

# DSK Law

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Reply to Orlando office  
August 7, 2025

**VIA ELECTRONIC MAIL ONLY**

Ms. Janette S. Knowlton, Esquire  
County Attorney  
Charlotte County, Florida  
Office of the County Attorney  
18500 Murdock Circle  
Port Charlotte, Florida 33948

***Re: Internal Investigation (Commissioner Christopher Constance)***

Dear Ms. Knowlton:

The firm of DSK Law was retained to investigate and determine if Charlotte County Commissioner Christopher Constance violated Charlotte County Policy 3.45<sup>1</sup>, ***Discrimination, Harassment and Offensive Behavior Prohibited***, when he caused certain images to be downloaded onto his Charlotte County issued laptop. The investigation was initiated after County employee, Anthony C. Aguirre, reported that he observed concerning images on Commissioner Constance's County issued laptop. A true

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<sup>1</sup> There may be additional potential violations, which are not addressed in this report and may be addressed through other means.

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and correct copy of the IT Security Incident Response Form is attached hereto as Exhibit “A.”

Below is a summary of the interview with Mr. Aguirre, which was taken under oath. I interviewed Mr. Aguirre via Zoom and a copy of his transcript is attached hereto as Exhibit “B.”

I interviewed Mr. Aguirre, on June 26, 2025. Mr. Aguirre is employed as an Information System Security Officer. (Depo. Tr. 9:5-6). He has been employed by the County for approximately five (5) years. (Depo. Tr. 9:7-9). Mr. Aguirre testified that in or about May of 2025, Commissioner Constance submitted a work order ticket for his County issued laptop. In the process of attempting to repair the laptop, Commissioner Constance’s computer data was deleted.

On or about May 28, 2025, Mr. Aguirre was tasked with retrieving the lost data from Commissioner Constance’s County issued laptop. (Depo. Tr. 7: 10-25; 8:1-14). Mr. Aguirre used the computer program, “Recuva”, to scan Commissioner Constance’s laptop and retrieve the lost data. (Depo Tr. 10:6-16)

Mr. Aguirre testified that County issued laptops are issued an identification number as part of the County’s asset protection program. (Depo. Tr. 11:15-25). The assigned identification number to Commissioner Constance’s laptop is No. 15875. (Depo.

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Tr. 11:22-25). Also, County computer users are issued a user account profile, such that all documents, photos, and data are attributable to that profile\User ID. (Depo. Tr. 12:10-21). Both of these identifiers (laptop number and User ID) served to isolate and confirm that the data retrieved, was indeed from the laptop issued to Commissioner Constance and that Commissioner Constance's login credentials were used to download the data at issue. (Depo. Tr. Id.)

Mr. Aguirre said that he retrieved 14,162 items from Commissioner Constance's laptop. (Depo. Tr. 13:6-12). Mr. Aguirre said that he observed photos of undressed women, appearing to be in a doctor's setting. (Depo. Tr. 13:18-25). Mr. Aguirre further testified that there were a number of photographs of the same woman with "blonde" colored hair. In one such photo this woman appeared to be "flirtatious" in her mannerisms. She was in her underwear. (Depo. Tr. 15:9-17).

Mr. Aguirre said that he became concerned that his observance of these materials could violate HIPAA. (Depo. Tr. 14:3-14). Mr. Aguirre proceeded to contact Kevin Mangels, the Senior Division Manager of Information Technology, and informed him of his concerns. (Depo. Tr. Id.). The matter was then forwarded to their Director, Gordon Burger and to the County's legal department. (Depo. Tr. 17:11-17).

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Mr. Aguirre uploaded a copy of the data retrieved from Commissioner Contance's laptop and as part of this investigation provided a copy of said data for my review. (Depo. Tr. 14:15-22).

## FINDINGS

It is important to note that my office has made numerous attempts to reach Commissioner Constance to coordinate his interview. Despite numerous phone calls, texts messages and requests for the legal department to contact Commissioner Constance on my behalf; Commissioner Constance took no steps to schedule his interview and did not cooperate with this investigation. At one point, I was informed that Commissioner Constance's partner had recently delivered a baby. I agreed to further delay his interview; however, I never received a response to our requests. Thus, this report is concluded absent Commissioner Constance's input due to his refusal to coordinate his interview. A true and correct copy of a attempts to reach Commissioner Constance is attached hereto as Exhibit "C."

Policy 3.45, states in pertinent part, that the "purpose" of the Rule is:

"[t]o provide a work environment free from discrimination, harassment **or offensive behavior** on the basis of race, color, national origin, religion, sex, gender, age, marital status, pregnancy, disability, veterans' status, genetic information, or other status protected by federal, state or applicable local law." ***It is the responsibility of employees to refrain from the display of offensive materials related to race or sex or any protected status.*** [emphasis added]

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Rule 3.45 further states:

Offensive Behavior-***Not all complained -of behavior rises to the level of unlawful discrimination.*** However, jokes, innuendos, insults, gestures, comments and other behaviors, as well as the display of posters, photographs, cartoons, magazines, graffiti and the like based upon race, color, national origin, religion, sex, gender, age, marital status, pregnancy, disability, veterans' status, genetic information, or other status protected by federal, state or applicable local law, ***are clearly inappropriate in the workplace. [emphasis added].*** A copy of Rule 3.45 is attached hereto as Exhibit "D."

I reviewed the photographs and data uploaded by Mr. Aguirre. A sample of those photographs, which were of concern are attached hereto as Composite Exhibit "E." The attached images include those of nude women. Upon independent investigation, it appears that Commissioner Constance is a plastic surgeon. While Commissioner Constance refused to schedule an interview, it is reasonable to assume that these nude photos (which include full frontal nudity) are consultation photos of existing or potential clients.

There are at least two photos of a blonde women in a bathroom in her underwear. These photos appear to be personal in nature and not work related.

With that said, all of the above referenced photographs are "offensive" as defined by Rule 3.45 and it was highly inappropriate for Commissioner Constance to cause these images to be downloaded on a County issued laptop. Simply put, had Commissioner Constance used better judgment in his use of a County issued laptop, County employees

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would not have been exposed to these photographs; all of which are inappropriate for the workplace.

Of additional concern is Commissioner Constance's failure to protect the private information of the other people photographed. In downloading these apparently private images onto a County laptop, Commissioner Constance made these images subject to Florida's Sunshine law, pursuant to Chapter 119; thus, making these photographs public record.

Next, I find that Commissioner Constance further violated Rule 3.45 in failing to cooperate with the investigation. All persons having "supervisory responsibilities" are responsible for "cooperat[ing] with the HR Director, the County Attorney, the County Administrator or any investigator in the investigation of a complaint and cooperate in the determination of any appropriate disciplinary actions that may result." *See Rule 3.45* Commissioner Constance was well aware of the instant investigation and that County time and resources were dedicated to the completion of the same. The decision to repeatedly ignore requests by our office to schedule his interview was an unreasonable abdication of his duty to cooperate with the investigation. A public official should be mindful to behave in a manner which does not fall below the standard expected of an employee. By way of example, Rule 3.53 makes clear the obligation of County employees to cooperate with an investigation. A copy of Rule 3.53 is attached hereto as Exhibit "F."

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## CONCLUSION AND RECOMMENDATION

For the reasons set forth above, I sustain violations of Rule 3.45 and conclude that images downloaded by Commissioner Constance's were offensive and that he further violated Rule 3.45 in not cooperating with the investigation.

Based upon the findings above, I recommend that the Charlotte County Commission (or authorized person/body) issue a public reprimand of Commissioner Constance for the violations set forth above.

Should you have any further questions or concerns, do not hesitate to contact me.

Respectfully submitted,

*/s/ Lindsay N. Greene*

Lindsay N. Greene, Esquire  
Partner

LNG/jyw  
Enclosures as stated

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