

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

DATE: FEBRUARY 28, 2019

TO: DISTRIBUTION

FROM: CAPTAIN RAY WHITELEY *Rw*
Professional Standards Bureau

SUBJECT: SHERIFF'S FINDING

Per Sheriff Gualtieri, Deputy Anthony Hellstern, #58378, will receive the following as a result of AI-18-038:

1. Forty (40) hours Suspension, suspending twenty-four (24) hours, pending no substantiated discipline within one (1) year from February 22, 2019. Sixteen (16) hours Suspension to be served on:

March 2, 2019 (10 hours), and March 6, 2019 (6 hours).

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 Anthony Hellstern

RW/kmm

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

DATE: FEBRUARY 22, 2019
TO: DEPUTY ANTHONY HELLSTERN, #58378
FROM: SHERIFF BOB GUALTIERI
SUBJECT: CHARGES RE: AI-18-038

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, November 14, 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 25, 2018, you accepted a subpoena for a deposition in which you were scheduled to provide testimony on November 14, 2018.

On October 26, 2018, you submitted a time-off request for November 13, 2018 through November 16, 2018. This time-off request included the date you were scheduled to provide testimony for a subpoena you had accepted.

Due to the time-off request approval, you failed to attend to deposition for which you were required under subpoena. When you submitted the time-off request, you failed to relay this conflict to you supervisor.

Due to your failure to appear, a Motion for an Order to Show Cause was issued for you to attend on December 14, 2018.

During the Administrative Interview you made the following statements:

- You admitted during testimony, that you were not specifically aware of the general order as to how or when to notify the court of a potential conflict once you accepted the subpoena.

INS 19-0002

- You testified, “I wasn’t aware that and I figured unfortunately that me submitting that form weeks in advance would have excused me from it and would have worked retroactively to excuse me from the subpoena that I had signed the day prior. But I was wrong.”
- You stated, it was your belief by submitting the time off request, “It would be taken care of electronically. But I found out afterwards that wasn’t the case.”

During the Administrative Review Board you provided the following testimony:

- When asked what it meant when you sign for and accept a subpoena you replied, “I’m ultimately responsible for it.”
- You testified when you entered your time-off request the following day, “I thought it would be taken care of by me submitting the FORM 30 (time-off request).”
- When it was clarified if you believed the time-off request would cancel the subpoena you testified, “I thought they would be notified sir.”
- When asked who would be notified you testified, “The subpoena control system as well as the attorneys.”
- You admitted, “I missed a deposition and didn’t take care of it. Didn’t take care of the subpoena and notify the attorney properly.”

You admitted to this violation.

The discipline substantiated in this case, demonstrated similar behavior to a previous policy violation that you committed:

- **AR-17-071-** In this case you were found to be in violation of General Oder 3-1.3 Rule and Regulation 3.23(b), Court Appearances.

You received two (2) subpoenas for depositions from the same case. You received and signed for the first subpoena on October 25, 2017 for a deposition scheduled for November 21, 2017. However, you failed to attend; stating you failed to properly track the subpoena.

You received and signed for a second subpoena for the same case on December 6, 2017. This was for a deposition scheduled on December 19, 2017. You also failed to attend this deposition. As a result, you were served with a Motion for an Order to Show Cause.

In this previous case, you received a written reprimand.

Disciplinary Points and Recommended Discipline Range:

You were found to be in violation of one (1) 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.



MAJOR PAUL HALLE
PATROL OPERATIONS BUREAU
FOR BOB GUALTIERI, SHERIFF

I have received a copy:

Date 2/28/19

Time 1300 hours

Dep [Signature] #8858
SIGNATURE

BG:JLS:kmm