

August 11, 2025

Re: Commissioner Chris Constance (CCC) internal investigation (DSK Law, dated August 7, 2025)

As Chair of the BOCC pursuant to policy 3.45, I am tasked with determining to bring forward the above referenced matter to the BOCC if there is reasonable cause supporting the allegations in whole or part.

Upon careful review of the documents contained in the DSK law investigative report I have the following comments.

The DSK findings determined that county policy 3.45 was violated, specifically CCC violated the rules by committing offensive behavior by having on his county device, photos that were personal in nature. DSK determined by policy definition the photos were offensive in the workplace. Upon review of the definition as written in policy 3.45, offensive behavior is **“based upon race, color, national origin, religion, sex, gender, age, marital status, pregnancy, disability, veteran’s status, genetic information, or other status protected by federal, state, or applicable local law, are clearly inappropriate in the workplace”** There was no instance when I applied the photographs to this definition that I could see a violation of offensive behavior. DSK said CCC should have had better judgement in having the photos on a county issued laptop, which if exposed to employees would be inappropriate for the workplace. DSK makes the point of being inappropriate, but fails to prove that the photos were offensive as defined in the policy. Inappropriate behavior does not mean that offensive behavior has occurred. CCC judgement is not at issue. Specifically, whether or not CCC violated 3.45 offensive behavior as defined in the policy is what I am charged to determine.

After review of the testimony of Mr. Aguirre, there was not an instance or reference of the photos being offensive to him whether by policy definition or otherwise. The basis for DSK’s findings is that offensive behavior as defined in policy 3.45 was committed by CCC. When given the opportunity, DSK did not ask a material witness such as Mr. Aguirre if the photos were offensive to him nor did he suggest they were or that he was aggrieved. I found this to be a fatal flaw. The findings are to be based on a written policy definition of offensive behavior and not a subjective interpretation by DSK.

In conclusion, I have found that the violation of policy 3.45 offensive behavior did not occur, therefore all findings in the report are null and void.



Joseph Tiseo, Chairman of the Charlotte County Board of County Commissioners