

# Sheriff



Edward Spooner • Sheriff Okaloosa County



Contact: Michele Nicholson  
Public Information Officer  
Okaloosa County Sheriff's Office  
850-651-7420  
April 2, 2009

## TERMINATION ANNOUNCED AT OCSO

The Okaloosa County Sheriff's Office has concluded an internal investigation into the conduct of Assistant Director of Information Technology David Yacks.

As a result of that investigation, Okaloosa Sheriff Ed Spooner today terminated Mr. Yacks' employment with the agency.

A copy of the official administrative inquiry report is attached.

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**Okaloosa County Sheriff's Office  
Administrative Inquiry/Investigation  
Disciplinary Action Notification**

Employee (Last, First MI): <b>Yacks, James David</b>	ID # <b>991</b>	Date: <b>March 30, 2009</b>	OPS/AIS#: <b>IA09-08</b>
You are hereby notified that the following policy violation(s) have been <b>SUSTAINED</b> and the following disciplinary action(s) are hereby taken.			
Policy Violation (General Order Number): <b>11.05(8), 11.05(14), 11.05(40)</b>		Specific Charge(s): <b>Obeying Illegal Orders Conformance to State Laws Unbecoming Conduct</b>	
Synopsis of Allegation(s):  <ol style="list-style-type: none"><li>1. David Yacks obeyed an order which he knew, or should have known, would require him to commit an illegal act. This is a violation of OCSO Policy 11.05 (8), Illegal Orders, and is hereby <b>SUSTAINED</b>.</li><li>2. David Yacks failed to comply with laws, ordinances, rules, and the Constitutions of the United States and State of Florida, or any of their subdivisions. This is a violation of OCSO Policy 11.05 (14), Conformance to Laws, and is hereby <b>SUSTAINED</b>.</li><li>3. David Yacks' conduct adversely affects the moral, operations, or efficiency of the agency and has a tendency to adversely affect, lower, or destroy public respect and confidence in the Office of the Sheriff. This is a violation of OCSO Policy 11.05(40), Unbecoming Conduct, and is hereby <b>SUSTAINED</b>.</li></ol>			
Recommended Discipline: <input type="checkbox"/> Verbal Reprimand <input type="checkbox"/> ___ Days Suspension <input type="checkbox"/> Disciplinary Probation <input type="checkbox"/> Written Reprimand <input type="checkbox"/> Demotion in Rank <input checked="" type="checkbox"/> Termination			
Discipline will commence on (date): <b>March 30, 2009</b>		Supervisor Issuing Discipline: <b>Captain J.D. Peacock, Office of Professional Standards</b>	
<div style="display: flex; justify-content: space-between; align-items: flex-start;"><div style="text-align: center;"><hr style="width: 100%;"/><b>Sheriff Ed Spooner</b></div><div style="text-align: center;"><b>4/2/09</b> Date</div><div style="text-align: center;"><input checked="" type="checkbox"/> Concur    <input type="checkbox"/> Do Not Concur    Remarks:</div></div>			
<b>I hereby acknowledge receipt of this notice:</b>  _____ Employee Signature                      Date: _____			

You are not authorized to act, conduct, or participate in any law enforcement activities from this date forward if the recommended discipline involves suspension or termination. Issued equipment shall be surrendered to the appropriate authorities if so instructed.

# OKALOOSA COUNTY SHERIFF'S OFFICE

## OFFICE OF PROFESSIONAL STANDARDS FORMAL INTERNAL INVESTIGATION



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To: Sheriff Spooner  
From: Captain J.D. Peacock  
Date: March 24, 2009  
Re: IA09-08  
James David Yacks

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### BACKGROUND

On February 27, 2009 Sheriff Ed Spooner placed David Yacks on paid administrative leave. This action was taken subsequent to the suspension of Sheriff Charlie Morris after his arrest by federal authorities in Las Vegas, NV. Yacks was in Las Vegas with Sheriff Morris when he was arrested. Indications are that the trip to Las Vegas was personal in nature.

On March 4, 2009 payroll records for Yacks were reviewed. The records reviewed were for the time period of February 28, 2008 through March 4, 2009. A summary of that period of time indicated that Yacks regular salary was \$65,512.80 and that he received performance bonuses totaling over \$89,000.

On March 9<sup>th</sup>, 2009 Yacks office was inspected and numerous personal e-mails were observed which contained correspondence about personal trips to Las Vegas. These e-mails were between primarily Yacks and Sheriff Morris. They included trip itinerary, airfare receipts and correspondence with a representative of one of the Las Vegas casinos.

On March 20, 2009 Yacks was interviewed by Kelly Cornelius of Carr, Riggs & Ingram, LLC, as part of an internal audit process of the agency. During that interview Yacks stated that he made flight arrangements for several agency members for a trip to Las Vegas. The arrangements were made in February 2008 and the trip was scheduled for September 2008. Yacks told auditors that he used his personal credit card to make the arrangements and that he was reimbursed for the arrangements with a bonus.

On March 23, 2009 Yacks was interviewed by me in the Office of Professional Standards. During that interview Yacks acknowledged that on three occasions he used sheriff's

office bonus money to reimburse the use of his personal American Express card bill. The reimbursement was for plane fares for several members of the sheriff's office and their family members. Yacks also stated that on three occasions he returned parts of his bonuses to Sheriff Morris in cash. On a fourth occasion his sister, Terry Adams, wire transferred \$8,000 from his personal account to her personal account at the direction of Sheriff Morris. Yacks stated the he and his sister were co-signers on his account.

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## INVESTIGATIVE DETAILS

James David Yacks, hereafter referred to as Yacks, is employed with the Okaloosa County Sheriff's Office in the capacity of Assistant Director of Information and Communication Technology. He has been so employed since October 2005. Yacks primary responsibilities included the administration of the agency's computer software contracts and licensing. Yacks also managed the agency's telecommunications contracts. Yacks position later changed to include the title of Region One Metadata Manager for the Northwest Florida Domestic Security Task Force. In that capacity Yacks coordinated data sharing utilities and user agreements with member agencies. Yacks supervised two employees in the Information and Communications Technology Division.

On March 2, 2009 I spoke to Yacks at the administrative building of the Okaloosa County Sheriff's Office. I informed Yacks that Sheriff Spooner had placed him on paid administrative leave pending an internal review of agency operations. Yacks surrendered his employee ID card, issued vehicle, and other agency assets. I provided Yacks with a notice of confidentiality which he signed. Yacks was released at that time and informed to be available for immediate recall.

On March 4, 2009 I requested payroll records for Yacks for the time period of February 2008 until current. The check history indicated the following performance bonuses:

- 02/29/2008 \$12,830.80
- 03/14/2008 \$9,623.09
- 08/15/2008 \$6,415.39
- 08/29/2008 \$12,830.80
- 09/30/2008 \$4,811.56
- 10/10/2008 \$13,355.72
- 01/16/2009 \$24,057.74

These amounts are gross bonus before taxes.

On March 9<sup>th</sup>, 2009 I inspected the office of David Yacks which is located in the administration building at 50 Second St. Shalimar, FL. During that inspection I reviewed the contents of a desktop computer assigned to Yacks. This computer is owned by the Okaloosa County Sheriff's Office. Further I reviewed e-mails received and sent from this computer via the Okaloosa County Sheriff's Office e-mail system utilizing Yacks agency e-mail account. I found many items of electronic correspondence related to trips to Las Vegas. These e-mails were to and from several employees within sheriff's office to include Sheriff Morris, Terry Adams, and Michael Coup. The e-mails covered such topics as trip itinerary, air travel itinerary, and specific details about the schedule of events during the trips. There were also communications with Harrah's Entertainment "coordinator" Nicole Patterson about trip details. The e-mails indicated that Nicole Patterson was some type of concierge for casinos in Las Vegas. There were also several short messages in e-mail format that appear to be text communication between Sheriff Morris, Michael Coup, David Yacks and Terry Adams. All had agency issued blackberry devices which synced to their e-mail accounts. The flight itinerary e-mails indicated that Yacks was scheduling flights for several of the trip's participants. Specifically on November 7, 2008 Yacks received an e-mail receipt from Delta Airlines for a flight to Las Vegas for late February. This ticket was for Claudia Finn.

On March 10, 2009 I spoke with Lt. Claudia Finn about the November 2008 trip to Las Vegas. Finn stated that she went to Las Vegas with a group that included Sheriff Morris, Mrs. Morris, David Yacks, Terry Adams, and Sandy Norris. She stated that she had originally arranged to fly to Vegas separate from the group with a friend. She had to change her plans when her friend could not go. Finn stated that she was informed that she would be flying with the group. She stated that she tried to make arrangements to pay for the plane ticket and was told that it had been taken care of. I asked her if she knew that David Yacks had paid for the ticket and she said that she did not. She stated that she assumed that the Sheriff had paid for the ticket. She stated that Terry Adams told her that the Sheriff did not want any reimbursement.

On March 20, 2009 Yacks was interviewed by the accounting firm of Carr, Riggs & Ingram, LLC. as part of an internal audit of the financial operations of the sheriff's office. On March 23, 2009 I spoke to Kelly Cornelius of Carr, Riggs & Ingram and asked her about the interview with Yacks. Cornelius reported that Yacks answered questions on how he got hired, his salary and bonuses, the trips to Las Vegas and his relationships with Sheriff Morris and his sister Terry Adams. Cornelius reported that Yacks stated that he coordinated a trip to Las Vegas in February 2008. This trip was to be a "celebration trip" after the sheriff's re-election and as was for September 2008. Yacks stated that he paid for the plane tickets for the group for the "celebration" trip with his American express card and that he was reimbursed via a bonus. Yacks told the auditors that he coordinated the "Christmas trip" in November 2008 and bought plane tickets with his American express card. He stated that the each group member paid him

back for that trip by check. Yacks indicated to the auditors that he wanted to use his American express card so that he could get "Sky Miles".

On March 23, 2009 I conducted an interview with Yacks at the sheriff's office administrative building in Shalimar, Fl. The interview was recorded and was subject to "Garrity" standards.

During the interview I requested background information as to how Yacks was hired by the agency. There was a discrepancy with his personnel file in that he did not complete the application paper work. Yacks stated that he had meet Sheriff Morris in Las Vegas. He was having dinner with Sheriff Morris and Terry Adams among others. He stated that the conversation turned to his background and that during the conversation Sheriff Morris told him that he wanted Yacks to come and work for the sheriff's office.

I then asked Yacks questions concerning his salary and bonuses. Yacks had stated that his base salary was approximately \$63,000 a year. Yacks told me that he received 7 bonuses in 2008 totaling \$39, 500 net (after taxes). In 2009 he received three bonuses totaling \$16,750 net. Yacks told me several times that he did not ask for these bonuses. He stated that he did not talk with anybody about the bonuses other than "in passing with Terry, did you know about these?" and she said that yes that it's his (Sheriff Morris) discretion. Yacks stated that each time he received a bonus he was ordered by Sheriff Morris not to tell anybody. I asked Yacks if he had given any money back to anybody. He told me that four times he gave money back and he stated each time he gave the money back to Sheriff Morris. Yacks listed the times he gave bonus money back as follows:

- February 28 (2008) \$2,000
- March 12 (2008) Between \$1,000 and \$3,000 (he was not sure)
- October 8, 2008 \$3,000
- January 15, 2009 \$8,000

Yacks stated that Sheriff Morris would come in Yacks' office and tell him that he was going to give him a bonus and that he wanted money back. Yacks stated that he asked Sheriff Morris if Terry knew. Yacks stated that "in his mind this was an order from the number one law enforcement officer in the county" and he had to follow it. Yacks further told me that Sheriff Morris would bring him a paper stub for the direct deposit. He would then go to his bank and get cash to bring back to Sheriff Morris. This occurred in three of the four instances of giving money back. On the fourth instance in January Sheriff Morris told Yacks that he was giving him a \$10,000 bonus and wanted \$8,000 back. Yacks stated that he told Sheriff Morris that he was not going to be in town on payday to get the cash back to him. Yacks told Sheriff Morris that Terry could get the money from his account because Terry is also on his account. Yacks stated that on that payday Terry (Adams) took the \$8,000 out of his account. Yacks stated the he did not know exactly what Terry did with the \$8,000. When asked if the sheriff told him what the cash back was for Yacks stated that he was told that the money was for an employee "in need". Yacks stated the he told Terry that he was going to be out of town and that she could take the

\$8,000 out of his account and she said OK. Yacks stated that Sandy Norris also knew about the bonuses.

I then asked Yacks several questions concerning trips to Las Vegas. Yacks stated that he made three trips to Vegas in 2008 and one in 2009. He stated that none of these trips were business related. Yacks stated that he paid for everything on the trips with his American express to get the points for sky miles. He stated that from about 2006 he would let it be known that if possible he would like to use his card to get points. Yacks stated that he scheduled and paid for others to go on trips to Vegas under orders from Sheriff Morris.

He stated that on February 6 (2008) Sheriff Morris came into his office and indicated that he wanted to have a post election celebration trip to Vegas on September 5 (2008) and he wanted Yacks to get first class tickets for Barbara Morris, Terry Adams, Kathy Byrd (Yacks and Adams sister from Tennessee), Sandy Norris, and Suzanne Jones. Yacks stated that Sheriff Morris would get the money to him. Yacks explained that he would pay for the tickets with his American express card and have three to six weeks to pay the bill. Yacks stated that the money to reimburse him came in a bonus. It came in the bonus on February 28, 2008. Yacks explained that bonus as being an \$8,000 bonus with \$6,000 for the tickets and \$2,000 cash back to Sheriff Morris. Yacks stated that he paid for 6 tickets at about \$1,600 apiece. He stated that Sheriff Morris got his own ticket and that Terry gave him \$3,000 for hers and Kathy Byrd's tickets. The Bonus paid for the other tickets. Yacks stated that he got 9,600 American express points that he could use for plane tickets and other things. Yacks stated that he also paid for a group dinner during the "celebration" trip on Vegas with his American express and that Sheriff Morris gave him cash back (approximately \$1,400).

Yacks stated that he coordinated the "Christmas trip" and that everybody paid him back directly. During further questioning Yacks acknowledged that he purchased a ticket for that trip for Claudia Finn and that he paid for it with a bonus. Yacks stated that he purchased plane tickets for this trip with his American Express also to get the points.

I then asked Yacks if he had arranged for a plane ticket to Las Vegas for Sabra Thornton for a trip in February 2009. He stated that he had at the direction of Sheriff Morris. He originally got a coach class ticket but upgraded it to first class, again at the direction of Sheriff Morris. He stated that he did not get any money for the ticket from anybody. He stated that he paid for it with bonus money.

I asked Yacks how the American express points worked and he explained that for every dollar spent you get a point and they can be used to purchase plane tickets. He stated that he had used points to pay for plane tickets to Vegas for himself in 2008 and 2009.

I asked Yacks to describe his relationship with Sheriff Morris. He stated that he thought of him as a father figure. Yacks would not say they were friends but that they had mutual interests.

I asked if he thought that using the bonus money to pay for Vegas trips was OK. Yacks repeated that he never asked for the bonuses and that he respected Sheriff Morris as the top law

enforcement officer in the county. He states that he asked Terry if it was OK and she said it was. Yacks stated that he was just following orders.

On March 24, 2009 I received a draft memo of the interview by Carr, Riggs & Ingram of Yacks from Cornelius.

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## FINDINGS

The following is a table displaying the timeline for three trips to Las Vegas including the "celebration trip", the "Christmas trip" and the trip in February 2009.

Date	Activity	Amount
2/6/2008	Yacks purchased plane tickets for "Celebration Trip"	Approximately \$9,600
2/28/2008	Sheriff Morris told Yacks about bonus and how much to return	\$2,000 Cash
2/29/2008	Bonus deposited into Yacks account	\$12,830.80
3/12/2008	Sheriff Morris told Yacks about bonus and how much to return.	Between \$1,000 and \$3,000 Cash
3/14/2008	Bonus deposited into Yacks account	\$9,623.09
8/15/2008	Bonus deposited into Yacks account	\$6,415.39
8/29/2008	Bonus deposited into Yacks account	\$12,830.80
9/30/2008	Bonus deposited into Yacks account	\$4,811.56
10/8/2008	Sheriff Morris told Yacks about bonus and how much to return	\$3,000 Cash
10/10/2008	Bonus deposited into Yacks account	\$13,355.72
11/7/2008	Bought plane ticket for Claudia Finn, "Christmas Trip"	\$1,641.00
12/17/2008	Bought plane ticket for Sabra Thornton for February 2009 trip	\$525.50
1/15/2009	Sheriff Morris told Yacks about bonus and how much to return	\$8000 wire transfer from account by Terry Adams
1/16/2009	Bonus deposited into Yacks account	\$24,057.74
2/22/2009	Upgrade plane ticket to first class for Sabra Thornton	Approximately \$1,500



David Yacks knowingly returned money direct deposited in his personal account to Sheriff Morris in the form of cash. Yacks admits to being uncomfortable with the situation and asking his sister, Director of Administration Terry Adams, if the practice was OK. On three occasions Yacks returned parts of his bonuses back to Sheriff Morris. On a fourth occasion Yacks gave permission to his sister to electronically transfer money from his account for Sheriff Morris.

David Yacks acknowledges using his personal American Express card to purchase plane tickets for personal trips to Las Vegas, for himself and others. Yacks further acknowledges using sheriff's office bonuses to reimburse his American express account for the purchases of his and others plane tickets. Yacks acknowledged he used his American express card so that he could earn points for future trips.

OCSO General Order 1.02 provides for authority and responsibility standards for supervisors. It further describes supervisory accountability and states in part:

...Supervisors shall be responsible for adherence to the Sheriff's Office rules, regulations, orders and policies. Supervisors are responsible for maintaining appropriate discipline. Supervisors shall determine training needs not otherwise met by the agency.

· Supervisory Responsibility - a standard of supervision which a reasonable and prudent person in a supervisory position "should know or should have known" regarding the actions or performance of a subordinate under their supervision. This standard includes personal interaction with individuals and other subordinates, personal observation ...

OCSO General Order 1.02 (G) also states that Personnel shall not obey an illegal order, but shall respectfully refuse and explain their reasons.

A review of Florida Criminal Statues found that incidents described above may violate one and/or all of the following statues:

- 838.022 Official misconduct.--
  - (1) It is unlawful for a public servant, with corrupt intent to obtain a benefit for any person or to cause harm to another, to:
    - (a) Falsify, or cause another person to falsify, any official record or official document;
    - (b) Conceal, cover up, destroy, mutilate, or alter any official record or official document or cause another person to perform such an act; or
    - (c) Obstruct, delay, or prevent the communication of information relating to the commission of a felony that directly involves or affects the public agency or public entity served by the public servant.
- 112.061(3b) Per-diem and travel expenses of public officers, employees, and authorized persons.--

Travel expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed by this section.

- 112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.--
  - (4) UNAUTHORIZED COMPENSATION.--No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

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## CONCLUSION

There is a preponderance of evidence that David Yacks followed orders from Sheriff Morris about bonuses and the coordination of personal trips to Las Vegas. These orders directly used sheriff's office public funds to facilitate the private benefit of both Sheriff Morris and David Yacks. David Yacks received a subsequent personal benefit by way of the American express points that he received for purchases made with it. David Yacks is college educated with experience in the corporate business environment at the national level. David Yacks served the Okaloosa County Sheriff's Office in a management and supervisory capacity.

As indicated in the General Order 1.02 supervisors are held to a high standard. David Yacks knew, or should have known, that he was participating in the unlawful use of public funds and that he was obligated by Okaloosa County Sheriff's Office policy and basic ethical standards not to follow illegal orders.

1. I find that David Yacks obeyed an order which he knew, or should have known, would require him to commit an illegal act. This is a violation of OCSO Policy 11.05 (8), Illegal Orders, and is hereby **SUSTAINED**.
2. I find that David Yacks failed to comply with laws, ordinances, rules, and the Constitutions of the United States and State of Florida, or any of their subdivisions. This is a violation of OCSO Policy 11.05 (14), Conformance to Laws, and is hereby **SUSTAINED**.

