

From: [Jamie Ito](#)
To: [Heekin, Jack](#); [Stearns, Heather](#); [Romeiser, Erin](#)
Cc: [Michelle Fontaine](#)
Subject: Butler v DOC - Deposition of Melinda Miguel
Date: Thursday, September 01, 2016 8:09:05 AM
Attachments: [Butler's Response to Miguel MPO.pdf](#)

Good Morning,

Attached is Butler's response to our Motion for Protective Order. I am going to call the clerk this morning (hopefully the Court is open today) to request the motion and response be referred to chambers if they have not been already. When I hear anything, I'll let you know.

Also, I've been through the emails you provided and the only issues I see are the few early emails from Mr. Butler with his phone number. I'll probably pull those, redact the number, and provide them as pdfs. The rest I will just produce as a pst file.

I spoke to DOC and their IA file is still open. They confirmed they would not produce the report, so we will object to production of that document. Let me know if you have any questions at this point.

Thanks,
Jamie

(See attached file: Butler's Response to Miguel MPO.pdf)

Jamie Ito

Assistant Attorney General
Employment Litigation Bureau
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399-1050
850.414.3721 (phone)
850.488.4872 (fax)
Jamie.Ito@myfloridalegal.com.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

TIMOTHY BUTLER,

Plaintiff,

vs.

CASE NO.: 4:16-cv-000222-RH-CAS

**TORREY JOHNSON, ANTONIO
HUDSON, and CHRISTOPHER
HODGSON, in their Individual
Capacities,**

Defendants.

**PLAINTIFF'S RESPONSE IN OPPOSITION TO MELINDA MIGUEL'S MOTION TO
QUASH SUBPOENA TO TESTIFY AT A DEPOSITION AND FOR PROTECTIVE
ORDER (Doc. 14)**

Plaintiff, TIMOTHY BUTLER, by and through his undersigned counsel, hereby files his Response in Opposition to Melinda Miguel, Chief Inspector General for the Executive Office of the Governor's Motion to Quash Subpoena to Testify at a Deposition and for a Protective Order (Doc. 14), and state as follows:

INTRODUCTION

1. On August 12, 2016, Plaintiff served the Office of Chief Inspector General, (hereinafter "CIG") with a Subpoena for Deposition to Melinda Miguel, the Chief Inspector General of the State of Florida. See attached **Exhibit A**. Although Ms. Miguel is a non-party, she has direct and personal knowledge regarding this action.

2. The Motion to Quash Subpoena to Testify at a Deposition and for a Protective Order was filed on August 17, 2016.

3. In Plaintiff's Second Amended Complaint (ECF No. 26), Plaintiff alleges the

following as it relates to Ms. Miguel:

a. Plaintiff filed a complaint for whistleblower protection with the CIG on November 11, 2014. (ECF No. 26, ¶ 16).

b. Plaintiff met with Melinda Miguel on approximately November 12, 2014, November 19, 2014, and December 12, 2014. (ECF No. 26, ¶ 16). On approximately two occasions, Plaintiff Butler met with Ms. Miguel individually.¹

c. In denying Mr. Butler's request for whistleblower protection, Ms. Miguel inexplicably copied Defendant Beasley to the letter. (ECF No. 26, ¶ 16).

d. Ms. Miguel had engaged in a pattern and practice of denying requests for whistleblower protection concerning inmate abuse, inmate deaths, and threats of violence, during the relevant time period. (ECF No. 26, ¶ 17).

e. Ms. Miguel met with Defendant Beasley on approximately January 15, 2015, and then left a voicemail for Plaintiff stating that Defendant Beasley was going to "get the lay of the land" and "make a determination of what we need to do to help you." (ECF No. 26, ¶ 29 and fn. 7). Ms. Miguel made this phone call only four (4) hours after Defendant Beasley left his message.

4. On May 7, 2015, almost two months after Plaintiff testified before the Florida Senate Criminal Justice Committee on March 10, 2015, concerning the similar if not identical issues as those disclosed in his November 11, 2014 whistleblower complaint, Ms. Miguel personally wrote Plaintiff a letter after her office reopened his whistleblower complaint investigation, requesting additional disclosures, to the extent they were different from what Plaintiff disclosed at the hearing. *See* Miguel attached **Exhibit B**. Ms. Miguel personally wrote

¹ While it is common knowledge that Ms. Miguel has many employees below her in the CIG's office that investigate complaints, Ms. Miguel appears to have had substantial involvement concerning Plaintiff Butler's November 11, 2014, whistleblower complaint.

another letter to counsel for Plaintiff concerning his disclosures and his request for certain guarantees, including that he be permitted to provide a statement under oath, to a sworn law enforcement officer other than a DOC employee, and his attorney. *See* Miguel June 8, 2015, letter attached hereto as **Exhibit C**.

5. Additionally, while Plaintiff waited to meet with Defendant Beasley at the DOC Office of the Inspector General, Ms. Miguel walked past Plaintiff, said hello, and met with Defendant Beasley for an extended period of time before Defendant Beasley met with Plaintiff. The meeting between Ms. Miguel and Defendant Beasley is especially suspect considering that Ms. Miguel had closed Plaintiff's whistleblower complaint investigation approximately 30 days prior to this meeting.

6. Plaintiff should be entitled to depose Ms. Miguel in this matter as she has intimate and personal knowledge regarding the allegations in the second amended complaint.

7. Plaintiff has demonstrated that Ms. Miguel has personal knowledge for which no other witness could testify. For example, only Ms. Miguel can testify concerning the meetings and discussions where only she and the Plaintiff were present. Clearly, there would be no lower ranking employee who could testify concerning these conversations. Only Ms. Miguel can testify as to why she copied Defendant Beasley to a letter denying whistleblower protection concerning high ranking officials at the Florida Department of Corrections because she wrote the letter. Plaintiff should not be required to depose lower ranking CIG employees to ask them if they know why another individual wrote a letter.

8. Only Ms. Miguel can testify as to why she requested additional information from the Plaintiff after his March 10, 2015, hearing, because she is the individual who wrote the letter. Only Ms. Miguel can testify as to why she called Ms. Butler on January 15, 2015, and left him a voicemail letting him know that she wanted to help him, a low level correctional officer at DOC

whose whistleblower complaint had already been denied by her personally approximately 24 days prior.

9. Plaintiff has not received any documents from the CIG pursuant to his subpoena dated August 9, 2016. A response is due the day before Ms. Miguel has been scheduled to testify in this matter. Thus, there may be additional matters for which only Ms. Miguel can testify, but are currently unknown to the Plaintiff.

10. Thus, it is clear that Ms. Miguel has relevant, personal knowledge of this matter for which no other witness could testify to.

11. Plaintiff is also entitled to question Ms. Miguel, the individual who investigated Plaintiff's whistleblower complaint, knew regarding the internal affairs investigation of Plaintiff, and whether she had discussed with anyone, including Defendant Beasley, that Plaintiff would be placed under investigation for, in essence, reporting the conduct to her in November of 2014.

12. While Ms. Miguel may be entitled to a protective order based on the apex doctrine for matters she is aware of, but that she does not have unique personal knowledge, the facts in this matter do not support entry of a protective order. The allegations, attachments, and facts demonstrate that Ms. Miguel investigated Plaintiff's whistleblower complaint substantially by herself, although it is unclear if other investigators took part in the initial investigation. Even if there were other investigators who worked on Mr. Miguel's case, they cannot testify as to why Ms. Miguel wrote in certain letters or what Ms. Miguel said in meetings to which there were no other witnesses or individuals.

MEMORANDUM OF LAW

Plaintiff has demonstrated that Ms. Miguel has personal unique, non-repetitive first-hand knowledge of the facts of this matter which no other witness can testify to. *See Sun Capital Partners, Inc. v. Twin City Fire Ins. Co.*, 310 F.R.D. 523, 528 (S.D. Fla. 2015).

The in this matter demonstrate that Ms. Miguel didn't merely oversee Plaintiff's whistleblower complaint investigation, she participated in it herself. The facts demonstrate that the investigation conducted by the CIG was not merely an investigation that a lower level CIG employee conducted, and Ms. Miguel signed off on the conclusion. Plaintiff has demonstrated not only that Ms. Miguel has direct, unique, first-hand knowledge that of the facts at issue, Plaintiff has demonstrated that, by virtue of Ms. Miguel's involvement in Mr. Butler's whistleblower complaint and allegations, no one else can testify to certain matters and facts. *Cf. Stelor Productions, Inc. v. Google, Inc.*, No. 05-80387-CIV, 2008 U.S. Dist. LEXIS 74936, 2008 WL 4218107, at *4 (S.D. Fla. Sept. 15, 2008). Additionally, Plaintiff has demonstrated that during the time that Ms. Miguel met with Defendant Beasley, both may have had different motives, or both may have been investigating Plaintiff's whistleblower complaint to set up the DOC administrative investigation that Defendant Beasley's office placed the Plaintiff under after he made his protected disclosures. (ECF No. 26, ¶ 29-33). Other employees within the CIG's office certainly could not testify to Ms. Miguel's motives to "help" Plaintiff after she had already dismissed his whistleblower complaint and closed the investigation. Plaintiff is entitled to inquire as to what help she intended to provide, especially when the investigation she opened was closed by her 3 weeks prior, and the only thing that happened after Ms. Miguel offered to help was a subsequent administrative investigation opened by Defendant Beasley's office, the individual Ms. Miguel referred the Plaintiff to.

This record is clear and sufficient to permit Plaintiff to proceed with the deposition of Ms. Miguel.

WHEREFORE, Plaintiff BUTLER requests this Court DENY Ms. Miguel's Motion to Quash and Motion for Protective Order, and permit Ms. Miguel's deposition to proceed on September 9, 2016.

Respectfully submitted,

The Law Offices of
STEVEN R. ANDREWS, P.A.
822 North Monroe Street
Tallahassee, Florida 32303
(850) 681-6416 FAX: (850) 681-6984

//s// *Steven R. Andrews*
STEVEN R. ANDREWS (FBN 0263680)
BRIAN O. FINNERTY (FBN 0094647)
bfinnerty@andrewslawoffice.com
RYAN J. ANDREWS (FBN 0104703)
ryan@andrewslawoffice.com
service@andrewslawoffice.com

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by electronic transmission this 31st day of August, 2016, to:

Jamie Ito, Esquire
Assistant Attorney General
Office of the Attorney General
PL 01, The Capitol
Tallahassee, FL 32399-1050
Jamie.ito@myfloridalegal.com
Michelle.Fontaine@myfloridalegal.com

/s/ *Steven R. Andrews*
STEVEN R. ANDREWS

AO 88A (Rev. 02/14) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the
Northern District of Florida

COPY

Name: Jack Heekin
Date: 8/12/16
Time: 2:43 pm

Timothy Butler

Plaintiff

v.

Torrey Johnson, et al.

Defendant

Civil Action No. 4:16-cv-00222-RH-CAS

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Melinda Miguel, Office of the Chief Inspector General, Florida Executive Office of the Governor,
Room 1902 - The Capitol, Tallahassee, FL 32399-0001

(Name of person to whom this subpoena is directed)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Place: Premier Reporting 114 W. 5th Ave. Tallahassee, FL 850-894-0828	Date and Time: 08/18/2016 10:00 am
---	---------------------------------------

The deposition will be recorded by this method: electronically

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/12/2016

CLERK OF COURT

OR

/s/ Steven R. Andrews, Esq.

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Timothy Butler, who issues or requests this subpoena, are: Steven R. Andrews, Esq., 822 North Monroe Street, Tallahassee, FL, 850-681-6416

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



RICK SCOTT
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

May 7, 2015

Mr. Timothy Butler
c/o Steven Andrews, Esq.
The Law Office of Steven R. Andrews, P.A.
822 North Monroe Street
Tallahassee, FL 32303

RE: Chief Inspector General Case # 201503100007

Dear Mr. Butler:

On March 10, 2015, you testified in front of the Senate Committee on Criminal Justice and expressed concerns about the Department of Corrections. Specifically, you expressed concerns about Jefferson Correctional Institution.

At this time, the Executive Office of the Governor's Office of the Chief Inspector General is reviewing your information to determine the appropriate course of action to address your concerns. After a preliminary review of your information, we are requesting that you provide additional details, along with any documentation you may have to support your concerns. While we would typically conduct a face-to-face interview to obtain this information, given that your attorney is currently representing individuals in a lawsuit involving the Office of the Chief Inspector General, we are requesting your written responses to the following:

Regarding your testimony about matters at Jefferson Correctional Institution:

- Are there any issues of concern you expressed during your testimony that you did not previously disclose to the Office of the Chief Inspector General in CIG #201411110001?
 - If yes, please provide specific information.

Upon receipt of your response, we will determine if the provisions of Sections 112.3187-112.31895, Florida Statutes, apply and if investigative activity is warranted by this office at that time. We would appreciate your written response on or before May 27, 2015.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at (850) 717-9264.

Sincerely,


Melinda Miguel
Chief Inspector General

RECEIVED MAY 11 2015



RICK SCOTT
GOVERNOR

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com
850-488-7146
850-487-0801 fax

June 8, 2015

Steven Andrews, Esq.
The Law Office of Steven R. Andrews, P.A.
822 North Monroe Street
Tallahassee, FL 32303

RE: Chief Inspector General Case # 201503100007

Dear Mr. Andrews:

As you are aware, your clients (Aubrey Land, Doug Glisson, John Ulm, and Timothy Butler) testified before the Senate Committee on Criminal Justice on March 10, 2015, about concerns involving the Department of Corrections (DOC). The Office of the Chief Inspector General sent letters dated May 7, 2015, to your clients requesting additional information related to the issues they publicly disclosed during the committee meeting. On May 12, 2015, you responded on behalf of your clients and advised that they were willing to provide the requested information under the following conditions:

- The information be provided during a recorded interview at this office, with the following persons present:
 - A criminal investigator;
 - A sworn law enforcement officer not employed by the DOC; and
 - This office's attorney;
- Your clients receive a written waiver of all confidentiality orders or agreements signed by DOC Secretary Julie Jones;
- Your clients receive a letter from this office confirming that the terms and conditions with Section 12 of Executive Order #15-102, which relate to protection from retaliation, will be adhered to;
- Your clients receive a letter from the participating sworn law enforcement officer advising that the interview is considered to be Garrity protected;
- Your clients be presented with all of the documents required to be presented to them in relation to the internal affairs complaints filed against them, and the draft reports of the Cassidy Hill case so they can provide full and complete answers to the questions asked by this office in the letters dated May 7, 2015;
- This office advise U.S. Attorney Pamela Marsh of this office's desire to interview your clients because your clients would be required to divulge information that is the subject of a pending federal criminal investigation related to Randall Jordan-Aparo;
- Your clients receive a status update of their prior whistle-blower requests to this office related to letters dated June 16 and 20, 2014, July 1, 2, and 7, 2014, and February 7 and 14, 2015; and
- Your clients receive clarification as to whether this case deals with a whistle-blower determination.

RECEIVED JUN 09 2015

CIG #201503100007

June 8, 2015

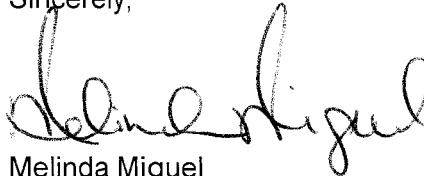
Page 2

Please be advised that in order for the Office of the Chief Inspector General staff to determine who should be present or what type of action is warranted, we need the additional information requested. This office derives its authority from Sections 14.32, and 20.055, F.S., which requires that we conduct our activities independently, without impairment or interference, and with timely access to records and other sources of information. Specifically, Section 14.32(2)(c), F.S., gives the Chief Inspector General the authority to "request such assistance and information as may be necessary for the performance of the duties of the Chief Inspector General."

Additionally, pursuant to Section 33-208.002(2)(a)4., Florida Administrative Code (F.A.C.), your clients are required to report their knowledge of any violations of law, rules, directives or procedures of the DOC. Furthermore, pursuant to Section 33-208.002(6), F.A.C., it is expected that your clients will provide answers to the questions in our letter dated May 7, 2015, in the format in which it was requested. I would appreciate receiving the additional information requested no later than June 28, 2015, in order for us to determine the appropriate course of action. Without the requested information, our ability to address these concerns may be limited.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at (850) 717-9264.

Sincerely,

A handwritten signature in black ink, appearing to read "Melinda Miguel". The signature is fluid and cursive, with a large initial "M".

Melinda Miguel
Chief Inspector General

From: [Jones, Stephanie](#)
To: [Miguel, Melinda](#)
Cc: [Case, Dawn](#); [Fernandez, Lester](#)
Subject: Insp. John Ulm Response - CIG201604250009
Date: Wednesday, September 07, 2016 10:41:23 AM
Attachments: [image001.png](#)
[John Ulm Response letter - 201604250009_160907.pdf](#)

For your review and retention.

Lester Fernandez, Inspector General

Office of the Inspector General

Lester.Fernandez@fdc.myflorida.com

(850) 488-9265 – Ofc. | (850) 414-0953



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FLORIDA DEPARTMENT OF CORRECTIONS
OFFICE OF THE INSPECTOR GENERAL

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501 S. Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

September 7, 2016

John W. Ulm

s. 119.071(4)(d)2a(1) F.S.

Mr. Ulm:

I received and reviewed your complaint submitted via e-mail on April 21, 2016, to Florida Department of Corrections-Office of Inspector General Chief Douglas Wiener and cc'd to Kenneth Steely, Kenneth Sumpter, Tracey Hartman and John Ulm regarding alleged misconduct by former Inspector General Jeffrey Beasley. Specifically, for (Mr. Beasley) having influence or control over your Pre-Determination Conference (PDC) hearing held on April 21, 2016. I have also reviewed your email to Supervisory Inspector David Clark dated July 11, 2016, where you requested the complaint be forwarded again to Chief Wiener.

This July 11th email makes reference to an additional complaint you assert was made on April 28, 2016, regarding Deputy Inspector General Sumpter for hiding incident reports in his desk. I have found no record of any written complaint from you regarding this complaint other than the reference made in your July 11th email and a statement added to a public records request from you addressed to Donna Beard in the FDC-Office of Legal Services and cc'd to Kenneth Steely, Douglas Wiener, Tracey Hartman, David Arthman and Leslie Rodes. Based upon your complaints and my review of the PDC recording, there is insufficient evidence to warrant an investigation of this matter. Therefore, I am not authorizing an investigation.

Sincerely,

Lester Fernandez
Inspector General



DEPARTMENT OF CORRECTIONS

Office Of The Inspector General

Carlton Building. – 1st Floor

501 S. Calhoun Street – Rm. 135

Tallahassee, FL 32399-2500

Mr. John Ulm

s. 119.071(4)(d)2a(1) F.S. [REDACTED]

[REDACTED]

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- Complete items 1, 2, and 3.
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1. Article Addressed to:

John W. U/m

E 119.071(4)(d)2a(1) F.S.



9590 9402 1242 5246 3260 43

2. Article Number (Transfer from service label)

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John W. Wm

Street, Apt. No., Box No.

s. 119.071(4)(d)2a(1) F.S.

City, S

From: [Case, Dawn](#)
To: [Robinson, Heather](#); [Romeiser, Erin](#)
Subject: FW: Insp. John Ulm Response - CIG201604250009
Date: Wednesday, September 07, 2016 11:01:23 AM
Attachments: [image001.png](#)
[John Ulm Response letter - 201604250009 160907.pdf](#)

From: Jones, Stephanie [mailto:Stephanie.Jones@fdc.myflorida.com]
Sent: Wednesday, September 7, 2016 10:41 AM
To: Miguel, Melinda
Cc: Case, Dawn ; Fernandez, Lester
Subject: Insp. John Ulm Response - CIG201604250009

For your review and retention.

Lester Fernandez, Inspector General
Office of the Inspector General
Lester.Fernandez@fdc.myflorida.com
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September 7, 2016

John W. Ulm

s. 119.071(4)(d)2a(1) F.S.

Mr. Ulm:

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Sincerely,

Lester Fernandez
Inspector General



DEPARTMENT OF CORRECTIONS

Office Of The Inspector General

Carlton Building. – 1st Floor

501 S. Calhoun Street – Rm. 135

Tallahassee, FL 32399-2500

Mr. John Ulm

s. 119.071(4)(d)2a(1) F.S. [REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

John W. U/m

E 119.071(4)(d)2a(1) F.S.



9590 9402 1242 5246 3260 43

2. Article Number (Transfer from service label)

7000 0000 0027 1539 7690

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

 Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

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- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

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John W. Wm

Street, Apt. No., Box No.

City, S

s. 119.071(4)(d)2a(1) F.S.

From: [Ulm, John](#)
To: [Miguel, Melinda](#)
Cc: john-ulm@att.net
Subject: Letter
Date: Thursday, September 15, 2016 4:31:26 PM
Attachments: [Miguel.docx](#)
Importance: High
Sensitivity: Confidential

Ms. Miguel, please see attached letter.

Thanks

John



John W. Ulm | Law Enforcement Inspector
Office of Inspector General - DC
District 3 Field Office
Office: (850) 717-9707

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<http://www.dc.state.fl.us>

September 15, 2016

Inspector Melinda Miguel,

I am written to you as my last hope in the sand to help protect me from Florida Department of Corrections Office of the Inspector General's Office. I received several letters dated June 29, 2016, July 6, 2016, and September 7, 2016, denying any investigations be authorized or denying Whistle-Blower protections be granted to me by Inspector General Lester Fernandez.

With that being said the Florida Department of Corrections opens hundreds or thousands internal affairs cases weekly by what information is reported in the MINS system, with little or no information FDC opens these cases without Inspector General Fernandez personally reviewing them. In his letter dated September 7, 2016, he indicate there is insufficient evidence to warrant an investigation that my PDC hearing was influenced or controlled by former Inspector General Jeffery Beasley.

As I have reported to Inspector General Fernandez and others at the department former Inspector General Beasley reported to Senior Inspector Aubrey Land that Secretary Julie Jones wanted Inspector Doug Glisson and myself head cut-off for being Whistle-Blowers. It has been reported to him and Chief of Investigations Douglas Weiner, but his office refuses to even look at the complaint by opening an inquiry to document the allegations, or interviewing me the complaint/victim.

I reported to Inspector General Fernandez, former Inspector General Beasley attempted to get me to cancel my interview with FCHR which I felt strongly was a violation of **Florida State Statute 914.22 Tampering with or harassing a witness, victim, or informant**. One truly would think that in any other law enforcement department this complaint would at the least be looked into.

Concerning my DART TEAM review and PDC I have reviewed the evidences used to demote Inspector Glisson and myself and I am making an official complaint there was forgery committed by someone in the Office of the Inspector General's Office based on a signed document that was used as evidences against us. This is not in fact Inspector Glisson's signature, this again is **violation of Florida State Statute 838.022 Official Misconduct**.



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CIG Miguel, Administrative Code Chapter 33-208.002, (1) and (2) (a) 4, has been violated by the actions of former Inspector General Jeffery Beasley and Deputy Inspector Ken Sumpter, by their actions of concealing State Records from public review and by not opening an investigations. Ms. Miguel, I indicated to Inspector General Fernandez that I would provide an official transcript to him from Inspector Glisson's hearing where stated under oath, Inspector Deputy Inspector General Sumpter stated "Jeffery Beasley said that CIG Miguel and Attorney General Bondi said to toll investigations against Inspector Glisson and myself knowing they were in violation of Florida State Statute 112.532., concerning the running of the limitations period to toll a case.

But again Inspector General Fernandez will not authorize an investigation to document my complaints or the rights as a victim under Florida State Statute.

Ms. Miguel in reference to Deputy Inspector General Ken Sumpter I had made several complaints to Inspector General Fernandez and Chief of Investigations Douglas Weiner which have fallen on deaf ears. In reference to the July 11th email I authored to Inspector General Fernandez, I again made reference to Deputy Inspector General Sumpter had hidden an incident report in his desk for over two years. This incident report was written and no report was authored to address the complaint former Supervisor Doug Glisson was attempting to bring forward. The only action that occurred was the information was hidden/concealed from public knowledge in violation of **Florida State Statute 838.022 Official Misconduct**.

To take the complaint one step forward Deputy Inspector General Sumpter concealed this incident report knowing the effects it could have, but in turn opened a case on me for having a witnesses statement in my office after he cut off my computer access and contact with me. One can only draw the conclusion that no Internal Affairs investigation will be open on Deputy Inspector General Sumpter is because his wife works for the Attorney General Office and for Pam Bondi and who has a personal relationship with. So his Official Misconduct goes hidden for the people of the State of Florida.

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Ms. Miguel I leave you with this thought from a great man Martin Luther King, The ultimate measure of a man is not where he stands in moments of comfort and convenience, but where he stands at times of challenge and controversy.

Ms. Miguel we are facing troubling times at FDC but I know you are the person who can stand up in the moments of challenge and controversy. I place my faith in your hands to do the right thing now not because its convenience because you know in your heart as a leader of many it's the right thing to do.

Sincerely,

Inspector John Ulm

From: [Miguel, Melinda](#)
To: [Case, Dawn](#); [Romeiser, Erin](#); [Robinson, Heather](#)
Subject: Fwd: Letter
Date: Thursday, September 15, 2016 4:38:58 PM
Attachments: [ATT00001.htm](#)
[Miguel.docx](#)
[ATT00002.htm](#)
Sensitivity: Confidential

Melinda M. Miguel
Chief Inspector General
State of Florida
Executive Office of the Governor
850.717.9264

Sent from my iPhone

Begin forwarded message:

From: "Ulm, John" <John.Ulm@fdc.myflorida.com>
Date: September 15, 2016 at 4:31:00 PM EDT
To: "melinda.miguel@myflorida.com" <melinda.miguel@myflorida.com>
Cc: "john-ulm@att.net" <john-ulm@att.net>
Subject: Letter

Ms. Miguel, please see attached letter.

Thanks

John

John W. Ulm | Law Enforcement Inspector

Office of Inspector General - DC

District 3 Field Office

Office: (850) 717-9707

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Sincerely,

Inspector John Ulm

From: [Ulm, John](#)
To: [Miguel, Melinda](#)
Subject: Fwd: Read: Letter
Date: Thursday, September 15, 2016 5:39:41 PM
Importance: High

Thanks for reading my complaint so fast. Please help me on this you can call me at 661 1958

Thanks
John

Sent from my Verizon 4G LTE smartphone

----- Original message -----

From: "Miguel, Melinda"
Date: 9/15/16 4:37 PM (GMT-05:00)
To: "Miguel, Melinda"
Subject: Read: Letter

Your message

To: Miguel, Melinda
Subject: Letter
Sent: Thursday, September 15, 2016 4:31:00 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Thursday, September 15, 2016 4:37:40 PM (UTC-05:00) Eastern Time (US & Canada).

From: [Miguel, Melinda](#)
To: [Robinson, Heather](#); [Romeiser, Erin](#); [Case, Dawn](#)
Subject: FW: Read: Letter
Date: Thursday, September 15, 2016 5:50:00 PM
Attachments: [image001.png](#)
Importance: High

Melinda M. Miguel
Chief Inspector General
Executive Office of the Governor
State of Florida
Main Line: (850) 717-9264
Whistle-blower Hotline: (800) 543-5353



From: Ulm, John [mailto:John.Ulm@fdc.myflorida.com]
Sent: Thursday, September 15, 2016 5:40 PM
To: Miguel, Melinda
Subject: Fwd: Read: Letter
Importance: High

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From: [Fernandez, Lester](#)
To: [Case, Dawn](#)
Subject: FW: Response to your letters dated June 29, 2016, July 6, 2016, and September 7, 2016.
Date: Tuesday, September 20, 2016 12:53:04 PM
Attachments: [Ulm letter 09-15-2016.docx](#)
Importance: High
Sensitivity: Confidential

Dawn:

As discussed, I am forwarding this to you for any action you consider appropriate.

Thanks, Lester

From: Ulm, John
Sent: Thursday, September 15, 2016 4:31 PM
To: Fernandez, Lester
Cc: Ulm, John ; Steely, Kenneth
Subject: Response to your letters dated June 29, 2016, July 6, 2016, and September 7, 2016.
Importance: High
Sensitivity: Confidential

Sir, please see attached letter in reference to the above written letters you have sent to me.
Mr. Steely, you are being copied on this email to inform you of my issue as the Ethics Officer for FDC.
John Ulm



John W. Ulm | Law Enforcement Inspector
Office of Inspector General - DC
District 3 Field Office
Office: (850) 717-9707

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Sir in your letter date September 7, 2016, you state you found no record of any written complaint regarding my allegations concerning the actions of Deputy Inspector General Ken Sumpter and former Inspector General Jeffery Beasley for hiding state records in Deputy Inspector General Ken Sumpter's desk. My witness in this improper actions by Sumpter is an OIG employee in your own office. Surely you would want to interview the complainant and any known witnesses in order to determine if an investigation is warranted. I am formally making a complaint to you on this date to please investigate these allegations in accordance **FSS 20.55, 838.022**.

To take the complaint one step forward Deputy Inspector Sumpter concealed this incident report knowing the effects it could have, but in turn opened a case on me for having a witnesses statement in my office after he cut off my computer access and contact with me. One can only draw the conclusion that no Internal Affairs investigation will be open on Deputy Inspector General Sumpter is because his wife works for the Attorney General Office and for Pam Bondi and who has a personal relationship with. So his Official Misconduct goes hidden for the people of the State of Florida.

Your actions of denying these investigations stalls the whole meaning of the Office of the Inspector General. Sir in all fairness I would ask you to remove yourself from my complaint against Deputy Inspector General Sumpter because Chief Wiener forwarded my complaint to him and you, please refer it to the CIG and to open an internal affairs case.

During my email exchanges with you and Chief of Investigations I have indicated I will supply the investigator the witnesses and the evidences to move forward but you sir indicate there is insufficient evidences to warrant an investigations. As an Inspector with this Office sir I would remind you there is insufficient evidence to open any of the cases you authorize to be opened



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on a daily basis.

The cases come in and lack any true leads but we are instructed to look into them, it's hard to understand that you sir will not take the same position when it comes to my complaints. Sir your refusal to investigate my complaints is hindering my ability to report misconduct, because this shows there is a different set of rules for, "low hanging fruit", and high ranking government officials who use their positions to further the cover-ups of bad actors within side the Florida Department of Corrections and the Office of the Inspector General.

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To: [Romeiser, Erin](#); [Robinson, Heather](#)
Subject: FW: Response to your letters dated June 29, 2016, July 6, 2016, and September 7, 2016.
Date: Wednesday, September 21, 2016 9:32:18 AM
Attachments: [Ulm letter 09-15-2016.docx](#)
Importance: High
Sensitivity: Confidential

From: Fernandez, Lester [mailto:Lester.Fernandez@fdc.myflorida.com]
Sent: Tuesday, September 20, 2016 12:53 PM
To: Case, Dawn
Subject: FW: Response to your letters dated June 29, 2016, July 6, 2016, and September 7, 2016.
Importance: High
Sensitivity: Confidential
Dawn:
As discussed, I am forwarding this to you for any action you consider appropriate.
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From: Ulm, John
Sent: Thursday, September 15, 2016 4:31 PM
To: Fernandez, Lester <Lester.Fernandez@fdc.myflorida.com>
Cc: Ulm, John <John.Ulm@fdc.myflorida.com>; Steely, Kenneth <Kenneth.Steely@fdc.myflorida.com>
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Office: (850) 717-9707

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To take the complaint one step forward Deputy Inspector Sumpter concealed this incident report knowing the effects it could have, but in turn opened a case on me for having a witnesses statement in my office after he cut off my computer access and contact with me. One can only draw the conclusion that no Internal Affairs investigation will be open on Deputy Inspector General Sumpter is because his wife works for the Attorney General Office and for Pam Bondi and who has a personal relationship with. So his Official Misconduct goes hidden for the people of the State of Florida.

Your actions of denying these investigations stalls the whole meaning of the Office of the Inspector General. Sir in all fairness I would ask you to remove yourself from my complaint against Deputy Inspector General Sumpter because Chief Wiener forwarded my complaint to him and you, please refer it to the CIG and to open an internal affairs case.

During my email exchanges with you and Chief of Investigations I have indicated I will supply the investigator the witnesses and the evidences to move forward but you sir indicate there is insufficient evidences to warrant an investigations. As an Inspector with this Office sir I would remind you there is insufficient evidence to open any of the cases you authorize to be opened



FLORIDA DEPARTMENT OF CORRECTIONS OFFICE OF THE INSPECTOR GENERAL

Governor
RICK SCOTT

Secretary
Julie Jones
Inspector General
Lester Fernandez

Deputy Inspector General
Kenneth Sumpter

An Equal Opportunity Employer

501 S. Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

on a daily basis.

The cases come in and lack any true leads but we are instructed to look into them, it's hard to understand that you sir will not take the same position when it comes to my complaints. Sir your refusal to investigate my complaints is hindering my ability to report misconduct, because this shows there is a different set of rules for, "low hanging fruit", and high ranking government officials who use their positions to further the cover-ups of bad actors within side the Florida Department of Corrections and the Office of the Inspector General.

In response to your June 29, and July 6, 2016, you sir again have denied Whistle-Blower protections knowing this is the only way you can conceal my complaints from the people of the State of Florida, I would ask you to refer them to the CIG for an investigations.

Sincerely,

Inspector John Ulm

From: [Ulm, John](#)
To: [Miguel, Melinda](#)
Cc: [Ulm, John](#)
Subject: RE: Letter
Date: Monday, September 26, 2016 9:57:51 AM
Attachments: [image2016-09-23-030821.pdf](#)
Importance: High
Sensitivity: Confidential

Good morning CIG Miguel,

Please see attached letter dated September 19, 2016, authored by Patricia Linn Human Resource Analyst for the Florida Department of Corrections, concerning acknowledgment of receipt of complaint alleging Whistle-Blower Act.

CIG Miguel, again I come to you and request help concerning this investigation and complaint against Deputy Inspector General Ken Sumpter and former Inspector Jeffery Beasley. In all do fairness on this matter, I'm again asking you to please assign an outside IG's office. It's just hard for me to understand how someone who works for Sumpter or Beasley, can to an investigation against them. Again after being familiar with your depo in the Timothy Butler case I understand better how your office works under FSS. The Florida Department of Corrections Office of Inspector General 108.003 policy indicates the following:

- (a) Every employee of the OIG who conducts an investigation, audit, inquiry, contract review, case management review, or compliance review shall conduct each investigation, audit, inquiry, contract review, case management review, or compliance review and carry out all duties free of perceived impairment to the independence of the Inspector General or the OIG.

Even the Green Book that we work under your authority with indicated' s this would be a perceived impairment and not good sound judgement.

Ms. Miguel how could one be free of perceived impairment if they are working a case against their Deputy Inspector General and former Inspector General Jeffery Beasley? Knowing they both yield a strong influence of "power" inside the Department of Corrections to do as they please to other employees and violate the cannons of ethics.

Ms. Miguel please help me on my complaints, I am begging you to please do the right thing, just not for me, but for thousands of other employees who are calling out for your help.

I look forward to hearing back from you on this request.

Thanks

John

From: Ulm, John
Sent: Thursday, September 15, 2016 4:31 PM
To: 'melinda.miguel@myflorida.com'
Cc: 'john-ulm@att.net'
Subject: Letter
Importance: High
Sensitivity: Confidential

Ms. Miguel, please see attached letter.

Thanks

John

John W. Ulm | Law Enforcement Inspector
Office of Inspector General - DC



District 3 Field Office
Office: (850) 717-9707

WARNING - LAW ENFORCEMENT SENSITIVE

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DEPARTMENT of
CORRECTIONS

Governor
RICK SCOTT
Secretary
JULIE L. JONES

501 South Calhoun Street, Tallahassee, FL 32399-2500

<http://www.dc.state.fl.us>

September 19, 2016

John Ulm
1126 East Park Avenue
Tallahassee, FL 32308

Re: Acknowledgment of Receipt of Complaint

Dear Mr. Ulm:

This is to advise you that we have received your complaint alleging Whistle-Blower Act retaliation. Your complaint will be processed in accordance with the department's Personnel Procedures.

The investigation process is objective in nature and is designed to obtain facts with regard to allegations made in your complaint. As a part of the investigative process, the department's investigator assigned to your case will conduct a routine examination of any pertinent records, and interview you and any other individuals who may have information relevant to your complaint.

The Employee Relations Unit will utilize the investigative report in preparing a response concerning the allegations in your complaint. Your cooperation will provide the department with the investigative leads crucial to ensuring that all facts are thoroughly reviewed. The Office of the Inspector General has the sole authority to investigate the complaint and the Federal Programs Unit has the sole authority to respond to the complaint.

The Department of Corrections has a strict prohibition against retaliation and does not tolerate retaliation against those who have filed a complaint. If you feel you have been retaliated against because of filing this present complaint, or if you have any questions regarding this process, please contact me at (850) 717-3202.

Sincerely,

Patricia Linn
Human Resource Analyst
Office of Human Resources

/pl

Florida Department of Corrections
Office of Human Resources
501 South Calhoun
Tallahassee, FL 32305

John Ulm
1126 East Park Avenue
Tallahassee, FL 32308

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From: [Miguel, Melinda](#)
To: [Case, Dawn](#); [Romeiser, Erin](#); [Robinson, Heather](#)
Subject: Fwd: Letter
Date: Monday, September 26, 2016 10:06:36 AM
Attachments: [ATT00001.htm](#)
[image2016-09-23-030821.pdf](#)
[ATT00002.htm](#)
Sensitivity: Confidential

Melinda M. Miguel
Chief Inspector General
State of Florida
Executive Office of the Governor
850.717.9264

Sent from my iPhone

Begin forwarded message:

From: "Ulm, John" <John.Ulm@fdc.myflorida.com>
Date: September 26, 2016 at 9:57:44 AM EDT
To: "Miguel, Melinda" <Melinda.Miguel@eog.myflorida.com>
Cc: "Ulm, John" <John.Ulm@fdc.myflorida.com>
Subject: RE: Letter

Good morning CIG Miguel,

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I look forward to hearing back from you on this request.

Thanks

John

From: Ulm, John

Sent: Thursday, September 15, 2016 4:31 PM

To: 'melinda.miguel@myflorida.com' <melinda.miguel@myflorida.com>

Cc: 'john-ulm@att.net' <john-ulm@att.net>

Subject: Letter

Importance: High

Sensitivity: Confidential

Ms. Miguel, please see attached letter.

Thanks

John

John W. Ulm | Law Enforcement Inspector

Office of Inspector General - DC

District 3 Field Office

Office: (850) 717-9707

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September 19, 2016

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Sincerely,

Patricia Linn
Human Resource Analyst
Office of Human Resources

/pl

Florida Department of Corrections
Office of Human Resources
501 South Calhoun
Tallahassee, FL 32305

John Ulm
1126 East Park Avenue
Tallahassee, FL 32308

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From: [Miguel, Melinda](#)
To: [Ulm, John](#)
Subject: Read: RE: Letter
Date: Thursday, October 06, 2016 4:29:52 PM
Importance: High

Your message

To: Miguel, Melinda
Cc: Ulm, John
Subject: RE: Letter
Sent: 9/26/2016 9:58 AM
was read on 9/26/2016 10:06 AM.

From: [Miguel, Melinda](#)
To: [Ulm, John](#)
Subject: Read: Letter
Date: Thursday, October 06, 2016 4:29:54 PM
Importance: High

Your message

To: Miguel, Melinda
Cc: john-ulm@att.net
Subject: Letter
Sent: 9/15/2016 4:31 PM
was read on 9/15/2016 4:38 PM.