

**PINELLAS COUNTY SHERIFF'S OFFICE  
PROFESSIONAL STANDARDS BUREAU  
INTER-OFFICE MEMORANDUM**

**DATE:** MARCH 12, 2019

**TO:** DISTRIBUTION

**FROM:** CAPTAIN RAY WHITELEY *Rw*  
Professional Standards Bureau

**SUBJECT:** SHERIFF'S FINDING

Per Sheriff Gualtieri, Deputy Michael Funk, #56139, will receive the following as a result of AI-18-036:

1. Forty (40) hours Suspension to be served on:  
March 12, 2019 (4 hours), March 15, 16, and 17, 2019 (12 hours/day).
2. Retraining in Traffic Laws

**DISTRIBUTION:**

Sheriff Bob Gualtieri  
Chief Deputy Dan Simovich  
Assistant Chief Deputy Sean Jowell  
Assistant Chief Deputy George Steffen  
Colonel Dave Danzig  
Major Stefanie Campbell  
Major Bill Hagans  
Major Paul Halle  
Major Sean McGillen  
Major Larry Nalven  
Lieutenant Deanna Carey  
Director Jennifer Crockett  
Director Nancy Duggan  
Director Susan Krause  
Director Jason Malpass  
Shannon Lockheart, General Counsel  
Payroll  
Purchasing-Uniform Supply  
Deputy Michael Funk

RW/kmm

**PINELLAS COUNTY SHERIFF'S OFFICE  
INTER-OFFICE MEMORANDUM**

**DATE: MARCH 8, 2019**

**TO: DEPUTY MICHAEL FUNK, #56139**

**FROM: SHERIFF BOB GUALTIERI**

**SUBJECT: CHARGES RE: AI-18-036**

An investigation has been conducted by the Administrative Investigation Division, Professional Standards Bureau, of the Pinellas County Sheriff's Office. As a result of this investigation, the Administrative Review Board has determined you committed the following violation:

On, but not limited to, October 12, 2018, while on duty in Pinellas County, Florida, you violated the Pinellas County Sheriff's Civil Service Act Laws of Florida, 89-404 as amended by Laws of Florida 08-285, Section 6, Subsection 4, by violating the provisions of law or the rules, regulations, and operating procedures of the Office of the Sheriff.

1. You violated Pinellas County Sheriff's Office General Order 3-1.1, Rule and Regulation 5.4, Duties and Responsibilities.

Synopsis: On October 12, 2018, you falsely arrested an individual without probable cause.

While on patrol, you conducted a random registration check on a vehicle in the area of West Bay Drive and Ridge Road Northwest in Largo. The information returned identified the registered owner of the vehicle to possess an expired Florida Driver's License in excess of six (6) months.

You conducted a traffic stop on the vehicle and identified the driver as the registered owner. The driver explained to you that he traveled between Florida and Michigan. The driver told you he has real estate in Michigan and he misplaced his Michigan Driver's License at the Red Roof Inn, where he was staying temporarily, while he was in the process of purchasing a home in Oldsmar.

The driver gave you an address in Largo, but explained this was an old apartment he rented when he was residing in Florida.

The driver provided you with his name and date of birth, which you admitted to confirming only through the Florida Driver and Vehicle Information Database (DAVID).

You neglected to conduct any further investigation to validate the driver's claim that he did possess a valid Michigan Driver's License. Instead, you told him that even if he had provided a Michigan Driver's License, it would not be accepted as valid.

INS 19-003

You admitted you had the ability to utilize other investigative tools to confirm if the driver was being truthful and if he did in fact possess a valid Michigan Driver's License, but you failed to utilize any of these methods, believing that it wouldn't change the circumstances of his Florida Driver's License being expired.

Instead, you placed the subject under arrest for operating a vehicle within the State of Florida with an expired Florida Driver's License-more than six (6) months. It was later determined the driver did in fact possess a valid Michigan Driver's License.

After taking the driver into custody, you released the vehicle to the front seat passenger, who was identified as the driver's wife. You failed to verify any information she provided to you, including if she possessed a valid driver's license. However, you allowed her to leave the location operating the same vehicle.

During the Administrative Interview you provided the following testimony:

- You testified, "My misunderstanding of the application of the statute, it was my belief that, based on the information he told me, he would have to have a Florida license."
- You testified, "Once I had the belief that he had to have a Florida license, whether or not the Michigan license that he didn't have was valid or not, was essentially a moot point that he had to have a Florida license. So I did not look into the Michigan license for that reason."
- When asked what steps you took to verify if the driver's wife had a valid license you replied, "I don't believe I verified that she was valid, sir."
- You acknowledged during testimony you failed to use due diligence to determine if the driver or the passenger possessed a valid Michigan Driver's License.
- When asked if you felt you had probable cause for the arrest you replied, "No, sir."

During the Administrative Review Board you provided the following testimony:

- You testified, "I understand now that I misapplied the statute and based on the misunderstanding, I failed to take certain steps during the investigation."
- When asked if you recalled the driver stating he did have a valid Michigan Driver's License you replied, "Yes sir."
- You admitted that you failed to utilize any resources to confirm the driver had a Michigan Driver's License.
- You testified you failed to confirm if the driver had a Michigan Driver's License because it wouldn't have changed your actions. At the time, you believed the driver was required to have a Florida Driver's License.
- When asked if you confirmed the identity of the driver's wife, who was also the front seat passenger, and if she had a valid license prior to releasing the vehicle to her, you replied, "No sir. I failed to do so."
- When asked if you recalled the driver telling you he goes back and forth between Michigan and Florida you replied, "Yes sir."
- You admitted that you do have access to the Michigan or out of state databases to confirm if the driver did have a valid Michigan Driver's License.
- When asked if you took effective action on this date you replied, "No sir."

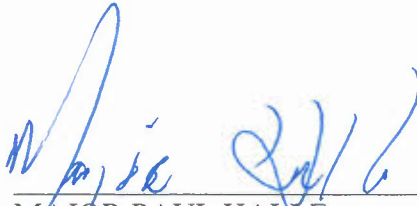
- When asked if this was a good arrest you replied, "Not good sir."
- You testified, "I understand that I messed up. I definitely need to have used a lot more discretion in that case and taken more steps to conduct a more thorough interview."

You admitted to this violation.

Disciplinary Points and Recommended Discipline Range:

You were found to be in violation of one Level Five Rules and Regulations violation totaling fifty (50) points. These points, which were affected by no modified points from previous discipline, resulted in fifty (50) progressive discipline points. At this point level, the recommended discipline range is from five (5) days Suspension to Termination.

Disciplinary action shall be consistent with progressive discipline, for cause in accordance with the provisions of the Pinellas County Civil Service Act.

  
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MAJOR PAUL HALLE  
PATROL OPERATIONS BUREAU  
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 3-11-19

Time 1450

Dag... O... SG139  
SIGNATURE

BG:RHO:kmm