

OFFICE OF THE FULTON COUNTY DISTRICT ATTORNEY

Atlanta Judicial Circuit
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PAUL L. HOWARD, JR.
District Attorney



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January 30, 2007

Gwendolyn Keyes-Fleming
District Attorney
DeKalb County District Attorney's Office
556 North McDonough Street, 7th Floor
Decatur, GA 30030

Re: Investigation of former DeKalb County Solicitor General's Office Investigator Gaetano "Guy" Antinozzi.

Dear District Attorney Keyes-Fleming:

Pursuant to your predecessor's request to the Attorney General's Office and the Georgia Bureau of Investigation, this office has completed an independent investigation of the alleged criminal actions of former DeKalb County Solicitor General's Office Investigator Gaetano "Guy" Antinozzi. The primary allegation in this case is that Investigator Antinozzi, while employed by the DeKalb County Solicitor General's Office, took advantage of his "flex hour work schedule" and either did not work the required number of hours per week or worked at an extra job at Agnes Scott College when he should have been working for the DeKalb County Solicitor General's Office. Additionally, there are allegations that when confronted about this matter, Investigator Antinozzi responded untruthfully.

After reviewing all witness interviews, documents and other evidence compiled during this investigation, I find that there is insufficient evidence to prove beyond a reasonable doubt that Investigator Antinozzi engaged in any criminal activity; there is no legal basis for submission of this matter to a grand jury. I recommend closing the matter without any further action.

During the course of this investigation, twelve (12) supervisors, co-workers and colleagues of Investigator Antinozzi at the DeKalb County Solicitor General's Office and DeKalb County District Attorney's Office were interviewed by this office. In addition to witness interviews, the following documents and other items of evidence were obtained and reviewed; Investigator Jason Hammer's Report of the Investigation; Investigator Antinozzi's Personnel File; DeKalb County time sheets and after hours employee sign in sheets; a July

16, 2004 recorded telephone conversation between Investigator Hammer and Investigator Antinozzi; and several e-mail messages sent and received by Solicitor General LaGrua, Investigator Hammer and Investigator Antinozzi. Additionally, Investigator Antinozzi, while accompanied by his attorney, participated in a lengthy interview. Based on all of the above material, I was able to reach several conclusions regarding the possibility of criminal charges in this case.

Based on the allegations against Investigator Antinozzi, I identified three potential charges regarding this case:

1. *Theft by Taking by a Government Employee, O.C.G.A. §16-8-2 and §16-8-12(a)(3)*

A person commits the offense of theft by taking when he unlawfully takes or, being in lawful possession thereof, unlawfully appropriates any property of another with the *intention* of depriving him of the property, regardless of the manner in which the property is taken or appropriated.

2. *Theft by Deception by a Government Employee, O.C.G.A. §16-8-3 and §16-8-12(a)(3)*

(a) A person commits the offense of theft by deception when he obtains property by any deceitful means or artful practice with the *intention* of depriving the owner of the property

(b) A person deceives if he intentionally:

- (1) Creates or confirms another's impression of an existing fact or past event which is false and which the accused knows or believes to be false;
- (2) Fails to correct a false impression of an existing fact or past event which he has previously created or confirmed;

(c) "Deceitful means" and "artful practice" do not, however, include falsity as to matters having no pecuniary significance, or exaggeration by statements unlikely to deceive ordinary persons in the group addressed.

3. *Violation of Oath by Public Officer, O.C.G.A. § 16-10-1*

Any public officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

In analyzing the facts of the case in light of these potential charges, our investigation uncovered five major impediments that would be encountered in pursuing criminal charges under the circumstances of this case:

1. The evidence regarding the question of who actually authorized the initial investigation of Investigator Antinozzi is unclear.
2. Investigator Antinozzi was explicitly authorized by his supervisors, including former Solicitor General Keyes-Fleming to utilize a flex hour work schedule prior to July 13, 2004.
3. There is conflicting evidence as to whether anyone informed Investigator Antinozzi that he was no longer authorized to maintain a flex hour work schedule after July 13, 2004.
4. Due to the fact that Investigator Antinozzi received prior permission to complete a flex hour work schedule from the former Solicitor General, as well as the lack of clarity involved in terminating the very same flex schedule by the then current Solicitor General, it is unreasonable to characterize his conduct as criminal.
5. Mr. Antinozzi's personnel file, evaluations and statements of former supervisors reflect that he was an outstanding employee.

1. THE EVIDENCE REGARDING THE QUESTION OF WHO ACTUALLY AUTHORIZED THE INITIAL INVESTIGATION OF INVESTIGATOR ANTINOZZI IS UNCLEAR.

FACTS

- From July 7, 2004 to August 5, 2004, Investigator Jason Hammer of the DeKalb County District Attorney's Office conducted an investigation of Investigator Antinozzi. Hammer characterized this inquiry as an "internal investigation for the Solicitor's Office."
- In an interview conducted on July 14, 2005, Investigator Hammer stated that prior to commencing his investigation, he attended a meeting with then DeKalb County District Attorney Jeffrey Brickman and then Assistant District Attorney Shawn LaGrua. At that time, Ms. LaGrua was still employed by the DeKalb County District Attorney's Office. Ms. LaGrua was later appointed to the position of DeKalb County Solicitor General on July 19, 2004. Investigator Hammer would later assume the position of Chief Investigator for Ms. LaGrua at the DeKalb County Solicitor General's Office on July 19, 2004. At this meeting, according to Hammer they (LaGrua, Hammer and Brickman) discussed the need for an investigation of Investigator Antinozzi and according to Investigator Hammer, District Attorney Brickman expressly authorized the investigation.

- During an interview conducted on July 29, 2005, with the office, Solicitor General LaGrua stated that DeKalb County District Attorney Brickman and DeKalb County Chief Assistant District Attorney John Petrey were aware of the issues involving Investigator Antinozzi and the commencement of an investigation.
- During an informal telephone conversation on August 8, 2005 between Chris Harvey, former Chief of Investigations for the DeKalb County District Attorney's Office, and Solicitor General LaGrua, according to Harvey, Solicitor General LaGrua told him that she commenced the investigation of Investigator Antinozzi prior to her officially taking office and after a meeting with John Petrey, then Chief Assistant District Attorney, DeKalb County District Attorney's Office.
- Former District Attorney Brickman stated during a recorded telephone interview with this office that he was not aware of the investigation of Investigator Antinozzi until after Solicitor General LaGrua terminated Investigator Antinozzi and forwarded the matter to his office for criminal action against Investigator Antinozzi in November 2004. District Attorney Brickman stated that he never authorized or allowed Investigator Hammer to conduct an investigation of Investigator Antinozzi. He also stated that he never authorized Investigator Hammer to use any County equipment to carry out such an investigation and in fact, "he never asked." District Attorney Brickman stated that, "It's my memory anyway that any surveillance that they did and any evidence that they gathered in this would've been done while both of them, them being Jason and Shawn, were employed in the Solicitor's Office."
- In December 2004, District Attorney Brickman requested outside assistance to conduct an independent investigation into the matter.
- In an interview conducted on September 30, 2005, John Petrey, then Chief Assistant District Attorney, DeKalb County, stated that he had no independent recollection of meeting with Solicitor General LaGrua to discuss an investigation of Investigator Antinozzi prior to her taking office as Solicitor General. Mr. Petrey also stated that he had no recollection of authorizing Solicitor General LaGrua to commence the investigation, at any time.
- On August 19, 2005, M. Qader Baig, Chief Assistant Solicitor General of Dekalb County from October 9, 2000 through April 29, 2004, was interviewed by this office. Mr. Baig stated that after the resignation of Solicitor General Keyes-Fleming in April 2004, he assumed the role of Solicitor General (pro tempore) until July 13, 2004. Mr. Baig stated that at no time prior to his departure from the Office on July 13, 2004 did he directly, indirectly, or otherwise transfer any power, responsibility or authority to conduct the business of the Office of the Solicitor General of Dekalb County. Mr. Baig stated that he had no knowledge of the investigation prior to the termination of the employment of Investigator Antinozzi.

- During the initial twelve (12) days of the investigation, Investigator Hammer was still employed with the DeKalb County District Attorney's Office. As stated above, Investigator Hammer started in his new position as Solicitor-General LaGrua's Chief Investigator on July 19, 2004.
- Investigator Hammer stated that while he was still employed with the District Attorney's Office, he conducted the above mentioned surveillance during hours prior to his reporting for work at the District Attorney's Office at 9 a.m.

ANALYSIS

After reviewing all of the evidence, it is still unclear who authorized the investigation of Investigator Antinozzi. Solicitor General LaGrua states that she informed both District Attorney Brickman and Chief ADA Petrey of the investigation prior to its commencement. Investigator Hammer also states that District Attorney Brickman knew about the investigation. However, District Attorney Brickman emphatically states that he was not aware of the investigation until after the fact. Chief ADA Petrey has no clear recollection of being told about the investigation. Mr. Baig, acting as Solicitor General (pro tempore) during this period prior to Solicitor General LaGrua assuming office, at no time authorized an investigation involving Investigator Antinozzi, nor did he transfer any authority to Solicitor General LaGrua or Investigator Hammer to conduct an internal investigation on behalf of the Solicitor General's Office.

Simply put, the evidence is in such a state of conflict that it is impossible to determine with any sense of finality who authorized the initial investigation of Investigator Antinozzi. Beyond the stark differences in the memories of the witnesses there are other troubling questions involved in this matter. For example, if District Attorney Brickman was aware of the investigation, why would Investigator Hammer conduct the surveillance of Investigator Antinozzi while still with the District Attorney's Office *before* his regular duty hours began. If District Attorney Brickman did not authorize the investigation, upon what authority did Solicitor General LaGrua and Mr. Hammer initiated the surveillance of Investigator Antinozzi's home while still employed by the District Attorney's Office? These questions raise the specter of an alleged criminal investigation motivated by factors other than criminal conduct. Investigator Antinozzi was an employee of Ms. Keyes-Fleming and she was running for office against District Attorney Brickman. Unfortunately these conflicts and unanswered questions clouded my office's ability to answer this threshold issue – who authorized the investigation?

2. SOLICITOR GENERAL GWEN KEYES-FLEMING AUTHORIZED ANTINOZZI'S FLEX HOUR WORK SCHEDULE.

FACTS

- The evidence shows that Investigator Antinozzi was authorized to complete a flex hour work schedule; he was also authorized to submit time sheets reflecting the hours

of 6:30 a.m. to 3:00 p.m. as his regular tour of duty even though these were not the actual hours wherein his work was completed. Interviews with Jill Peterson, Victim Assistance Program Coordinator, M. Qader Baig, former Chief Assistant Solicitor General of DeKalb County and Angela Lindsey, former Legal Office Coordinator, confirmed the authorization for Investigator Antinozzi to report his duty hours from 6:30 a.m. to 3:00 p.m. even though he may have actually worked different hours. Pay records reflect that Investigator Antinozzi was never compensated beyond 40 hours per week; he did not receive overtime or compensatory time.

- District Attorney Keyes-Fleming stated in an interview conducted on July 21, 2005, that Investigator Antinozzi was authorized to utilize a flex hour schedule and that she was aware that his job required him to work hours outside of the normal duty day. District Attorney Keyes-Fleming did not believe that Investigator Antinozzi could perform his job through working a regular scheduled day (e.g. 9-5). Both District Attorney Keyes-Fleming and Ms. Peterson stated that Investigator Antinozzi was always available to them, almost never turned down an assignment and was very reliable. District Attorney Keyes-Fleming stated that so long as Investigator Antinozzi completed eight hours of work a day, she was not concerned about his working an extra job at Agnes Scott College.
- Mr. Baig stated that Investigator Antinozzi was one of his most trusted and valued employees. Mr. Baig stated that he recognized that the variety of duties assigned to Investigator Antinozzi required a flexible schedule so he could complete the requisite task; therefore he also continued the authorization of the flex hour work schedule during his tenure as Solicitor General.

ANALYSIS

District Attorney Keyes-Fleming stated that Investigator Antinozzi was a salaried employee and that he was not entitled to overtime benefits or compensatory time. District Attorney Keyes-Fleming authorized Investigator Antinozzi's flex hour work schedule. She stated that Investigator Antinozzi's responsibilities as a Domestic Violence Investigator could not be performed exclusively within a 9 a.m. to 5 p.m. schedule; his position regularly required him to work late evenings, during the early mornings and weekends. District Attorney Keyes-Fleming stated that Investigator Antinozzi was employed off-duty with the Agnes Scott Police Department and that she approved said off-duty employment. District Attorney Keyes-Fleming also stated in her interview that so long as Investigator Antinozzi completed 40 hours of work on a weekly basis for the county, she was not concerned about him additionally maintaining an extra job.

Moreover, Ms. Jill Peterson, his direct supervisor and Ms. Angela Lindsey, the Solicitor General's Legal Office Coordinator, stated that they instructed Antinozzi to fill out his time sheet the same manner daily without regards to the hours he worked to ensure that he received his regular paycheck. All of Investigator Antinozzi's supervisors stated that they did not keep a close watch on the specific number of hours that he

worked in a week. However, they did keep close track of his work product and his job performance and found that he excelled above and beyond what they expected.

3. THERE IS CONFLICTING EVIDENCE AS TO WHETHER ANYONE EVER TOLD INVESTIGATOR ANTINOZZI THAT HE WAS NO LONGER AUTHORIZED TO MAINTAIN A FLEX HOUR WORK SCHEDULE AFTER JULY 13, 2004.

FACTS

- In an interview with this office conducted on July 29, 2004, Solicitor General LaGrua stated that Antinozzi was, "routinely told that his hours were no longer flexible." Other than Solicitor General LaGrua's own statement to this office, there is no evidence that either Solicitor General LaGrua or Investigator Hammer ever informed Investigator Antinozzi that a flex hour work schedule was no longer authorized.
- On July 16, 2004, Investigator Hammer recorded a telephone conversation between himself and Investigator Antinozzi. During that telephone conversation, Investigator Hammer tells Investigator Antinozzi that he should continue his flex hour work schedule, but asks that Investigator Antinozzi be more proactive in providing him with the specific hours that he worked. Investigator Hammer goes on to say that, "I, I want to be able to sit down with Shawn and say look, these are Guy's working these hours. He's working these hours over the 40 hours he's being paid by the county. You know, this is something that needs to be addressed. We need to work out some sort of comp time program . . ."
- On July 14, 2004, Solicitor General LaGrua sent an e-mail to all Solicitor's Office employees (including Investigator Antinozzi) stating, "Just wanted to let those of you who could not make yesterday's meeting know that I am very excited about being here. I did request everyone's work schedule so I can get a feel for the flex time schedule. I also requested any thoughts in that regard."
- Investigator Hammer and Solicitor General LaGrua both stated that they never confronted Investigator Antinozzi directly about their problems with his performance and never informed him at any time that he was under investigation.
- Investigator Hammer states in his Report that prior to his and Solicitor General LaGrua's appointment to the Solicitor's Office, "Antinozzi was supervised by Ms. Jill Peterson and was basically given free reign to come and go as he pleased."
- On August 8, 2005, Investigator Antinozzi, accompanied by his attorney, Mr. Wystan Getz, waived his rights and provided a statement to this office. During that interview, Antinozzi denied lying or attempting to deceive Investigator Hammer. Antinozzi stated that he utilized a flex hour work schedule which was directly supervised by

Ms. Jill Peterson. Antinozzi stated that no one ever questioned him about his work ethic or job performance, including Investigator Hammer and Solicitor General LaGrua. Antinozzi stated that no one ever told him that he was no longer authorized to work flex time.

- Our Investigation showed no evidence supporting the contention that Solicitor General LaGrua or Investigator Hammer interviewed or spoke to any of Investigator Antinozzi's supervisors from the Solicitor General's Office regarding their concerns about Antinozzi's work schedule prior to Antinozzi's termination.

ANALYSIS

Prior to Ms. LaGrua's tenure as the Solicitor General, it is undisputed that Antinozzi was assigned a flex hour work schedule by his employer Gwen Keyes-Fleming. Despite concerns over Antinozzi's scheduled which prompted alleged meetings with the Dekalb District Attorney and his staff, secret early morning surveillances at Antinozzi's home and the personal scrutiny of Solicitor General LaGrua and her Chief Investigator Hammer, Antinozzi was never notified by a simple letter or e-mail announcing a change in his schedule. Rather, Solicitor General LaGrua, during her interview with this office, stated she informed him of the change orally during a meeting with Antinozzi. No one else was present at this meeting. Antinozzi of course, denies he was provided with the notice of the change by Solicitor General LaGrua.

It is important to note that this report should not be interpreted to question the honesty or integrity of Solicitor General LaGrua. The evidence collected in this case and my personal knowledge of Solicitor General LaGrua are both consistent with her professional and personal reputation of impeccable character and unquestioned integrity. Nevertheless in any contemplated criminal action against Antinozzi, in determining whether he was indeed provided with the notice of the change in his schedule, a prosecutor should not restrict his inspection to the exceptional character of Solicitor General LaGrua, but must also consider the totality of the evidence available. The totality of the evidence clouds the clarity of the notice provided to Antinozzi. Under our system of laws, this lack of clarity must be resolved in favor of the defendant, even though the assertion he stands upon may, in fact, be untrue.

The recorded telephone conversations between Antinozzi and Hammer as well as the e-mails sent by Hammer fail to confront Antinozzi about a scheduling change. In fact, the communications compliment his work and at one point, he was urged not to worry "about the schedule thing". On July 14, 2004, Solicitor General LaGrua sent an e-mail to her employees requesting everyone's work schedule "so I can get a feel for the flex time schedule." This e-mail was sent to all employees, including Antinozzi, after her individual meeting with him.

Both Solicitor General LaGrua and Investigator Hammer concede that Antinozzi was never confronted about his work schedule under Ms. Keyes-Fleming, nor was he

ever told that he became subject to an investigation allegedly sanctioned by the Dekalb District Attorney. Absent a clear and definitive notice of a change to his schedule, it is unreasonable to pursue criminal charges against Antinozzi when the question of illegality is reduced to when he worked and not whether he worked. If this is the case, no economic loss is suffered by Dekalb County.

4. BECAUSE ANTINOZZI RECEIVED PERMISSION TO MAINTAIN A FLEX HOUR WORK SCHEDULE FROM THE FORMER SOLICITOR GENERAL COUPLED WITH THE LACK OF CLARITY INVOLVED IN TERMINATING THE VERY SAME FLEX SCHEDULE BY THE CURRENT SOLICITOR GENERAL, IT IS UNREASONABLE TO CHARACTERIZE HIS CONDUCT AS CRIMINAL.

The gravamen of the charges made by Investigator Hammer stem from two incidents. The first incident involves 26.5 hours in which Hammer personally observed Antinozzi at home when Hammer believes he "should have been at work." These observations are cloaked with additional intrigue as well. On one occasion, while observing Antinozzi at home, Hammer calls him on the phone and requests a meeting. According to Hammer, Antinozzi explains he was "on the way to Fleet Maintenance" and could not meet him. Hammer indicates that a similar event occurred on a second occasion. Antinozzi, of course, denies such an incident took place.

Hammer alleged that Antinozzi was home for a total of 26.5 hours, when Antinozzi "should have been at work." Hammer failed to investigate whether Antinozzi completed 26.5 hours of flex time work during another time period. Based upon the records reviewed by this office, we were unable to prove that Antinozzi failed to complete the 26.5 hours at a future date. Under a flex hour work schedule arrangement, completing the work during another time period **would be permissible.**

Hammer also complains of a second incident wherein Antinozzi told him he was working "after hours" for the Dekalb County Solicitors Office during a two (2) hour period when he was actually working at Agnes Scott College. Antinozzi was fully authorized by his former boss Gwen Keyes-Fleming to hold a second job at Agnes Scott. Under Antinozzi's flex hour work arrangement, emphasis was placed on Antinozzi's completing certain tasks, rather than his being at the office during certain hours. Accordingly, whether Antinozzi was at Agnes Scott or some other location was irrelevant in the context of his work arrangement. Antinozzi even claims he performed work for Dekalb County while on the Agnes Scott payroll. Clearly, Agnes Scott and not Dekalb County was the loser in this scenario.

ANALYSIS

Based on the evidence reviewed, it is possible that Investigator Antinozzi took undue advantage of the flex hour work schedule. However, it is also reasonable, based on the

facts and circumstances presented, that Investigator Antinozzi used his flex hour work schedule appropriately. Most importantly, both then Solicitor General Keyes-Fleming and Antinozzi's direct supervisor Ms. Jill Peterson stated that they placed more focus on the quality of Investigator Antinozzi's work rather than where the work was performed.

The deception alleged by Investigator Hammer is based upon: 1) Hammer's description of Antinozzi's "fleet maintenance" response to his request for an immediate meeting and 2) Antinozzi's explanation of his purported "double dipping" at the Solicitor's Office and Angas Scott College. These allegations fail for two important reasons. Firstly, O.C.G.A. 16-8-3 and 16-8-12(a)(3) require one to obtain property as a result of the deception in question. Under this evidence, we cannot prove beyond a reasonable doubt that any property he received flowed from the deception and not from his authority under the flex hour work schedule, even if we assume Antinozzi's actions and statements were deceptive. Secondly, we cannot prove beyond a reasonable doubt that the alleged deception did in fact take place. Antinozzi denies the existence of the incidents described by Hammer. Hammer's version of the facts must be weighed against the statements of former District Attorney Jeff Brickman, his staff and the content of the e-mails sent by Hammer in this case. Considered in the context of the political races occurring during this time period, Hammer's version of the facts, while certainly not found untrue, are speckled with reasonable doubt.

5. INVESTIGATOR ANTINOZZI'S PERSONNEL FILE, EVALUATIONS AND STATEMENTS OF FORMER SUPERVISORS REFLECT THAT HE WAS AN OUTSTANDING EMPLOYEE.

FACTS

- Witnesses interviewed stated that Investigator Antinozzi was "hard working", a "man of integrity" and that they had never had any problems with Investigator Antinozzi's work product or work ethic. This included his direct supervisors: Jill Peterson, Victim Assistance Program Coordinator; M. Qader Baig, former Chief Assistant Solicitor-General of DeKalb County; Calvin Heard, Chief Investigator, Solicitor General's Office and the former Solicitor-General Gwendolyn Keyes Fleming.
- In an interview and statement provided on July 13, 2005, Ms. Jill Peterson stated that she viewed Investigator Antinozzi as someone "with true flex time." Ms. Peterson also provided a performance evaluation of Investigator Antinozzi completed by her in 2002. In that evaluation, she wrote, "Special Investigator Antinozzi's high professional standards and integrity are the foundation upon which all his other professional strengths arise. Nothing supersedes the consistent and high quality of work he is assigned." Ms. Peterson also wrote in the evaluation that "if Investigator Antinozzi has a fault it is that he works too often and does not take enough personal time for himself".

- On February 17, 2005 a statement was secured from Assistant Chief Investigator Calvin Heard of the Dekalb County District Attorney's Office. Assistant Chief Investigator Heard is the former Chief Investigator of the Dekalb County Solicitor General's Office. He was employed in this position from February 16, 2004 to July 2004. Assistant Chief Investigator Heard stated that as Chief Investigator of the Dekalb County Solicitor General's Office, he was aware Antinozzi maintained a flex hour schedule and that he was sometimes summoned on weekends to interview crime victims. Assistant Chief Investigator Heard had first-hand knowledge of Antinozzi's weekend schedule because Antinozzi often apprised Heard of these interviews. Assistant Chief Investigator Heard stated he had no problems with Antinozzi's job performance and that he had no reason to question his work schedule. Assistant Chief Investigator Heard said when he called Antinozzi by radio or paged him, Antinozzi always responded in a timely manner.
- Mr. Baig further stated that during his tenure at the Solicitor-General's Office, he did not witness any impropriety conducted by Antinozzi. Mr. Baig stated that to the contrary, Mr. Antinozzi conducted himself with tremendous professionalism, integrity, and honesty.

ANALYSIS

All witnesses interviewed who supervised Investigator Antinozzi agreed that he was an outstanding employee and a model for all investigators in the office. Mr. Baig stated that Mr. Antinozzi was one of his most trusted and valued employees. Assistant Chief Investigator Heard stated that whenever he summoned Antinozzi by radio or paged him he always responded in a timely manner. Ms. Peterson stated that she never questioned Mr. Antinozzi's integrity, he was "like a police department unto himself". Ms. Keyes Fleming stated that Mr. Antinozzi is a man of integrity. Review of Mr. Antinozzi's personnel file echoes the feelings of his supervisors.

CONCLUSION

Disputes over an employee's work schedule and other similar matters are common, and routinely dealt with administratively. In most cases, correction of the behavior is handled in a graduated manner, starting with verbal counseling, to written reprimands, and suspension with termination finally as a last resort. There is no evidence that Investigator Antinozzi was ever administratively confronted with these allegations and/or counseled and given an opportunity to explain his version of the facts. Administrative discipline or redirection as opposed to a criminal investigation may have been more appropriate in this case.

RECOMMENDATION

Based upon review of the evidence and all of the facts and circumstances surrounding the case to date, I recommend the following:

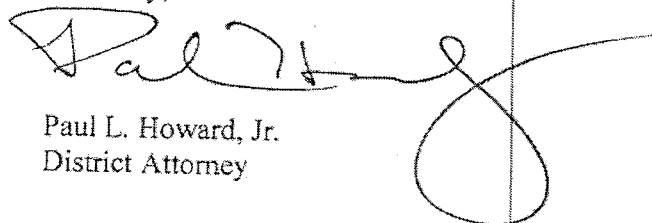
- This matter should be closed with no criminal action taken against former Investigator Gaetano "Guy" Antinozzi.

Although it was not one of the specific questions presented to this office for consideration, in view of what happened in this case, if the same time keeping and investigative practices are still in existence today at the DeKalb County Solicitor General's Office, I recommend the following to avoid future incidents such as this:

- Both the DeKalb County District Attorney's Office and Solicitor General's Office should establish a clearly defined protocol for investigating employees of another department and for the use of county funds and equipment during any investigations.
- The DeKalb County Solicitor General's Office should create clearly defined procedures where employees are assign flex hour work schedules (i.e. employees should track all hours worked and submit their schedules to a supervisor).

If there are any questions or concerns regarding this matter please do not hesitate to contact me at (404) 730-4984.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul L. Howard, Jr.", with a large, stylized loop at the end of the signature.

Paul L. Howard, Jr.
District Attorney

cc: Mr. Michael E. Hobbs, Deputy Attorney General
Mr. Wylan Getz, Attorney for Mr. Antinozzi