



John A. Carey
Inspector General

**OFFICE OF INSPECTOR GENERAL
PALM BEACH COUNTY**



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“Enhancing Public Trust in Government”

Investigative Report

2015-0004

Medical Examiner’s Office

December 8, 2015

Insight – Oversight – Foresight



John A. Carey
Inspector General

OFFICE OF INSPECTOR GENERAL PALM BEACH COUNTY

INVESTIGATIVE REPORT CASE NUMBER: 2015-0004

DATE ISSUED: DECEMBER 8, 2015



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MEDICAL EXAMINER'S OFFICE EXECUTIVE SUMMARY

WHAT WE DID

On February 19, 2015, The Palm Beach County Office of Inspector General (OIG) received a complaint containing allegations of misconduct by employees of the Palm Beach County (County) Medical Examiner's (ME) Office (MEO).

The complainant alleged that (1) Senior Clerk Typist Sue Jaffe-Aldag and Administrative Secretary Linda Macapayag violated the County's internet Policy and Procedure Memorandum (PPM) by their frequent use of the County's computers and internet connections for personal shopping and visiting social media websites, which interfered with their work productivity. The complainant also alleged that (2) Forensic Supervisor Harold Ruslander inappropriately used the County's internet connections and (3) resources to conduct work related to his personal businesses while on official duty.

Based on this information, the OIG initiated an investigation.

WHAT WE FOUND

As to **Allegation (1)**, the information obtained and reviewed by the OIG **does not support** the allegation.

As to **Allegations (2) and (3)**, the information obtained and reviewed by the OIG **supports** the allegations. The OIG found that Mr. Ruslander used the County's internet connections and other resources in furtherance of his compensated, outside employment while on official duty.

Allegations (2) and (3) have been referred to the State Attorney's Office, Public Corruption Unit for action as it deems appropriate. Due to this referral, Mr. Ruslander was not interviewed during/for this investigation.

Based upon information obtained during this investigation two additional allegations were developed.

Additional Allegation (1) that Mr. Ruslander violated the County's email PPM, Merit Rules, and State Statutes by disseminating through the County email system Public Records exempt from disclosure. **Additional Allegation (2)** that Mr. Ruslander violated the County's internet policy by his frequent use of the County's computers and internet connections to visit social media websites, which interfered with his work productivity.

As to **Additional Allegations (1) and (2)**, the information obtained and reviewed by

the OIG *supports* the allegations. The OIG found that Mr. Ruslander did email open case images from the MEO files to individuals who were not involved with the respective investigations. The OIG also found that Mr. Ruslander frequented social media sites using the County's computers and internet connections while on County time.

Additional Allegation (1) has been referred to the State Attorney's Office, Public Corruption Unit for action as it deems appropriate.

WHAT WE RECOMMEND

The OIG recommends the following corrective actions:

1. The MEO take appropriate personnel action.
2. The MEO ensure the MEO staff is fully cognizant of County PPMs regarding internet and email usage.
3. In light of changes to PPM #CW-R-006, the MEO create an internal policy which covers public record exempt and statutorily protected information for which the ME is the custodian. This policy should, at a minimum, delineate steps required for release of this protected information in accordance with Florida State Statutes. Additionally, train MEO staff on the new MEO policy.
4. The MEO work with County Information Systems Services to add/increase security measures of the ME online application to limit access to files, such as photographs, to only those staff members needing access for official use.

BACKGROUND

On February 19, 2015, The Palm Beach County Office of Inspector General (OIG) received a complaint containing allegations of misconduct by employees of the Palm Beach County (County) Medical Examiner's (ME) Office (MEO). According to the complainant, Senior Clerk Typist Sue Jaffe-Aldag and Administrative Secretary Linda Macapayag violated the County's internet PPM by their frequent use of the County's computers and internet connections for personal shopping and visiting social media websites, which interfered with their work productivity.¹ The complainant also alleged that Forensic Supervisor Harold Ruslander inappropriately utilized the County's internet connections and resources to conduct work for his personal businesses while on official duty.

Based on the information provided by the complainant, the OIG developed the following allegations and initiated an investigation.

ALLEGATIONS AND FINDINGS

Allegation (1):

Medical Examiner's Office employees Senior Clerk Typist Sue Jaffe-Aldag and Administrative Secretary Linda Macapayag frequently used the County's computers and internet connections for non business related shopping and visiting social media websites, which interfered with their work productivity. If supported, the allegation would constitute a violation of the Acceptable Uses for Non-Business Purposes provision of County Policy and Procedure Memorandum #CW-R-008; and Rule 7.02 D.3. of the County Merit System Rules and Regulations.

Finding:

The information obtained ***does not support*** the allegation.

The OIG reviewed Ms. Jaffe-Aldag's and Ms. Macapayag's email activity from April 1, 2012 through September 30, 2015. The review did not identify any emails which would violate County Policies or Rules. The OIG also reviewed Ms. Jaffe-Aldag's internet history from May 1, 2015 through June 15, 2015 and did not identify any internet activity which would violate County Policies or Rules. Based on the high volume of Ms. Macapayag's work email, the OIG determined there was no need to review her internet history.

Allegation (2):

Medical Examiner's Office Forensic Supervisor Harold Ruslander conducted work related to his compensated, outside employment while on official duty with the County. If supported, the allegation would constitute a violation of Rule 10.02 A.

¹ The complainant also provided several other allegations related to these individuals; however, those allegations involve personnel matters that will be referred to Medical Examiner Dr. Michael Bell for his handling. Additional allegations were made related to other ME employees; however, those allegations were deemed to be unfounded or not within the OIG's jurisdiction (appropriate referrals were made).

of the County Merit System Rules and Regulations; and the Unacceptable Activities and Acceptable Uses for Non-Business Purposes provisions of County Policy and Procedure Memorandum #CW-R-008.

Finding:

The information obtained **supports** the allegation based on the OIG review of records and witness interviews as Mr. Ruslander was not interviewed due to the referral to the State Attorney's Office.

The OIG reviewed Mr. Ruslander's email activity from April 1, 2012 through September 30, 2015. The review identified 19 emails sent by Mr. Ruslander on various dates between June 16, 2014 and April 13, 2015 from his County email address promoting or endorsing his employment as a South University Adjunct Professor. The emails were sent to James Marinelli, Criminal Justice Professor/ Program Director (now former) at South University. On July 29, 2014, Mr. Ruslander emailed from his County email address his completed four page "Application for Employment" along with his 14 page "Curriculum Vitae" to Mr. Marinelli. On October 21, 2014, Mr. Ruslander emailed Mr. Marinelli from his County email address with five PowerPoint presentations attached. A total of thirteen of the emails sent to Mr. Marinelli used Mr. Ruslander's 'signature block' which identifies Mr. Ruslander by name, title and using the name of his County office.

Statement of James Marinelli, Criminal Justice Professor / Program Director (now former) at South University

Mr. Marinelli stated he employed Mr. Ruslander as an Adjunct Professor in a paid position. Mr. Marinelli said the standard payment for an Adjunct Professor from South University is \$1,200 per class/per quarter. Mr. Marinelli stated Mr. Ruslander worked at South University for one year and taught three or four courses.

Statement of Michael Bell, MD, County ME

Dr. Bell stated he is aware that Mr. Ruslander has outside employment teaching at one of the local community colleges and also does private consult cases since he has experience in crime scenes. Dr. Bell stated he has never seen Mr. Ruslander do his 'outside work' while on official duty at the MEO nor would he have approved it. Dr. Bell said Mr. Ruslander has not asked for permission to do said work while on official duty and "he knows better." Dr. Bell stated he has disciplined MEO employees for using work computers for non work related purposes in the past. As a result, Dr. Bell stated he sent an email to the entire MEO (February 23, 2015) to remind the staff regarding proper use of County internet and email.

Allegation (3):

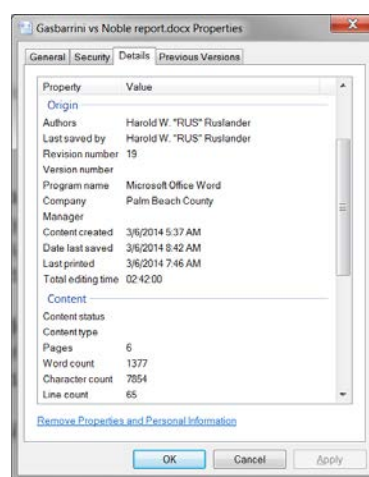
Medical Examiner's Office Forensic Supervisor Harold Ruslander utilized County resources for his personal businesses. If supported, the allegation would constitute a violation of Rule 7.02 D.3. and D.26. and Rule 10.02 A. of the County Merit System Rules and Regulations.

Finding:

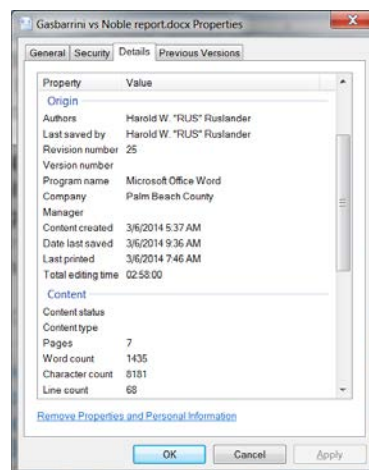
The information obtained *supports* the allegation based on the OIG review of records and witness interviews as Mr. Ruslander was not interviewed due to the referral to the State Attorney's Office.

Based on information provided by the complainant, the OIG identified a civil case, "GASBARRINI VS NOBLE," filed in the Southern District of Florida, where court records show three documents prepared by Mr. Ruslander as part of the case record in support of Vero Beach Police Officer Michael Gasbarrini.² Court records show the law firm of Wiederhold, Moses, Kummerlen & Waronicki as representing Officer Gasbarrini. Records obtained from the law firm indicate the firm retained the services of Mr. Ruslander.

On March 6, 2014 @ 8:51 AM, Mr. Ruslander sent an email from his personal email address to Brett Waronicki (a partner in the above mentioned law firm) with a Word document attached titled 'Gasbarrini vs Noble report.docx.' An examination of the file properties detail tab for this document shows the 'Authors' and 'Last saved by' fields as 'Harold W. "RUS" Ruslander.'³ It reports the document had been revised 19 times and shows the 'Company' field as 'Palm Beach County.' 'Content created,' 'Date last saved,' and 'Last printed' fields all show the date of March 6, 2014 with times of 5:37 AM, 8:42 AM, and 7:46 AM respectively. It also shows the 'Total editing time' as 2 hours, 42 minutes. March 6, 2014 was a regular work day for Mr. Ruslander with scheduled work hours of 5:00 AM to 4:00 PM. Mr. Ruslander's email activity shows that he sent 10 emails from his County email address between 7:50 AM and 2:56 PM on March 6, 2014. County timekeeping records do not indicate that Mr. Ruslander used any sick, vacation, or compensatory time on this day. In fact, timekeeping records indicate Mr. Ruslander earned 3.25 hours of compensatory time for working more than his scheduled 10 hours on March 6, 2014.



On March 6, 2014 @ 9:37 AM, Mr. Ruslander sent an email from his personal email address to Mr. Waronicki with a Word document attached titled 'Gasbarrini vs Noble report.docx' (same attached document name as previous). An examination of the file properties detail tab for this document shows the 'Authors' and 'Last saved by' fields as 'Harold W. "RUS" Ruslander.' It reports the document had been revised 25 times and shows the 'Company' field as 'Palm Beach County.' 'Content created,' 'Date last saved,' and 'Last printed' fields all show the date of March 6, 2014

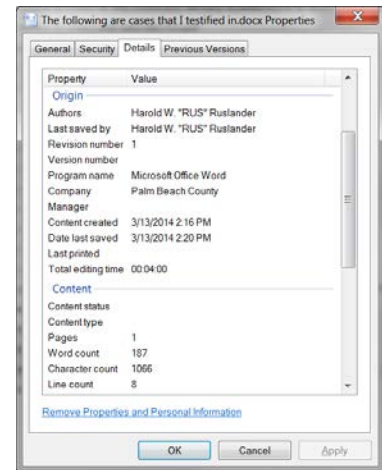


² Case 2:13-cv-14202-DLG documents 61-1, 61-2, and 61-3.

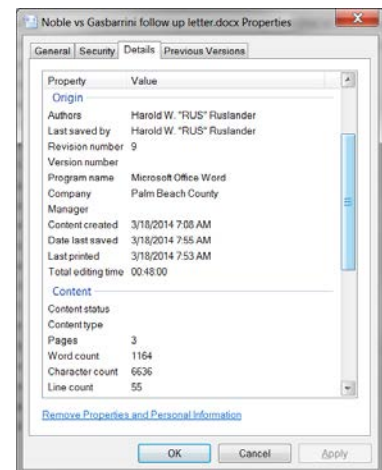
³ It is noted that email from Mr. Ruslander's County email for March 6, 2014 display his 'signature' as 'H. W. "Rus" Ruslander'.

with times of 5:37 AM, 9:36 AM, and 7:46 AM respectively. It also shows the 'Total editing time' as 2 hours, 58 minutes. Counts for character, word, line, and page have all increased from the email of 46 minutes prior.

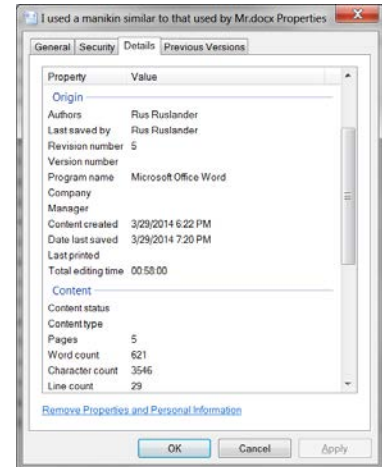
On March 13, 2014 @ 2:21 PM, Mr. Ruslander sent an email from his personal email address to Mr. Waronicki with a Word document attached titled 'The following are cases that I testified in.docx.' An examination of the file properties detail tab for this document shows the 'Authors' and 'Last saved by' fields as 'Harold W. "RUS" Ruslander.' It reports the document had been revised 1 time and shows the 'Company' field as 'Palm Beach County.' 'Content created' and 'Date last saved' fields show the date of March 13, 2014 with times of 2:16 PM and 2:20 PM respectively. It also shows the 'Total editing time' as 4 minutes. March 13, 2014 was a regular work day for Mr. Ruslander with scheduled work hours of 5:00 AM to 4:00 PM. Mr. Ruslander's email activity shows that he sent five emails from his County email address between 5:08 AM and 10:32 AM on March 13, 2104. County timekeeping records do not indicate that Mr. Ruslander used any sick, vacation, or compensatory time on this day. In fact, timekeeping records indicate Mr. Ruslander earned 0.50 hours of compensatory time for working more than his scheduled 10 hours on March 13, 2014.



On March 18, 2014 @ 7:58 AM, Mr. Ruslander sent an email from his personal email address to Mr. Waronicki with a Word document attached titled 'Noble vs Gasbarrini follow up letter.docx.' An examination of the file properties detail tab for this document shows the 'Authors' and 'Last saved by' fields as 'Harold W. "RUS" Ruslander.' It reports the document had been revised 9 times and shows the 'Company' field as 'Palm Beach County.' 'Content created,' 'Date last saved,' and 'Last printed' fields all show the date of March 18, 2014 with times of 7:08 AM, 7:55 AM, and 7:53 AM respectively. It also shows the 'Total editing time' as 48 minutes. March 18, 2014 was a regular work day for Mr. Ruslander with scheduled work hours of 5:00 AM to 4:00 PM. Mr. Ruslander's email activity shows that he sent four emails from his County email address between 9:07 AM and 11:08 AM on March 18, 2104. County timekeeping records do not indicate that Mr. Ruslander used any sick, vacation, or compensatory time on this day. In fact, timekeeping records indicate Mr. Ruslander earned 3 hours of compensatory time for working more than his scheduled 10 hours on March 18, 2014.



On March 29, 2014 @ 7:22 PM, Mr. Ruslander sent an email from his personal email address to Mr. Waronicki with a Word document attached titled 'I used a manikin similar to that used by Mr.docx'. An examination of the file properties detail tab for this document shows the 'Authors' and 'Last saved by' fields as 'Rus Ruslander'. It reports the document had been revised 5 times and the 'Company' field is blank. 'Content created' and 'Date last saved' fields show the date of March 29, 2014 with times of 6:22 PM and 7:20 PM respectively. It also shows the 'Total editing time' as 58 minutes. March 29, 2014 was a Saturday and not a scheduled work day for Mr. Ruslander. The file properties detail tab for this document is included herein for comparison purposes only.



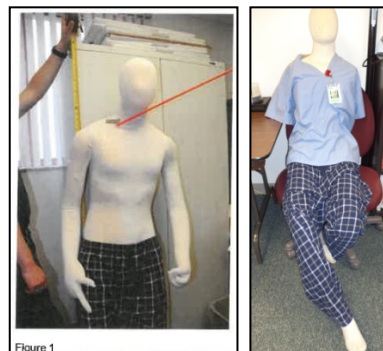
Based on the above information obtained and reviewed by the OIG, including but not limited to the file properties for relevant documents, Mr. Ruslander was on official duty and utilizing County resources for his personal business when he edited, saved, emailed from his personal email address, and (in three out four cases) printed the four Word documents he emailed to Mr. Waronicki on March 6, 13, and 18, 2014 above.

On August 26, 2015, the OIG subpoenaed business records (for Crime Scene Specialists; Crime Scene Specialists, Inc.; Crime Scene Specialists, LLC; Forensic Crime Scene Specialists, LLC; and/or, International Association for Identification Corporation) from Mr. Ruslander. Item 10 on the subpoena requested a list of personally owned assets used when performing work for clients "(e.g. vehicle, computer, computer software, camera, reconstruction materials such as a **forensic mannequin [emphasis added]**) to include manufacturer, model number, and serial number (security key in the case of computer software)." On September 9, 2015, Mr. Ruslander hand delivered his subpoena response to the OIG (image above is Mr. Ruslander's response to item 10). A discussion ensued regarding the lack of camera serial numbers as well as Word and Powerpoint security keys to which Mr. Ruslander made the following unsolicited responses: "they are my own personal property;" and, "I don't use County property or work on County time to conduct my private business."

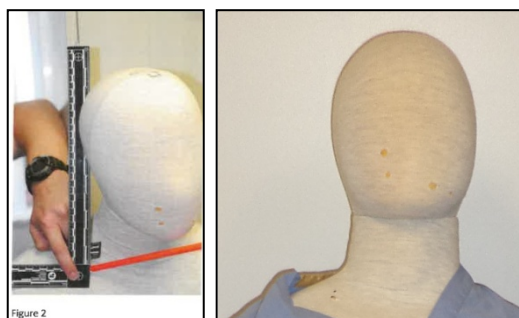
With regard to the previously mentioned email to Mr. Waronicki on March 29, 2014, with the attached document named 'I used a manikin similar to that used by Mr.docx,' it is a five page document that includes the first page of text and four pages containing a total of 10 images appearing to recreate a shooting incident. Nine of the images have a forensic mannequin in them. On October 30, 2015, OIG Investigators went to the MEO and photographed the MEO's forensic mannequin. Upon arrival at the MEO, OIG investigators observed the forensic mannequin's arms were in its lap and determined that they needed to be moved so photographs of its pants were not blocked. A

comparison of four of the images from the document named 'I used a manikin similar to that used by Mr.docx' with photographs of the MEO's forensic mannequin taken by OIG Investigators follows (with the document images on the left and the OIG photographs on the right):

The first comparison is to illustrate the pants 'worn' by the forensic mannequin in both images. The OIG notes the similarity in the pattern of the pants in both images. Differences in cameras, camera settings, and/or lighting could account for the difference in color.



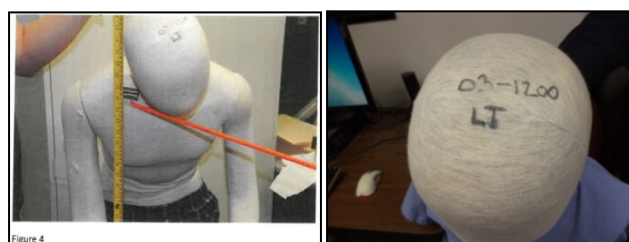
The second comparison is to illustrate the face of the forensic mannequin in both images. The OIG notes the similarity in the location and size of the two round holes that appear on the lower right portion of the forensic mannequin's face in both images.



The third comparison is to illustrate the right clavicle area of the forensic mannequin in both images. The OIG notes the similarity in the location and size of the round hole that appears on the right clavicle area of the forensic mannequin in both images.



The last comparison is to illustrate the top of the head of the forensic mannequin in both images. The OIG notes the similarity in location, size, color, and handwriting that appears on the top of the head of the forensic mannequin in both images.



Based on the above four sets of images reviewed by the OIG, it is evident that Mr. Ruslander utilized the MEO forensic mannequin (a County resource) to "conduct my [his] private business."

Statement of Michael Bell, MD, County ME

Dr. Bell was shown Mr. Ruslander's document 'I used a manikin similar to that used by Mr.docx' and he stated the "dummy" in the images looks like the one we have. Dr. Bell said "the arms fall off of it." Dr. Bell stated that the photos from the document appear to have been taken in the unoccupied office next to his (Dr. Bell's).⁴ Dr. Bell stated Mr. Ruslander did not ask to utilize County equipment for his personal business nor did Dr. Bell approve of Mr. Ruslander performing activities such as depicted in the photos while on official duty or using County property for his personal business.

Allegations (2) and (3) have been referred to the State Attorney's Office, Public Corruption Unit for action as it deems appropriate. Due to this referral, Mr. Ruslander was not interviewed during/for this investigation.

ADDITIONAL ALLEGATIONS AND FINDINGS

Based on information obtained during this investigation, the following additional allegations were developed:

Additional Allegation (1):

Medical Examiner's Office Forensic Supervisor Harold Ruslander disseminated Public Records exempt from disclosure using the County email system. If supported, the allegation would constitute a violation of Rule 7.02 D.13, D.32 and D.33. of the County Merit System Rules and Regulations; Policy a) and d) provisions of County Policy and Procedure Memorandum #CW-R-006⁵; and, § 406.136(3)(c), Florida Statutes.

Finding:

The information obtained ***supports*** the allegation based on the OIG review of records and witness interviews as Mr. Ruslander was not interviewed due to the referral to the State Attorney's Office.

The aforementioned review of Mr. Ruslander's County email records disclosed 11 emails sent by Mr. Ruslander on various dates between August 21, 2012 and May 26, 2015 containing 15 ME case related image files and two ME case related video files that correspond to nine open ME cases.^{6,7} These 11 emails were ***NOT*** sent in furtherance of the recipient's official duties. Ten of these emails were sent to three individuals: Elizabeth Lancaster, Palm Beach County Sheriff Office (PBSO) Crime Scene

⁴ It is noted that when the OIG Investigators went to the MEO to take photographs, the office next to Dr. Bell's was no longer vacant and the furniture had been relocated.

⁵ There were two versions of PPM #CW-R-006 in effect during the reviewed time frame. A version whose Issue and Effective dates were both October 28, 1997 which was superseded by a version whose Issue and Effective dates were both October 2, 2012.

⁶ One image file from one open ME case was sent to two separate individuals, as well as, one video file from one open ME case was sent to two separate individuals.

⁷ It is noted that between April 3, 2012 and August 21, 2014, Mr. Ruslander sent an additional nine emails containing 28 ME case related image files from six ME cases to six individuals that were not included in the above analysis. The OIG review of these emails indicates they were sent in furtherance of the recipient's official duties. However, even when sent in an official capacity, there is a process to be followed that was not.

Investigator (CSI), who received seven emails containing a total of 12 image files and one video file from seven open ME cases; Lydia Littlefield, County ME Forensic Investigator I, who received one email containing one image file from one open ME case; and, Dawn Watkins, Palm Beach Gardens Police Department (PBGPD) CSI III, who received two emails containing a total of two image files from two open ME cases. The eleventh email was sent to Mr. Ruslander's personal email address and it contained one video file from one open ME case.

Statement of Elizabeth Lancaster, PBSO CSI

Ms. Lancaster stated that as a CSI she responds to and documents crime scenes; taking video, photographs, notes, collects evidence, processes evidence, testifies in court, and writes reports. She does assist other jurisdictions. If she responds to a scene, be it her department's or not, Ms. Lancaster is required to write a report. Ms. Lancaster stated that she did not 'work' any of those seven scenes depicted in the emails from Mr. Ruslander nor did she write a report for any of those cases. She stated she did not request the emails and Ms. Lancaster had no explanation as to why Mr. Ruslander would have sent her the emails. When asked if she sends open case images via email, she responded, "I do not. Because I don't have, once my pictures go into the photo lab, I don't have access to them unless I ask for them. And I have to have a reason to ask for them. So, I don't send them back and forth."

Statement of Lydia Littlefield, County ME Forensic Investigator I

Ms. Littlefield stated her role as a Forensic Investigator I is to assist the pathologists at the MEO in determining cause and manner of death by responding to crime/accident scenes, taking photographs, and processing them for the MEO. According to Ms. Littlefield, the email she received from Mr. Ruslander was from a ME case that she responded to the scene and, in fact, she took the photograph that was attached to the email. Ms. Littlefield stated, "Honestly, I don't remember why he sent me this picture."

Statement of Dawn Watkins, PBGPD CSI III

Ms. Watkins stated as a CSI III she processes major crime scenes. She would assist other departments frequently. Ms. Watkins stated she either writes a report or her name is on something such as verifying a latent print. Whatever she does, "it should be documented somewhere." Ms. Watkins recognized the email sent to her on August 21, 2012 by Mr. Ruslander. She opined that Mr. Ruslander "might have been asking me about" bloodstain patterns (a specific field of forensics for which she was not certified nor is she considered an expert). "I remember we talked about this case ... I think it was just a matter of him asking my opinion." This case was out of Ms. Watkins' jurisdiction and she did not go out to the scene. Contrary to what Ms. Watkins stated earlier, she said, "there was no report on that" in reference to this email. With regard to the other email she received from Mr. Ruslander, Ms. Watkins stated "I don't know why this picture came in. I really don't know this case. I don't remember him asking anything in this case. I don't remember being on this case. No, I don't, I don't recall anything on this at this time." Ms. Watkins stated she would review her notes when she returned to her office. On follow-up, Ms. Watkins stated "I don't know why I would have that picture. I have no idea why I have that picture."

Statement of Michael Bell, MD, County ME

Dr. Bell stated it was his understanding non MEO personnel who are involved in an investigation typically go through the MEO records custodian to obtain scene photos from the MEO. Dr. Bell stated the records custodian would put them on a CD. Dr. Bell stated he was not aware Mr. Ruslander was sending these emails and he would not have given permission given that the recipients were not involved with the case. Dr. Bell further stated "I think that would be kind of inappropriate."

Additional Allegation (1) has been referred to the State Attorney's Office, Public Corruption Unit for action as it deems appropriate.

Additional Allegation (2):

Medical Examiner's Office Forensic Supervisor Harold Ruslander frequently used the County's computers and internet connections to visit social media websites, which interfered with his work productivity. If supported, the allegation would constitute a violation of the Acceptable Uses for Non-Business Purposes provision of County Policy and Procedure Memorandum #CW-R-008; and Rule 7.02 D.3. of the County Merit System Rules and Regulations.

Finding:

The information obtained **supports** the allegation based on the OIG review of records as Mr. Ruslander was not interviewed due to the above referral to the State Attorney's Office.

The OIG reviewed Mr. Ruslander's internet history from May 4, 2015 through June 11, 2015.⁸ This timeframe includes six workweeks, a total of 23 workdays as Mr. Ruslander works a four day week (Mon-Thu 5 AM – 4 PM) and Memorial Day occurred during the time reviewed. The review found that Mr. Ruslander visited Facebook pages 645 times (an average of 28 times/day), including 62 times to pages for individuals whose last name is Ruslander.⁹ None of the information the OIG reviewed indicated Mr. Ruslander was on Facebook looking for the next of kin of any MEO case decedents.

⁸ It is noted that the internet history reviewed was subsequent to Dr. Bell's all employee email reminding them of the proper usage of the County internet and email.

⁹ It is noted that the OIG only included times these sites were 'hit' between 5 AM and 4 PM. These 'hits' also do not include Mr. Ruslander's lunch break as there is a dearth of internet activity between the approximate hours of 11 AM – 12 PM or, in some cases 12 PM – 1 PM. Furthermore, we did not include Facebook sites referencing 'Criminal Case on Facebook.'

RECOMMENDED CORRECTIVE ACTIONS

Based on our *supported* findings, the OIG recommends that the County take the following corrective actions as to Allegations (2) and (3), and Additional Allegations (1) and (2):

1. The MEO take appropriate personnel action.
2. The MEO ensure the MEO staff is fully cognizant of County PPMs regarding internet and email usage.
3. In light of changes to PPM #CW-R-006, the MEO create an internal policy which covers public record exempt and statutorily protected information for which the ME is the custodian. This policy should, at a minimum, delineate steps required for release of this protected information in accordance with Florida State Statutes. Additionally, train MEO staff on the new MEO policy.
4. The MEO work with County Information Systems Services to add/increase security measures of the ME online application to limit access to files, such as photographs, to only those staff members needing access for official use.

ARTICLE XII, SECTION 2-427

Pursuant to Article XII, Section 2-427 of the Palm Beach County Code, on November 18, 2015, the County, Senior Clerk Typist Sue Jaffe-Aldag, Administrative Secretary Linda Macapayag, and Forensic Supervisor Harold Ruslander were provided the opportunity to submit a written explanation or rebuttal to the findings as stated in this Investigative Report within ten (10) calendar days. On November 19, 2015, November 20, 2015, December 1, 2015, and December 2, 2015, Ms. Jaffe-Aldag, Ms. Macapayag, the County, and Mr. Ruslander, respectively, provided written responses. All responses, in their entirety, are attached to this report.

Senior Clerk Typist Sue Jaffe-Aldag and Administrative Secretary Linda Macapayag submitted their responses to the OIG's Report and did not provide any information that would change the OIG's Findings.

The County concurred with the OIG's Recommended Corrective Actions and advised the following:

- The County agreed to take appropriate personnel action.
- The County agreed to ensure the MEO staff is fully cognizant of County PPMs regarding internet and email usage.
- The County agreed to create an internal policy which covers public record exempt and statutorily protected information for which the ME is the custodian.
- The County agreed to work with County Information Systems Services to add/increase security measures of the ME online application to limit access to

files, such as photographs, to only those staff members needing access for official use.

Michael Salnick, attorney representing Forensic Supervisor Harold Ruslander, provided a response for Mr. Ruslander in which he wrote “My client will not be providing a statement to your office.”

This Investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.

November 19, 2015

Mr. Jeff Himmel
Director of Investigations
Office of Inspector General
Investigations Division
P. O. Box 16568
West Palm Beach, Florida 33416

Re: OIG Case Number: 2015-0004

Dear Mr. Himmel:

I wish to take this opportunity to thank you for your findings regarding the above investigation but want to go on record to state that I feel I should have been given the opportunity to face my accuser in person.

Be advised that this matter is not over and it will be addressed by additional action on my part.

Very truly yours,

A handwritten signature in cursive script that reads "Sue Gloria Jaffe-Aldag". The signature is written in black ink and is positioned above the printed name.

Sue Gloria Jaffe-Aldag

November 20, 2015

Linda Macapayag
c/o PBC MEO
3126 Gun Club Rd
West Palm Beach, FL 33406

Jeff Himmel, Director of Investigations
Office of Inspector General
Investigations Division
Post Office Box 16568
West Palm Beach, FL 33416

Re: OIG Case # 2015-0004

Dear Mr. Himmel:

I am in receipt of the Draft Investigative Report, which include the allegations and findings about my use of County email and internet.

Thank-you for taking the time to speak with me on this, and other matters.

Sadly, I find that some at the Medical Examiner's Office have more time to watch and complain about what others are doing, than to perform their own duties.

I would also like to add that I would have liked to have faced my accuser and let this person "walk a mile in my shoes".

Respectfully,


Linda Macapayag, Administrative Secretary
PBC Medical Examiner Office



**Interoffice Communication
Palm Beach County**

TO: Jeff Himmell, Director of Operations
Office of Inspector General

FROM: Michael Bell, MD *amob*
Chief Medical Examiner
Palm Beach Medical Examiner Office

DATE: December 1, 2015

Re: **OIG Investigative Report 2015-0004**

Medical Examiner Office
3126 Gun Club Road
West Palm Beach, FL 33406-3005
(561) 688-4575
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Mayor
Mary Lou Berger, Vice Mayor
Hal R. Valeche
Paulette Burdick
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

This is in response to the draft Investigative Report 2015-0004

As to the Recommended Corrective Actions:

1. The MEO take appropriate personnel action.

Response: Agreed. Employee voluntarily retired.

2. The MEO ensures the MEO staff is fully cognizant of County PPMs regarding internet and email usage.

Response: Agreed.

3. In light of changes to PPM #CW-R-006, the MEO create an internal policy which covers public record exempt and statutorily protected information for which the ME is the custodian. This policy should, at a minimum, delineate steps required for release of this protected information in accordance with Florida State Statutes. Additionally, train MEO staff on the new MEO policy.

Response: Agreed.

4. The MEO work with County Information Systems Services to add/increase security measures of the ME online application to limit access to files, such as photographs, to only those staff members needing access for official use.

Response: Agreed.

Please do not hesitate to contact me if any additional information is required.

Cc: Vincent Bonvento, Assistant County Administrator

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Law Offices of
SALNICK, FUCHS & BERTISCH, P.A.

Michael Salnick*
Jack K. Fuchs**
Flynn P. Bertisch*
Gregory S. Salnick*
Lisa Viscome*

1645 Palm Beach Lakes Boulevard
10th Floor - Suite 1000
West Palm Beach, Florida 33401

(561) 471-1000
Fax: (561) 659-0793

- * Florida Bar Board Certified Criminal Trial Lawyer
- * Also Member: Colorado, District of Columbia
New York Bars, U.S. District Court Southern
& Middle Districts of Florida, District of Colorado
- ** Member: U.S. District Court Southern District
of Florida, District of Colorado
- * Member: U.S. District Court Southern District of Florida

MEMO

www.palmbeachcriminallawfirms.com

DATE: December 2, 2015

FROM: Michael Salnick

TO: Leo C. Allen, Office of the Inspector General

RE: Our Client: Harold Ruslander

Please be advised that I have been retained to represent Mr. Ruslander regarding your investigation. I am advised that the State Attorney's Office has been consulted regarding this matter. My client will not be providing a statement to your office. I am requesting that you have no further contact with my client.

Please govern yourself accordingly.

Very truly yours,


Michael Salnick

cc: Marci Rex, Assistant State Attorney