

'He Said, She Said' Plagues Town Lawsuit

DUI, from Page 1A

without O'Connor's knowledge, undermining the effectiveness of Town operations and acting unprofessionally in June during meetings, and insubordination and refusal to perform work assigned, and discourteous and argumentative language and conduct shown to O'Connor personally or in the presence of co-workers.

Following are excerpts taken from the court reporter's transcripts of the hearing as the case between the Town of Longboat Key and April Wood unfolds:

John Kintz, witness and former Longboat Key Police Chief; direct examination by Robert Turfffs, attorney for April Wood

TURFFS: At some point did you have an employment relationship with this fragile barrier island we're sitting on?

KINTZ: I certainly did, for almost 22 years.

TURFFS: And what did you do for them?

KINTZ: I was — when I left I was the chief of police.

TURFFS: Okay. And at what point in time did you cease being in that position?

KINTZ: It would have been in November of 2003.

TURFFS: Okay. Now, during the time that you were chief of police, did you happen to know April Wood?

KINTZ: Yes, I did.

TURFFS: And do you recall if there was a time that came about when April Wood was applying for permanent employment — Well, do you recall whether she was applying for permanent employment

with the city or the town?

KINTZ: I don't recall specifically, but I do recall that she was applying for permanent employment.

TURFFS: And do you recall if one of your deputies, one of your officers, Mislyan, came to you with an issue concerning her potential employment?

KINTZ: Yes, he did.

TURFFS: And what was that issue?

KINTZ: Miss Wood — I believe her name was Arnold at that time. I don't believe she was — I don't believe she was actually married at that time, so we knew her as April Arnold. She was working. I believe as a temp for the town. Officer Mislyan came into my office, met with myself and my deputy chief at the time, Martin Sharkey, and was upset, was saying that he had heard through the grapevine that the town was looking at hiring April and he was upset because he had arrested her for a DUI and that she was going to be working in personnel and he had some concerns that since he had arrested her and then having access to files, he was just voicing his concern that could be a conflict and a point of contention.

TURFFS: And, what did you do in response to his concerns?

KINTZ: I made a copy of the police report and met with the hiring manager that was looking at hiring her and the town manager and gave them a copy of the report.

TURFFS: And, who was the town manager at that time?

KINTZ: Mr. (Bruce) St. Denis.

TURFFS: And was this prior to April (Arnold) actually being hired?

KINTZ: That's correct.

TURFFS: And some — am I correct you informed them about the fact, in fact, there had been a DUI?

KINTZ: Made a copy of the police report and gave that to them. There was a brief conversation and I believe the hiring manager, Deborah Heger at the time, was, you know, just asking what my feeling was if there was a conflict. And, I personally didn't see that it was a conflict, that, you know, it was a youthful mistake and it was something that, you know, she would be hired under a probationary status and, you know, it could be monitored if there was an issue that came up, you know, during that period of time, but I didn't see that it was a conflict. I didn't have the same opinion that Officer Mislyan had.

TURFFS: Did you have any discussion with anyone, April, the town manager, the hiring person, about what April had put on her employment application as to the DUI, if anything?

KINTZ: I never saw the application.

TURFFS: Okay. But in sum, there was a full disclosure of the issue of the DUI prior to April —

ALLEN (Jane O'Connor's attorney): Object. Leading.

TURFFS: - being employed? Prior to her employment, you told Bruce St. Denis about it; correct?

KINTZ: And, I provided a copy of the police report that our agency had arrested her for DUI —

TURFFS: Thank you.

John Kintz, witness and former Longboat Key Police Chief; cross examination by W.Reynolds Allen, attorney for Town of Longboat Key

ALLEN: What's a traffic violation?

KINTZ: Traffic violation, criminal traffic or an infraction? There is — there is a couple of different — there is a couple of different definitions of a traffic violation. Running a stop sign, speeding, not using your turn signals, those would be civil infractions. That would be where you're caught speeding, you pay a civil fine. Reckless driving, DUI, a whole host of other things would be considered a criminal traffic. So, you've got two clas-

sifications of a traffic offense, civil and criminal.

ALLEN: So a DUI is a crime?

KINTZ: A DUI would be a criminal traffic, correct.

ALLEN: Okay. Thank you. In your discussions with the captain — what's the officer's name?

KINTZ: Steve Mislyan.

ALLEN: And what was his position at the time? Do you remember?

KINTZ: I don't recall what his rank was at the time. He was the arresting officer on the DUI.

ALLEN: Did he describe to you also that he had difficulty arresting April?

KINTZ: I recall that there was — I recall that there was a verbal altercation, but as far as remembering exactly what all the particulars were about the arrest, I don't recall. I know that there was — I know that there was a verbal altercation between he and the — and April.

ALLEN: Well, you know what happens in your department I would assume when you were the chief?

KINTZ: Correct.

ALLEN: So I assume you knew that she was charged with obstruction and opposing an officer without violence and charged with a first degree misdemeanor by your officer?

KINTZ: That could very well be. I — I don't have any recollection particularly of what all she was charged with.

ALLEN: And do you know that she surrendered her bond, part of her bond?

TURFFS: Objection. That's not in evidence and it didn't happen.

ALLEN: It's cross-examination. (To Kintz) Do you know or not?

KINTZ: I don't know.

ALLEN: Did you review the document — Where did you get the documents you handed to the city manager?

KINTZ: From our records department.

ALLEN: From your records department. So those records should reveal what she was arrested for, what she was charged with?

KINTZ: Correct.

ALLEN: And the results; is that correct?

KINTZ: That's correct.

ALLEN: Okay, no further questions.

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