

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 0:23-cr-60170-RNS-1

UNITED STATES OF AMERICA, Miami, Florida
Plaintiff, June 4, 2024
vs.
ALEXANDRA ACOSTA,
Defendant. Pages 1 to 31

EXCERPT FROM JURY TRIAL
(TESTIMONY OF JOANA HELY)
BEFORE THE HONORABLE RONALD N. SCOLA
UNITED STATES DISTRICT JUDGE

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9 I N D E X

10 WITNESS

Direct Cross Red.

11 JOANA HELY

12 By Mr. Love

3

13 By Mr. Silber

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1 (The following is an excerpt from the jury trial proceedings:)

2 * * * * *

3 MR. LOVE: Your Honor, the Government calls Joana Hely.

4 Thereupon:

5 JOANA HELY

6 Was called as a witness and, having been duly sworn,

7 was examined and testified as follows:

8 THE WITNESS: I do.

9 THE COURT: Please be seated and pull yourself up close
10 to the microphone. You can move the microphone left, right,
11 back and forth. And, when you are ready, please tell us your
12 name, and spell your last name.

13 THE WITNESS: Joana Hely, H-E-L-Y.

14 THE COURT: Thank you.

15 DIRECT EXAMINATION

16 BY MR. LOVE:

17 Q. Good morning.

18 A. Good morning.

19 Q. Ms. Hely, where do you currently work?

20 A. Broward County Sheriff's Office Human Resources.

21 Q. And how long have you worked for the Broward County
22 Sheriff's Office?

23 A. 31 years.

24 Q. Is it commonly referred to as BSO?

25 A. Yes.

1 Q. And what position do you currently hold?

2 A. Classification and compensation manager.

3 Q. What are the duties and responsibilities in that role?

4 A. Managing the activities for on-boarding and new employees,
5 maintaining their personnel payroll history throughout their
6 career, maintaining their personnel file and then, ultimately,
7 processing the paperwork when the employee separates.

8 Q. How long have you maintained that role?

9 A. 20-plus years.

10 Q. Are you familiar with the BSO's human resource records as a
11 result of your holding that role?

12 A. Yes.

13 Q. And, does BSO keep personal records of all its employees?

14 A. Yes.

15 Q. And, does that include those employees that are deputy
16 sheriffs?

17 A. Yes.

18 Q. Does BSO maintain policies and procedure manuals?

19 A. Yes.

20 Q. Generally speaking, what are those policies and procedure
21 manuals?

22 A. It is the policies that the employees are responsible for
23 following.

24 Q. Is that manual accessible for all employees of BSO?

25 A. Yes, it is.

1 Q. How is it accessible?

2 A. It is maintained on the BSO Informant. It is a website
3 where the employees have access to review.

4 Q. Does BSO provide training on the manual?

5 A. Yes. When an employee is on-boarded, when they are
6 new-hire into the Sheriff's Office, human resources reviews
7 with the employee the Sheriff's Office policy manual.

8 Q. Who conducts the training, specifically?

9 A. Human Resources.

10 Q. Does BSO require employees to acknowledge the training in
11 any sort of way?

12 A. Yes, they have to acknowledge it.

13 Q. How?

14 A. They have to sign off that they have seen the policies and
15 procedures.

16 Q. And, does BSO's policies require personnel records be kept?

17 A. Yes.

18 Q. And HR has access to them?

19 A. Yes.

20 Q. What is the -- what is the record called for an individual
21 employee?

22 A. A personnel file.

23 MR. LOVE: Your Honor, I have Government's Exhibit 300,
24 which I would like to mark for identification, just for the
25 witness, please.

1 (Government's Exhibit No. 300 was marked for
2 Identification.)

3 THE COURT: Are your screens off?

4 MR. LOVE: They should be off, right.

5 THE COURT: Go ahead.

6 MR. LOVE: Thank you, your Honor.

7 BY MR. LOVE:

8 Q. Miss Hely, do you recognize the exhibit that is in front of
9 you?

10 A. Yes.

11 Q. And, did you have an opportunity to review the exhibit
12 before testifying today?

13 A. Yes.

14 Q. And what is this exhibit?

15 A. It is an employee action history report.

16 Q. And who is this employee action history report for?

17 A. Alexandra Acosta.

18 Q. And, is this the report that was maintained in her employee
19 personnel file?

20 A. Yes.

21 MR. LOVE: Your Honor, I move to admit what was
22 previously identified as Government's Exhibit 300 into
23 evidence.

24 MR. SILBER: No objection, your Honor.

25 THE COURT: Okay. That will be received in evidence.

1 (Government's No. 300 was received in Evidence.)

2 MR. LOVE: And, if I could present that to the jury?

3 MR. SILBER: Your Honor, I need to clarify.

4 The only thing that we would do is renew our previously
5 made motion to the records. So, we maintain a contemporaneous
6 objection; but, beyond that, as to authentication, for
7 instance, we don't object.

8 THE COURT: So, I will continue to overrule the
9 objection that was previously made.

10 All right.

11 Can you see it now?

12 PANEL IN UNISON: Yes.

13 THE COURT: Okay.

14 MR. LOVE: Thank you, your Honor.

15 BY MR. LOVE:

16 Q. Ms. Hely, I want to highlight some portions of this
17 document. At the top, can you please describe what it is that
18 we are looking at?

19 A. It is an employee action history report for Alexandra
20 Acosta.

21 Q. And what other information is contained on there?

22 A. The employee's ID number, their hire date.

23 Q. Where is the employee's ID number?

24 A. Top left.

25 Q. Is that the one that says, EMPLID?

1 A. Yes.

2 Q. Do any two employees have the same employee ID number?

3 A. No.

4 Q. How is this report organized?

5 A. It is chronological from the bottom, up. The most recent
6 is up on the top.

7 Q. Looking at the bottom of the exhibit on Page 1, on the
8 first line, what does that first line indicate?

9 A. It is the employee, Ms. Acosta's hire date, denoted as
10 June 3, 2013.

11 Q. And, what was the position or job classification she was
12 hired for?

13 A. Deputy, Sheriff Department's Law of Law Enforcement.

14 Q. And based on your knowledge as a human resource officer, is
15 a deputy sheriff a sworn law enforcement officer?

16 A. Yes.

17 Q. Moving up to lines 9 through 16, what is the job
18 classification that Ms. Acosta held?

19 A. Deputy sheriff-daily department of law enforcement.

20 Q. And where was she assigned?

21 A. The International Airport.

22 Q. And, what does that refer to?

23 A. The work location.

24 Q. So, the training on the BSO manual that we refer to would
25 have occurred in what year?

1 A. In 2013.

2 Q. Does the Broward Sheriff's Office maintain a policy
3 regarding off-duty employment?

4 A. Yes.

5 Q. What is off-duty employment?

6 A. Off-duty employment is any outside activity that an
7 employee is performing outside of their daily responsibilities
8 at the Broward Sheriff's Office.

9 Q. And, does BSO the policies and procedures manual that we
10 referred to earlier address the off-duty employment policy?

11 A. Yes.

12 Q. When does an employee need to seek off-duty employment
13 approval?

14 A. At the time that they want to get approval to start that
15 employment.

16 Q. Can you describe for the jury that process, if an employee
17 wants to work off-duty?

18 A. They would come in for the form and they would print off
19 the form, the off-duty employment form. And, they would
20 complete the form, the information outlined on the form; the
21 type of business, the contact information for that business,
22 what they will be doing for that particular business, and then
23 it needs to go through their chain of command for approval.

24 Q. Does HR get involved in that process?

25 A. We don't. We don't review the forms for approval.

1 Q. Do you receive the forms?

2 A. We receive the forms.

3 Q. After you receive the forms, what is it that you do with
4 them?

5 A. We place them in the employee's personnel file.

6 Q. Does an employee need to renew their form?

7 A. Yes. The form sunsets at the end of every calendar year.

8 It has -- it basically expires December 31st, and a new form
9 needs to be completed for the new and upcoming calendar year.

10 Q. So, if somebody were to fill out a form on December 28th of
11 a certain year, it would end on that -- the end of that
12 calendar year?

13 A. Right.

14 Q. And, they would have to start another one the next year?

15 A. Correct.

16 Q. Did this policy exist in 2018?

17 A. Yes.

18 Q. And in 2019?

19 A. Yes.

20 Q. And how about the years 2020 and 2021?

21 A. Yes.

22 Q. Does the policy get updated?

23 A. Yes.

24 Q. How often?

25 A. Depends upon review. If there is things in the policy that

1 need to be updated, it will be updated.

2 Q. When the policy is updated, is there a new issuance of the
3 policy?

4 A. Yes.

5 Q. Are employees informed?

6 A. Yes.

7 Q. And how are they informed?

8 A. They will receive an email that they need to -- that there
9 has been a policy update, and they need to go in and review
10 that policy and acknowledge that they have received it and
11 reviewed it.

12 Q. What email is used for them to receive the email?

13 A. Their employee BSO email.

14 Q. And, when they go into the email, how do they acknowledge
15 it?

16 A. They go in and acknowledge that they have reviewed it, and
17 then you have to click on it to sign for it.

18 Q. After that form is completed, is that form maintained in
19 the employee's personnel file?

20 A. Yes.

21 Q. Is it ever destroyed or deleted?

22 A. No.

23 MR. LOVE: Your Honor, I have, for identification,
24 Government's Exhibit 301 through 303.

25 Based on the discussions with defense counsel, I move

1 to admit those into evidence.

2 MR. SILBER: Your Honor, same comment; we renew our
3 previously made objections, but do not object as to
4 authenticity of the documents.

5 THE COURT: All right. So, those will be admitted over
6 objection.

7 (Government's No. 301 was received in Evidence.)

8 (Government's No. 302 was received in Evidence.)

9 (Government's No. 303 was received in evidence.)

10 BY MR. LOVE:

11 Q. Ms. Hely, did you have an opportunity to review
12 Government's Exhibits 301 through 303 before coming in today?

13 A. Yes.

14 Q. And, generally speaking, what are those three exhibits?

15 A. The employees' outside employment forms.

16 Q. I just want to display 301 for you.

17 Do you recognize this?

18 A. Yes.

19 Q. What is this?

20 A. This is the Sheriff's policy manual, the off-duty and extra
21 duty employment policy.

22 Q. And, I want to direct your attention to the bottom of
23 Page 1 of Government's Exhibit 301. What is depicted that is
24 highlighted here for you?

25 A. It is the policy, the effective date of the policy.

1 Q. And, we see three other dates in addition to -- can you
2 please describe to the jury what those relate to?

3 A. There is a review date, a revised date, a rescind date and
4 then an effective date.

5 Q. So, the review date -- what does that mean?

6 A. The policy was reviewed for determination if there needed
7 to be any changes.

8 Q. Does that correlate to the next date you see to the right,
9 which says "revised?"

10 A. Yes.

11 Q. Explain Government's Exhibit 302.

12 A. So, again, moving to the bottom of the page, 1 of 302, we
13 have similar dates here.

14 Q. Can you describe how these dates impact the previous dates
15 that we discussed?

16 A. There is a new review date, a new revision date, a
17 rescinding date and then a new effective date.

18 Q. And so what date was this effective?

19 A. 3-1-2020.

20 Q. And, moving to Government's Exhibit 303, directing your
21 attention -- excuse me, attention to the bottom of Page 1, what
22 is -- what are we reviewing here?

23 How does it relate to the other dates?

24 A. There's a new review day, a revision date, a rescind date,
25 and a new effective date.

1 Q. Comparing 301, 302, and 303, are there any significant
2 changes for the off-duty and extra duty employment portion of
3 the policy manual?

4 A. No.

5 Q. I want to direct your attention to Section 316, subsection
6 A at the top of Page 1 of Government's Exhibit 303. Can you
7 please read this section that I have highlighted to the jury?

8 A. "3.16, Off-Duty and Extra Duty Employment. A, it is the
9 policy of the agency to permit employees to avail themselves to
10 work in legitimate activities outside the scope of their duties
11 at the Broward Sheriff's Office or in extra sworn assignments
12 beyond normal duty or overtime hours. Florida Statute
13 management rights and applicable accreditation standards permit
14 the sheriff to place requirements and restrictions on this
15 activity as described in this policy. The Department of
16 Professional Standards will be responsible for coordinating the
17 administrative requirements of this policy."

18 Q. Then I want to drop down to Page 1 of this exhibit, to
19 subsection C-1.

20 Ms. Hely, what does this section refer to?

21 A. The off-duty, off-duty employment, the purpose of the
22 policy.

23 Q. And, can you please read that for the members?

24 A. "For the purposes of this policy, No. 1, off- employment
25 will refer to any activity undertaken by a BSO employee outside

1 the scope, responsibilities, working hours and colors of the
2 Broward Sheriff's Office, including employees who are members
3 on external boards, commissions, et cetera; public, private, or
4 nonprofit, whether compensated or not.

5 "For sworn deputy sheriffs, the ability to exercise law
6 enforcement powers may not be a condition for employment, and
7 employment will not provide any real or implied law enforcement
8 benefit to the employer.

9 "Further discussion of off-duty employment follows in
10 Section 3.16.1.

11 Q. And then, moving to Section 3.16.1, which is going to be
12 Page 3, and Ms. Hely, directing your attention to the bottom of
13 Page 3, subsection G, I am going to highlight that for you.
14 What does this pertain to?

15 A. It is the off-duty employment request form.

16 Q. Is that the form that you referred to earlier?

17 A. Yes.

18 Q. And, under G-1, is that the form number?

19 A. Yes. "Employees will complete the off-duty employment
20 request form, which is BSO RP number 45."

21 Q. Moving to the top of the fourth page, what is depicted that
22 is before you at the top of the page, number 8, as in letters
23 A, B, C, D?

24 A. When you are -- it is the criteria for when you need to
25 complete the form.

1 Q. And what is some of the criteria?

2 A. When you are requesting to approve for off-duty employment,
3 when you are changing any information for the off-duty employer
4 or the employer address, telephone number, if you are changing
5 the type of work that you are going to be performing.

6 Q. And, I want to direct your attention to where it says,
7 "Note."

8 Can you please read that to the jury?

9 A. "Note: Self-employed employees will complete an off-duty
10 employment request form for each separate business activity,
11 i.e., lawn service business and plumbing business.

12 Q. And then, moving to subsectionn 4 on the same page, does
13 this refer to that sunset provision you spoke about earlier?

14 A. Yes.

15 Q. If an employee has an ongoing business, does it mean they
16 have to renew their off-duty employment form every year?

17 A. Every year.

18 Q. Do these guidelines help an employee determine whether they
19 need to apply for off-duty employment approval?

20 A. Yes.

21 Q. What about if an employee is not sure whether something
22 qualifies for off-duty employment?

23 A. Per the policy, they need to have their supervisor evaluate
24 with them to determine if it follows the policy.

25 Q. Before testifying today, did you said you had an

1 opportunity to review the personnel files for Ms. Acosta?

2 A. Yes.

3 Q. And, were you able to locate off-duty employment forms for
4 her?

5 A. Yes.

6 Q. What years were those off-duty employment forms for?

7 A. 2016, 2017, and 2018.

8 MR. LOVE: Your Honor, I have what was marked as
9 Government's Exhibits 304, 305, and 306. I believe, based on
10 previous conversations with defense counsel, we would move to
11 admit those.

12 MR. SILBER: I am sorry, your Honor. I was conferring
13 with my client.

14 Which exhibit are you referring to?

15 MR. LOVE: 303, 304, 305 and 306.

16 MR. SILBER: Your Honor, same renewal of our previously
17 made objection; however, we do not object to the authenticity.

18 THE COURT: I will overrule the objection, and those
19 will be admitted into evidence.

20 (Government's No. 303 was received in Evidence.)

21 (Government's No. 304 was received in Evidence.)

22 (Government's No. 305 was received in Evidence.)

23 (Government's No. 304 was received in Evidence.)

24 BY MR. LOVE:

25 Q. Ms. Hely, I am displaying Government's Exhibit 304 for you.

1 Do you recognize this?

2 A. Yes.

3 Q. And what is this?

4 A. This is an off-duty employment form.

5 Q. Who is it for?

6 A. For Ms. Acosta.

7 Q. And, for what business is this off-duty employment form
8 for?

9 A. The business name is Keller Williams Realty Partners, SW.

10 Q. And, for what year does this form pertain to?

11 A. 2016.

12 Q. And, you mentioned earlier about an approval process. I am
13 directing your attention to the bottom of Page 1. Is this the
14 approval process that you were referring to earlier?

15 A. Yes.

16 Q. Moving to Government Exhibit 305. And, again, the same
17 questions.

18 Who is this form for?

19 A. Alexandra Acosta.

20 Q. And, for what year does this pertain to?

21 A. 2017.

22 Q. And, for what business?

23 A. The Keller Williams Realty Partners, SW.

24 Q. And, moving to Government Exhibit 306, what form -- excuse
25 me. Whose form is this?

1 A. Alexandra Acosta.

2 Q. And that is for what year?

3 A. 2018.

4 Q. And for what business?

5 A. Keller Williams Realty Partners SW.

6 Q. Okay. Do each of these forms have a certification?

7 A. Yes.

8 Q. Is that the certification that you were referring to?

9 A. Yes. It is acknowledging the policy.

10 Q. Could you please read that for the jury?

11 A. Sure. "I understand if this request is approved, it is

12 valid only for the employer, employer address, telephone

13 number, type of work and work schedule outlined in this form.

14 "I also understand that off-duty employment is a privilege

15 and not a right. This will include employees who sit on

16 external boards and commissions; public, private, or nonprofit,

17 whether compensated or not.

18 "I agree that I will obtain and maintain all appropriate

19 state, County, and/or city approvals, licenses, et cetera, as

20 applicable.

21 "I further understand that the sheriff reserves the right

22 to approving deny, suspend, or revoke this request at any time

23 for any reason.

24 "I have read and understand the policies as outlined in

25 Section 3.16 of the Sheriff's policy manual, and agree to abide

1 by them.

2 "I understand that this request expires on December 31st of
3 each year.

4 "Once employment is terminated, I must submit an off-duty
5 termination form, BSO RP number 45B.

6 "I also understand that my failure to do so may result in
7 revocation of this off-duty employment request and/or
8 disciplinary action.

9 Q. What is the off-duty termination form?

10 A. It is the form number RP45 B.

11 Q. And, what does it relate to?

12 A. It is -- it is completed by the employee when they are no
13 longer going to perform outside employment work.

14 MR. LOVE: Your Honor, if I could have a moment,
15 please?

16 THE COURT: Yes.

17 BY MR. LOVE:

18 Q. Ms. Hely, did you receive any off-duty employment
19 termination forms within the personnel file for Ms. Acosta?

20 A. No.

21 Q. And, were you able to find off-duty forms for her on 2019?

22 A. No.

23 Q. 2020?

24 A. No.

25 Q. And 2021?

1 A. No.

2 MR. LOVE: No further questions, your Honor.

3 THE COURT: All right.

4 Cross-examination?

5 MR. SILBER: Thank you, your Honor.

6 CROSS-EXAMINATION

7 BY MR. SILBER:

8 Q. Good morning?

9 A. Good morning.

10 Q. Hello, Ms. Hely. Thank you for coming today. Good
11 morning. I just have a couple of questions.

12 Ms. Acosta was hired June 3, 2013; is that correct?

13 A. Yes.

14 Q. Okay. And, my understanding is that when a new employee is
15 hired, they would sign for the policy manual that they received
16 it?

17 A. Yes, yes.

18 Q. Okay. Today, we addressed only a handful of policies that
19 the agency has; correct?

20 A. Yes.

21 Q. I imagine there are many others, right?

22 A. Yes.

23 Q. Can you --

24 THE COURT: Mr. Silber, if you are not going to be at
25 the microphone, you need your lapel mic.

1 MR. SILBER: Sorry, I apologize.

2 THE COURT: The lavalliere microphone.

3 MR. SILBER: I forgot.

4 THE COURT: It is okay.

5 BY MR. SILBER:

6 Q. All right. Can you tell how many policies and regulations
7 BSO has?

8 A. Not by number, no.

9 Q. Well, if you were to print them out, would it be about this
10 big?

11 A. It is a large --

12 Q. It is a huge binder, right?

13 A. Yes.

14 Q. And, in fact, when people do a public records request for
15 regulations, it is so big you give them a CD instead of
16 printing it, correct?

17 A. I am not familiar with that.

18 Q. You don't work in public records, right?

19 A. No.

20 Q. Okay. Sorry. We saw that there is a number of policies
21 revisions, and you discussed that in your testimony. Can you
22 tell us how many policy revisions as to this regulation were
23 made between 2013 and 2021?

24 A. No.

25 Q. And, when a policy change is made, is there any explanation

1 for the change in policy?

2 A. There is -- on the website, there is -- it is put in
3 legislative format so the employees can see what the change
4 was.

5 Q. Okay. But, how does the agency make sure they actually
6 read it?

7 A. They -- the employee has to acknowledge receipt and
8 electronically sign it.

9 Q. Okay. And, can you tell me, in terms of the enforcement
10 and applicability of the policy, let's say I am a deputy, and I
11 want to go work as a realtor or landscaper on my off-duty time.
12 Who would I submit the form to?

13 A. To the employees' chain of command.

14 Q. And that, for the someone, that would probably be their
15 sergeant; correct?

16 A. Whatever their chain of command is.

17 Q. So, whoever the higher-ranking person is that they answer
18 to?

19 A. Correct, their supervisor.

20 Q. So, if -- let's say I am a sergeant, I might give it to my
21 lieutenant; correct?

22 A. Correct.

23 Q. And, if I am a road patrol deputy. I would give it to my
24 sergeant; correct?

25 A. Yes.

1 Q. And, in terms of the roles of these supervisory positions,
2 it's that person's job -- let's say sergeant, for instance, to
3 be informed of what their people under them are doing; is that
4 correct?

5 A. Yes, yes.

6 Q. Okay. And the sergeant would interact with the employees
7 when issues come up, "I would like to go work, I like to do
8 whatever," correct?

9 A. Correct.

10 Q. Would you agree that even though BSO has all kinds of
11 regulations on everything, some regulations are more strictly
12 enforced, whereas others are a little bit more casual?

13 A. A policy -- all policies are important.

14 Q. I didn't say they were unimportant, but -- they are
15 definitely important, but there are different regulations for
16 different things, and they have different levels of importance;
17 correct?

18 A. Okay. Yes.

19 Q. For example, I would imagine that safe handling of firearms
20 must have a regulation by BSO; correct?

21 A. Correct.

22 Q. For instance, before an officer is allowed to go and patrol
23 the streets with a gun, the agency makes sure that they are
24 qualified in the use of that firearm; correct?

25 A. Correct.

1 Q. And, I am -- I would bet your training division is all over
2 that, and makes sure there isn't one single deputy on the road
3 who doesn't know how to use a gun, right?

4 A. Correct.

5 Q. By contrast, this is a form that I would just hand to my
6 sergeant, and deal informally with my sergeant; correct?

7 A. For approval, yes.

8 Q. Okay. Very different than regulations that control use and
9 safety of a firearm, right?

10 A. Again, it is a policy. It needs to be followed.

11 Q. I didn't -- I didn't suggest it didn't need to be followed.
12 What I am asking you is there is a difference in the level of
13 importance and enforcement amongst different regulations;
14 correct?

15 A. Okay, yes.

16 Q. Are you aware that there is an understanding among many
17 employees that they only have to submit this form for each of
18 their commands as opposed to on an annual basis?

19 Have you heard of that?

20 A. No.

21 Q. Okay. And, the prosecutor, in his direct examination,
22 showed us a portion where it says, "It is this agency's policy
23 that an employee can work in a legitimate work."

24 Do you remember what I am talking about?

25 He blew up a -- I will just show you.

1 Your Honor, can you turn on the --

2 THE COURT: It is on.

3 MR. SILBER: Thank you.

4 BY MR. SILBER:

5 Q. I will move on from that.

6 Let me ask you this question directly. This is what I
7 am getting at. There is nothing illegal or improper, assuming
8 a person filled out the form, right, for a deputy to have
9 outside employment in their off-duty hours; correct?

10 A. Correct.

11 Q. And, let's say a deputy didn't fill out the form one year
12 and they filled it out the other years, as is the case here.
13 There is not necessarily something that would be punished
14 severely, would it?

15 They might be just reprimanded a little bit, told to do it
16 better next time.

17 Am I right about that?

18 A. Well, that is a policy violation, not completing the form.

19 Q. All right. A policy violation is different than a
20 regulation violation, right?

21 A. I don't -- I don't understand the difference.

22 Q. It might be outside your area.

23 And, for the years that Ms. Acosta did, in fact, submit
24 this form, this is something that is approved by a lot of
25 people in the chain of command; correct?

1 A. Correct.

2 Q. Okay. I am showing you what was previously admitted as
3 Government's Exhibit 304 and 305.

4 Do you see that; correct?

5 A. Yes.

6 Q. With that 2016?

7 A. Yes.

8 Q. Okay. So, let's look at these names here. It looks like a
9 colonel, colonel Pollack, another one, right, Lieutenant
10 Colonel Polan, Major Holmes, Captain Brooks, Lieutenant Kuker,
11 I think, and it looks like Sergeant Cremidis; is that right?

12 A. Yes.

13 Q. Okay. So, all these people reviewed this, were made aware
14 that she was a part-time realtor, and approved it; correct?

15 A. Yes.

16 Q. Okay. Same thing over here, right?

17 This is the other form.

18 Colonel Dilto or Doto. I am not sure what that says.

19 Do you recognize that?

20 A. Colonel Dale.

21 Q. Oh, Dale. Thank you.

22 Lieutenant Colonel Polan. It looks like this one is
23 missing. Major Holmes, Captain Brooks, Sergeant Frank,
24 Sergeant Cremidis, right?

25 A. Yes.

1 Q. All these people knew she was working in real estate and
2 authorized; correct?

3 A. Yes.

4 Q. Now, isn't it true that it is common and very frequent
5 amongst law enforcement officers for people to have off-duty
6 employment?

7 A. Yes.

8 Q. In fact, there's a lot of employees at BSO who work as
9 realtors, landscapers, plumbers, and have side businesses;
10 correct?

11 A. Yes.

12 Q. Okay. So, there is nothing inappropriate about having the
13 outside work, is there?

14 A. No.

15 MR. SILBER: Your Honor, if I could just have a second
16 to confer with my client.

17 THE COURT: Yes.

18 BY MR. SILBER:

19 Q. Can you tell us, if you know, how many times or how many
20 employees have you ever heard of being disciplined for failing
21 to submit this form?

22 A. I wouldn't know that information.

23 Q. Well, in human resources, you would know if an employee was
24 terminated or suspended, wouldn't you?

25 A. Just through a termination form.

1 Q. Okay. And when you get a termination form, does it tell
2 the reason why that person is terminated?

3 A. It may -- might have different policy violations.

4 Q. Okay. But, in 31 years, can you tell me any employee who
5 was terminated for this?

6 A. Not that I am -- familiar with.

7 Q. Okay. But, you work in human resources, and you hear when
8 such employee did something wrong, is getting in trouble; this
9 one is getting fired; this one is getting demoted. You must
10 hear about that, correct?

11 A. Yes.

12 Q. That is exactly the office you work in; correct?

13 A. Yes.

14 Q. Okay. And, in your 31 years, have you ever heard of a
15 deputy getting suspended because they didn't fill out a
16 form one year, but they filled it out other years?

17 A. There is a disciplinary process if somebody doesn't
18 complete the form.

19 Q. I understand that. But, have you ever heard of it in human
20 resources?

21 A. I have not. Not off the top of my head, no.

22 Q. So, you would say this is unusual?

23 A. There could be a counseling. There could be a disciplinary
24 process if someone doesn't complete the form. I am just not
25 familiar with the particular case.

1 Q. But, you would agree with me that if you heard an employee
2 got terminated, demoted, or suspended for not filling out this
3 little form, that would be unusual to you because you never
4 heard it before, right?

5 A. I don't know the answer to that.

6 MR. LOVE: I don't have anything further for this
7 witness, your Honor.

8 THE COURT: All right.

9 Any redirect?

10 MR. LOVE: No, your Honor.

11 THE COURT: All right.

12 Thank you. Ma'am, you can be excused.

13 (Witness Excused.)

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C E R T I F I C A T E

I hereby certify that the foregoing is an
accurate transcription of the proceedings in the
above-entitled matter.

<u>August 8, 2024</u>	<u>/s/Sharon Velazco</u>
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	Official Court Reporter
	United States District Court
	400 North Miami Avenue
	8th Floor
	Miami, Florida 33128

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