: Disarray.

D.F.: Disa, totally,

R.C.: We talked about that

D.F.: Yeah, totally unprofessionally done and, and it was a mess to get them completed uh,

R.C.: Were you, were you aware when this, this was served that it was outside our window? Very much likely outside our window.

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Supervisor Approval: [Signature]

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Date: 6/14/05

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D.F.: Absolutely. I knew it, but I wanted to follow through with the fact that we had the serve the civil, part of our investigation was to get seizure paperwork done and so that's what I did.

R.C.: Okay.

D.F.: Knowing full well that in every likelihood we would loose it because it was outside of our scope, but I, I felt it was important to the investigation and, and the continuing part of the investigation to get it served regardless, even if we had to answer the question in court later that yeah, we served it outside our window because it was our mistake.

R.C.: Okay.

D.F.: And that's, that's why.

R.C.: This is just typical. I mean, yeah, that happens occasionally and hopefully not frequently.

D.F.: Not any more.

R.C.: Okay, okay. Um, I don't think I have any more questions on that matter at this time. Um, I may in the future. Um, uh, yeah I can't think of anything now for the purpose of the tape. Is there anything else you want to

D.F.: No, I'm really thinking about this May 3rd date and I'm trying to remember if that's the day.

R.C.: It's a Tuesday that's what's kind of odd.

D.F.: Well, that would be the day that it

R.C.: I believe we did this on the 22nd of April is when the seizure had been made.

D.F.: 29th.

R.C.: 29th?

D.F.: Is what I recall, is what's here, is what's on the form.

R.C.: Okay.

D.F.: So the 29th would have been, it wasn't May, it was, April 29th was a Friday.

R.C.: It was a Friday that we did it.

D.F.: It was a Friday. So it was the 29th that we did it because it was the last and then May 3rd would have probably been the day I filled this out, if I did. Now, it, this may have been filled out and sitting in a computer and I may have just printed out the form on the 3rd and that's why, I may not have even looked at

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Date: _____

Date: 6/14/05

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the day because what strikes me about that is the address. I knew the address was changed because I got the paper served up at the new address.

R.C.: Mmm huh (Positive)

D.F.: The address is the old address here so this paper may, the, the form itself may have already been completed and just not generated, printed out and filled out until the 16th, which is likely. I'm sure I printed this on the 16th. I'm sure I did.

R.C.: Is it possible that you printed it earlier than that and gave it to Keegan?

D.F.: No. No because I expected him to follow through with the seizure notices. I expected all the seizure notices to be followed through with, they weren't, this would have been completed, it may have been completed, I, I don't recall putting in that date for any reason. If, if I had generated this, created this form on the 16th I would have put in a new address. I probably printed this off without even looking at it. I filled it in by hand over here so that tells me it got printed off, I looked at it and went, okay this has to get done, I signed it and then I went and got it done, which I take responsibility for. That should have been done after.

R.C.: Did you save this anywhere?

D.F.: No. No I probably

R.C.: Just used a template?

D.F.: Yeah, I just used a template, generated it and printed off because we had, we would have a paper copy so I wouldn't have saved it, no. But I'm sure I printed this out on the 16th because I was at the office, obviously with Deb, got it done that day, got it signed, notarized, backwards fashion. And I, again I take responsibility. I should have went out, got it served, came back then got it done. I just happen to be at the office and tried to short cut. Which wasn't

R.C.: All right.

D.F.: So, that's, that's the only thing that strikes me as odd.

R.C.: Okay, all righty. Um, okay. I just want to say for this part a couple more questions, but (long pause) Okay. I don't have any more questions at this time David.

D.F.: Okay.

R.C.: We'll uh, like I say, uh, any other issues that we're going to talk about today I've separated out so I, I think, make it clean we'll do two different tapes so.

D.F.: Okay.

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Suspend
R.C.: Uh, I'm gonna spend this part of the interview at this time. It is uh, 1644 by my clock up there and of course it's the same date. And I'm going to shut the tape off at this time.

End of tape

6/9/05-ss

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INVESTIGATIVE INTERVIEW BY CAPTAIN RON CAMERON

R.C.: CAPTAIN RON CAMERON

CONFIDENTIAL

R.C.: Okay, the date is June 9th, uh, 2005. This is Detective Sergeant, er no it isn't, it's Captain Ron Cameron of the Investigative Division of the Clallam County Sheriff's Office. And here with [REDACTED] Um, [REDACTED] you're aware the tape recorder's on?

[REDACTED] Yes.

R.C.: And it's okay to make this recording?

[REDACTED] Yes.

R.C.: It is 1240 in the afternoon. We have been talking about an incident that occurred approximately 3 weeks ago. Uh, involving a, notice of seizure and forfeiture notice um, that was uh, delivered to you, I find now on May 17th, at least the return of service was.

[REDACTED] Yes.

R.C.: On May 17th uh, last month, by Detective Sergeant Fontenot. Um, now, could you tell me the events around that. Okay, tell me everything that happened. You came, and we'll start with the day you came to me on the 17th, can you tell me what led up to the day that you came to me with that seizure notice?

[REDACTED] Well, Monday morning, on the 16th I asked Dave Fontenot if the seizure notice had been served on [REDACTED] and John Keegan was there and they kind of looked at each other and checked and it was determined no, it hadn't been served. Dave said he would do it. I said, "You guys, really, it's too late. It's after the 15 days." Um, Keegan looked at Fontenot and said, "Ah, let's just do it any way." Said Dave said yeah, he would. So then I didn't say anything more to him about it until later in the day. I asked him if he got it served and he said, "No" he hadn't found her yet but he had a lead and then I went home. And then Tuesday morning I came in and I waited ½ the day and then he called me and told me that the seizure, the service part of it was on his desk and that's where it was at. So, I got it off his desk and then I looked at it and um, it was signed it had been served the day before and it had a date of May 3rd on it as the date it was created, which I thought was odd. And, it was late, so I just thought the whole situation looked odd.

R.C.: And that's when you brought it to my attention and at that moment, at that point, I'm gonna kind of pass it off because I misunderstood you and I think we kind of talked about that since that.

[REDACTED] Yes. Yeah, I

R.C.: I kind of misunderstood what you were trying to report to me. Um, but the reality is that there were several layers of, of this situation that you were trying to advise me of, including, not only, just outside the 15-day window, but the fact that it appeared that it had been signed before it was served. Is that correct?

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[REDACTED] Yes.

R.C.: That was part of your concern?

[REDACTED] Yes. I was quite concerned because I had talked to him at 5 o'clock the night before and he hadn't served it, but yet it, it's notarized already. Actually I don't recall the time now, there may even be a time on it.

R.C.: I was going to ask you, do you remember um, what time you talked to him on Monday the 16th?

[REDACTED] It was late in the day, like 4, I would think like 4 or 5 as I recall.

R.C.: Okay.

[REDACTED] Close to 5. Close to the end of the day.

R.C.: And did he have a return of service at that time? He, he didn't have it at that time?

[REDACTED] No, no. He, he didn't, yeah, he said he hadn't found her yet. I asked him if he'd served it. He said he hadn't found her yet.

R.C.: Mmhuh. (Positive)

[REDACTED] I said, "Oh, okay."

R.C.: Oh, okay. I see.

[REDACTED] And, and I just let it go.

R.C.: All right.

[REDACTED] And then when it showed up the next day, I just thought, well, that's really um

R.C.: Odd.

[REDACTED] And it was late in Tuesday, like late in the afternoon.

R.C.: Okay.

[REDACTED] So I thought. I was more inclined to believe he served it Tuesday morning, but, that

R.C.: Mmhuh. (Positive)

[REDACTED] was strictly my.

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Supervisor Approval: [Signature]

Date: _____

Date: 6-13-05

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R.C.: I understand. Did you talk with anybody else about this?

[REDACTED]: Yes. I talked to [REDACTED] and [REDACTED]

R.C.: Mmhuh. Okay.

[REDACTED]: Mostly

R.C.: Did you. Go ahead.

[REDACTED]: Oh, I would say mostly about my concern that they were serving it late and that I thought it was fraudulent, just not right.

R.C.: Mmhuh. Okay. Um, let's see. Did you, did you talk to Dave about it? Aside from what you already said, did you confront him about it about the date.

[REDACTED]: No, no. I didn't.

R.C.: Or anything like that?

[REDACTED]: He left immediately that uh, Tuesday afternoon for vacation.

R.C.: Oh.

[REDACTED]: So he wasn't here.

R.C.: Okay.

[REDACTED]: That's why I came to you.

R.C.: Gotch ya. Um, okay. I don't think I have anything else at this time. That pretty well covers it. I'm trying to think. I'm trying to think. It seems like there was one more question that was hanging out there. Keegan was in the presence of, when you were discussing the uh

[REDACTED]: Yes he was

R.C.: On Monday afternoon.

[REDACTED]: Monday morning.

R.C.: Monday mornig.

[REDACTED]: Monday morning. And I explained to them the RCW said 15 days and Keegan said, "Well, you know, does that include weekends or business days?" and I said, "John. It says 15 days."

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Deputy: _____

Supervisor Approval: Ron [Signature]

Date: _____

Date: 6-13-05

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R.C.: Mmhuh. (Positive) Okay. I think that answers all the questions for now. And, uh, I may have to ask you again, talk to you again. But, at this point in time I think that uh, that pretty well covers it. Thank you

And the time is uh, 1246.

End of tape

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Deputy: _____

Supervisor Approval: _____

Date: _____

Date: 6-13-05

EXB5



Clallam County Sheriff's Office

J. A. Martin
Sheriff

223 E. Fourth Street, Suite 12
Port Angeles, WA 98362-3015
www.clallam.net/lawenforcement
Records: (360)417-2270
Fax: (360)417-2498

FILE: A36.741

DATE: June 13, 2005

MEMORANDUM TO: Sheriff Martin, through Chain

SUBJECT: Conclusions and Recommendation

On or about 5-17-05, [REDACTED] reported to me, that Detective Sergeant Fontenot had created a notice of intended forfeiture, and that he felt the paper had been falsified to show it had been served inside a window of time outlined by law rather than the true date. [REDACTED] also brought this to my attention, but did not file a formal complaint.

[REDACTED] description of the complaint against [REDACTED] is multi-layered. First, that the paper was served outside the prescribed 15 day period following the seizure of the items. This service of notice of this civil process sometimes is served outside the 15 day window and in this case, Det. Sgt Fontenot was following past practice. This phase of the allegation is unfounded.

Second, [REDACTED] complains that Fontenot intentionally created and placed the date of 5-3-05 to lead the reader to believe that this is the day the paper was served, thus suggesting it was served inside the prescribed period. The document also contains a notarized form that is signed to show the date the item was served. To attempt deception by placing a date on the body of the notice, then have it filed officially with a different date, makes it highly unlikely any intention of deception occurred. Ramifications of late service only means the return of non-evidentiary items to the defendant and there is little motivation, particularly in this case, to falsify this document. The investigation finds that Det. Sgt. Fontenot's description that the date of 5-3-05 is a typographical error is likely and no deception, even through inference, has occurred. This phase of the allegation is unfounded.

Finally, the complaint indicates the paper was signed by Fontenot before it was actually served. This is compounded as he signed the "return" and had it notarized. This is inappropriate. Det. Sgt. Fontenot found that the item had not been served by deputies as he had thought. Running short on time as he was preparing to leave on training, he began to hurry the process and had the return of service for the notice signed before it actually was served. Moreover, he did not serve the item himself, but assigned a deputy to do it for him. This phase of the allegation is sustained. Det. Sgt. Fontenot's efforts to complete a task in a hurry caused him to make a poor choice by having the return signed and filed before it actually was. This action reflects negatively on his judgment and decision making.

Ex 16 pl



CLALLAM COUNTY SHERIFF'S DEPARTMENT



COMPLAINT AGAINST DEPARTMENT MEMBER

A36 File No.: 741

| | | | | |
|--|--|---|---|--|
| Complaint Receiver CAMERON | Date of Complaint 6-7-05 | Date of Incident 5-16-05 | Formal Complaint <input checked="" type="checkbox"/> | Informal Complaint <input type="checkbox"/> |
| Member Complaint Directed Against Det Sgt David Fontenot | | Nature of Complaint (P&P Violation) 5.7.9 (CCSO P4P) CRIMINAL CONDUCT | | |
| Complainant's Name [REDACTED] | Complainant's Address DEPT members | | Telephone 417- [REDACTED] | |

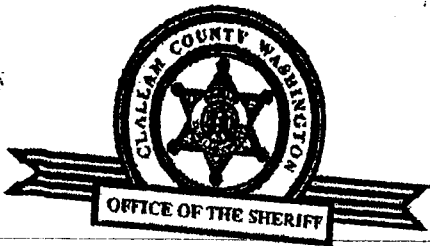
| Status | Name | Address | Telephone |
|--------|------------|-------------|-----------------|
| WIT | [REDACTED] | DEPT MEMBER | 417- [REDACTED] |

Investigation and Recommendations: (Attach Additional Sheets As Necessary)

X See Attached Documents.

IN THE COMPLAINANTS DESCRIPTION OF THIS EVENT, THEY ALLEGE "FALSE SWEARING" OR SIMILAR TYPE DECEITFUL BEHAVIOR. THE INVESTIGATION FINDS THAT THOUGH DET SGT FONTENOT'S ACTIONS DID NOT RISE TO A CRIMINAL ACT, HE DID VIOLATE POLICY BY FAILING TO PERFORM BASIC DUTIES IN A COMPETENT MANNER (P&P 5.1.2)

| | | | |
|---|------------------------|---|--|
| Investigator Assigned (Printed) Ron Cameron | Date 6/7/05 | Division Head Approval <i>[Signature]</i> | Date 7-8-05 |
| Investigation Completed (Signature) <i>[Signature]</i> | Date 6/14/05 | Complaint Disposition: Unfounded Not Sustained <input checked="" type="radio"/> Exonerated <input checked="" type="radio"/> Sustained | Date Member Notified 6-21-05 |



Clallam County Sheriff's Office

J. A. Martin
Sheriff

223 E. Fourth Street, Suite 12
Port Angeles, WA 98362-3015
www.clallam.net/lawenforcement
Records: (360)417-2270
Fax: (360)417-2498

FILE

FILE: A36.740, A37.741, P14

DATE: June 30, 2005

MEMORANDUM TO: Det. Sgt. Fontenot; File

SUBJECT: Notice of Disciplinary Suspension

Dear Detective Sergeant Fontenot,

Your career in law enforcement has taken you from patrol officer to your present position in a relatively short period of time. This can be attributed to your ability, dedication, motivation and other positive character traits. The contributions you have made to this agency places you in high regard by your superiors and many of your subordinates as well.

Recently, you were named as the subject in two internal investigations that you have been made aware of. After review of the investigations and having held the due process meeting with you on June 22, 2005, I have made the decision that the allegations against you are sustained. In both cases, you failed to follow basic procedural steps. In the first event, you failed to record and enter evidence in a timely manner and, in the second, you filed documents improperly. These failures on your part reflect negatively on you and the unit which you supervise. They are inexcusable. The rank of Detective Sergeant is looked upon in this Department as an elite assignment and only the most qualified personnel are able to attain this position.

The review of the investigations also identifies what is believed to be a major contributing factor in your level of performance. It is known that you participate in many functions and interests outside the Department. You own, operate and work an outside business, coached a juvenile league baseball team, play adult league baseball, and are rebuilding a personal relation. We feel that this extremely busy lifestyle stretches your time to the point that you are unable to give the proper time and attention to detail required of the Detective Sergeant.

You have been identified as the best person for the position of Detective Sergeant. This position requires extreme commitment from the individual that holds the rank. This does not simply mean to be available to respond to emergencies and callouts. Management of

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high performing detectives is an extreme challenge and difficult on the best days. The cases they work, and the personalities they possess, require full time focus by the supervisor to ensure that the unit runs smoothly and efficiently.

As a result of the sustained A36 investigations, the following discipline shall be implemented:

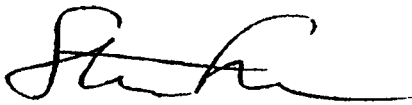
1. A suspension without pay for a period of ten (10) working days (80 hours).
2. Monitoring of your performance for a period of six months beginning 7-1-05. Your performance during this period shall be measured in several ways including, but not limited to; the general performance of the Criminal Investigations Bureau, substantiated complaints from and / or about the unit, and personal performance in the basic duties of yourself and those that you supervise.
3. Suspension from voluntary overtime details that are offered from time to time such as DUI Emphasis or Casino Concert Detail during the monitoring period. You will still be expected to work overtime when the needs of CIB requires.
4. Suspension from participation in the Sheriff's Honor Guard during the monitoring period.

Should your performance continue to be questioned at the end of the monitoring period, it shall be recommended to the Sheriff that you return to patrol as a supervisor or deputy effective January 1, 2006. The position of Detective Sergeant is an at-will position assigned by the Sheriff.

You are given the choice to forfeit accrued vacation leave for 5 days of the suspension; however the suspension will still be considered a 10 day suspension and your seniority date will be adjusted accordingly. I understand that you desire to forfeit 40 hours of vacation in lieu of 5 days off, and you have advised Chief Deputy Hoffman in writing of this decision. Your days off due to the suspension will then be July 7, 8, 11, 12, and 13, 2005.

The command staff of the Clallam County Sheriffs Office continues to believe that you are the best person in the department to perform the duties of Detective Sergeant. It is hoped that through this action of discipline, you will evaluate the priorities in your personal and professional life so that you may excel and are successful in those things that matter most.

Sincerely,



Steve Snover,
Undersheriff, Clallam County

Ex 18 p2

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December 19, 2005


Via Hand Delivery
Akin Blitz, Esquire
Bullard Smith Jernstedt & Wilson
1000 SW Broadway, Suite 1900
Portland, OR 97205

Re: Clallam County – Fontenot Investigation

Dear Akin:

With reference to former Undersheriff DeFrang's assertion that I should have interviewed him during the Fontenot investigations, I reviewed the Fontenot report on Sexual Harassment and believe that the last sentence of the first paragraph of the "Conclusions" section (page 13) needed to be modified to reflect the fact that I gave DeFrang a written invitation to call me and he did not respond. Attached please find the updated page. Please do not hesitate to let me know if you have any concerns or questions. Thank you.

Sincerely,



Jill Dinse
Attorney at Law

Enclosure

cc: Marjorie Upham

using profane language, and making sexual innuendos and jokes in a loud voice. Several people believed that there was simply no way that the command staff was unaware of Fontenot's behavior. Rather, people believed that the command staff chose to turn a blind eye to it. Others believed that Fontenot was a chameleon who could correct his behavior when he needed to, and so hid his worst excess from those above him.

E. RETALIATION

Deb Everts told me that after Turner's memo was given to the command staff in June of 2004, Susie Sanderson and Dwayne Hayden, both very close friends of Fontenot and each other, were no longer friendly to her, and started glaring at her and not responding to her greetings to them. At the time, Sanderson was romantically involved with Fontenot. As the Sheriff's confidential secretary, she had access to everything in the Sheriff's office. According to Deb Everts, the day that Everts was informed by Hoffman that there would be an investigation into Fontenot's behavior (due to the Nick Turner memo), Everts returned to her desk to find the Treasurer's books from a task force that Everts and Sanderson worked on together. At the time, Sanderson was the Treasurer. Judy Dawson sat next to Everts. Dawson told me that Sanderson had come to Everts' workspace, dropped the books on top of it loudly and brusquely, saying, "I'm through with this." Dwayne Hayden was (and still is) Fontenot's best friend, and his business partner in a flooring business.

Nick Turner also told me that Sanderson stopped being friendly to him after he wrote his memo in June of 2004; she glared at him and refused to speak to him. However, once she and Fontenot broke off their romantic relationship, she became friendly again to Turner.

CONCLUSIONS

Despite the fact that I did not have the opportunity to interview Fontenot personally, I have read the transcript of his interview, and listened to the audio recording of the interview. I did have the opportunity to interview all the other witnesses personally, with the exception of DeFrang (and of course Fontenot) who did not respond to my written invitation to be interviewed.

Fontenot engaged in behavior in the workplace that was at the least unprofessional and inappropriate, especially in view of his rank as a supervising Sergeant. I believe that he did, as all of the witnesses except Baumann and Yarnes agree, use inappropriate language and make inappropriate "jokes." As a result, I find that the allegations made about Fontenot's behavior are substantiated. In particular, I find:

1) Former Sergeant Fontenot regularly used profane and vulgar language, beyond the level acceptable in the Clallam County Sheriff's Office, including using words such as "fuck" and "motherfucker" regularly;

2) Fontenot regularly behaved in an immature and inappropriate manner and that he specifically

- ✓ Pretended to unzip his pants in the presence of Deb Everts twice;
- ✓ Asked Annie Lowe to display her breasts to him;
- ✓ Asked Annie Lowe what she was wearing and if she was wearing panties during a telephone conversation;