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SERVING
ALACHUA, BAKER, BRADFORD, GILCHRIST, LEVY
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TELEPHONE (352) 374 - 3670

PLEASE REPLY TO:

April 4, 2007

Inspector Dennis Bustle
FDLE - Executive Investigations
Post Office Box 1489
Tallahassee FL 32302

RE: Maj. Robert Chapman
Your File No EI-73-7173

Dear Inspector Bustle,

Please allow this letter to acknowledge receipt of your report dated March 21, 2007, into certain allegations made against Maj. Robert Chapman, Director of the Alachua County jail.

As to the first allegation contained in the report, which involves the failure to pay sales tax on a vehicle purchase, it is clear that this occurred. All witnesses agree that the seller entered the "gift" notation on the title transfer form that is at the heart of this without any request from Maj. Chapman that she do so. Why that was done is unclear and the subject of speculation that there is no evidence to resolve. It also appears that the normal practice of the Tax Collector's Office would be to accept such a notation without questioning whoever presents the paperwork. Regardless, however, Maj. Chapman not only should have known that he was not being charged appropriate tax when he transferred the title involved but also appears to acknowledge that in his statement to FDLE. At best, while making no affirmative misrepresentation himself, by his silence he took advantage of a situation that he knew would allow him to evade tax liability.

As your report indicates, I have confirmed that Maj. Chapman has now paid the amount of tax involved, which was slightly more than \$300. While restitution is not a bar to prosecution in circumstances of this sort, it is a consideration. Certainly, an individual with an otherwise admirable background and no prior criminal history who is convicted of a theft or other offense under these facts would likely face no more severe a sanction from the courts than restitution and probation. Probation in this case would serve no useful purpose other than to take limited DOC resources and commit them to the supervision of an individual who does not require that, either for himself or for the interests or safety of our community. Additionally, Maj. Chapman faces the certainty of professional disciplinary action, both by the Alachua County

Inspector Dennis Bustle
April 4, 2007
Page Two of Two

Sheriff's Office and otherwise, the potential consequences of that ranging up to the possible loss of his employment and career. Those administrative actions are also much more likely to be accomplished in a quick and meaningful fashion than is a formal court proceeding, which could take many months.

On balance, it is therefore my conclusion that no prosecution is warranted for these events. Instead, I will defer to whatever administrative actions may result. In so doing, while I have no knowledge of or involvement in whatever may ultimately happen I am confident that the result will be more appropriate than anything the criminal courts could do.

As to the second allegation addressed by the report, that dealing with possible mis-appropriation of duplicate travel reimbursements, it is clear from your investigation that this did not occur. No action by this office would be appropriate since there is no indication of criminal conduct.

As to the third allegation of the report, which concerns possible favorable treatment to an inmate at the jail in exchange for a specific benefit to Maj. Chapman, I concur with your conclusion that no evidence supports this having happened. To the contrary, it seems far more likely that there was no connection between the gain time award at issue and the autographed photo later received by Maj. Chapman. Even if such a connection did exist, the matter would be more appropriately dealt with as an ethical, not a criminal, violation.

I should add that had either of the second or third allegations, especially the second, indicated any pattern of on-going criminal conduct by Maj. Chapman my decision to allow this matter to be dealt with by the Sheriff's Office would be different. That not being the case, however, this office will take no action, deferring instead to the more appropriate and expeditious internal procedures available to Sheriff Darnell. It is my intention to notify Sheriff Darnell of this decision by copy of this letter so that she may proceed as she sees fit. Otherwise, thank you for your work on this.

Sincerely,



William P. Cervone
State Attorney

wpc/

cc: Sheriff Sadie Darnell
Alachua County Sheriff's Office