



**OFFICE OF THE STATE ATTORNEY
20TH JUDICIAL CIRCUIT
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Amira D. Fox, State Attorney

MEMO

TO: File

FROM: Richard J. Montecalvo, Chief Assistant State Attorney

DATE: January 9, 2026

RE: Florida Department of Law Enforcement Investigation
FDLE Case EI-14-0211 Subject: Tracy Frazzano

INTRODUCTION

The Florida Department of Law Enforcement – Office of Executive Investigations Election Crime Unit (FDLE) was presented with allegations of violations of Florida criminal law relating to the Chief of Police of Marco Island, Tracy Frazzano (MIPD) and other members of MIPD. These allegations, among many others not germane to this review, were made public in an unsigned, undated, and non-sworn, 17-page letter, submitted to the now-former Marco Island City Manager, Mike McNees, by the Fraternal Order of Police (FOP) in which the FOP expressed “no confidence” in Chief Frazzano and her leadership of MIPD.

Upon receipt of the letter, FDLE initiated a criminal investigation which was conducted chiefly by Inspector James Franquiz of the Public Corruption Unit. FDLE submitted its findings to the State Attorney’s Office (SAO) on November 7, 2025. Notably, FDLE made no recommendation

as to whether charges should be filed, and no specific finding of probable cause was made. The SAO received this investigation as an agency review to determine what appropriate charges, if any, should be filed in this case.

MATERIALS REVIEWED

The following items of investigation were reviewed:

1. FDLE Investigative Summary
2. FDLE Investigative Reports 1-22
3. FDLE Investigative Findings
4. FOP Vote of No Confidence Letter
5. FDLE request to MIPD for training Records, dated 12.18.2024
6. Attorney General Opinion 18-04
7. E-mail from Joan Taylor 06.21.22
8. MIPD Shotgun and Rifle Inspection
9. Training Roster 02.22.23
10. CJSTC 86A M. Haueter 02.22.23 (3 forms)
11. Summary of Major Timeline Events
12. Office of City Manager – Administrative Review
13. Memo – Gallup to Stoltenborg 11.07.22
14. MIPD Administrative Inquiry Report 23-001
15. MIPD letter to FDLE CJPD 3.13.23
& delivery confirmation
16. CJSTC memo to file 07.21.23
17. CJSTC letter to MIPD 07.21.23
18. Barrett memo to CFLEA
12/17/22
19. Barrett Consulting memo
08/11/25
20. Undated/untimed video length
of :42 seconds (ADT)
21. Undated/untimed video length
of :45 seconds (ADT)
22. Seven (7) photos of a residence
23. Audio statements of 13
witnesses, to include suspects
24. Various news reportage

Additional public records searches were conducted in which it was discovered that a private lawsuit was filed on October 31, 2025 in the Collier County Circuit Court and captioned *Matthew Gallup and Christine Gallup v. City of Marco Island and Tracy Frazzano and Michael McNees*, case number 25-CA-2561. The nine-count (9) Complaint and all attachments thereto was reviewed.

SCOPE OF REVIEW

It is important to note that FDLE did not investigate every allegation in FOP letter – but only those allegations that might pertain to a violation of the Florida criminal law. This was an appropriate limitation on the scope of FDLE's purview as it is, additionally, for the SAO. This legal review intends no comment on the policies, procedures or standards of MIPD, the City of Marco Island or the law enforcement accreditation process. Nor is this review intended as any defense to any private cause of action.

This review focuses upon: *a)* whether Tracy Frazzano, former Captain Richard Stoltenborg and Captain John Wallace criminally submitted falsified written exams and signed rosters for an Oleoresin Capsicum Spray (OC Spray) training allegedly held on 04/22/2022; *b)* whether Tracy Frazzano, former Accreditation Manager Joan Taylor, and former Lieutenant Matthew Gallup

manipulated or falsified MIPD records to “meet the agency’s accreditation standards;” *c) whether Tracy Frazzano committed a burglary or trespass on 02/22/2023 at the residence of Matthew and Christine Gallup (address will not be provided in this memorandum).*

FACTUAL SUMMARY

The facts which give rise to this investigation are contained comprehensively in the FDLE Investigation materials and will not be recited here.

LEGAL DETERMINATION

- a) whether Chief Tracy Frazzano, former Captain Richard Stoltenborg and Captain John Wallace criminally submitted falsified written exams and signed rosters for an Oleoresin Capsicum Spray (OC Spray) training allegedly held on 04/22/2022*

This training was allegedly held on April 22, 2022. Frazzano, Stoltenborg, and Wallace signed the roster for that day. However, it was confirmed through records that Captain John Wallace was in Aruba on that date. None of the witnesses interviewed could recall who conducted the training that day, nor could they know, beyond a reasonable doubt, who filled in the roster. MIPD Officer Nelson had no memory of conducting the training but confirmed he did not fill out the roster as it was not his handwriting. MIPD Sgt. Montgomery looked at the roster and indicated it was Nelson’s training – but then changed his opinion when told Nelson did not fill out the roster. Additionally, upon closer look, Montgomery conceded that must have been *his* handwriting on the roster – yet he has no memory of conducting the training. Former Reserve Officer D’Alessandro conceded that the training may not have occurred on April 22 but that he distinctly remembers training Frazzano, Stoltenborg and Wallace on OC Spray and taser.

No credible evidence has been developed which could reasonably explain the existence of the roster, how it was created, whether the training took place, and when the roster was signed. There is no credible evidence that Frazzano, Stoltenborg, or Wallace “submitted” falsified written exams.

The exams and roster were uploaded into the MIPD Managing Employee Training Records software (METR). However, these documents were not used or relied upon in support of the process of accreditation sought by MIPD at the time. Therefore, the evidence provided would show that MIPD gained no material benefit from these records during accreditation.

Regarding Chief Frazzano, when confronted with the direct question: have you ever seen Frazzano falsify documents or has Frazzano ever asked you (the witness) to falsify documents – the answers from Sgt. Kirsch, Sgt. Kreis, Joan Taylor, Sgt. Nelson, Sgt. Haueter, Reserve Ofcr. D’Alessandro, and Cpt. Stoltenborg were consistent. Their answers were no.

No credible evidence exists to charge Frazzano, Stoltenborg, or Wallace with any violation of the Florida criminal code regarding forgery, falsification, official misconduct.

b) whether Tracy Frazzano, former Accreditation Manager Joan Taylor, and former Lieutenant Matthew Gallup manipulated or falsified MIPD records to meet the agency's accreditation standards

Joan Taylor is alleged to have used “white-out” to backdate an MIPD Firearms Inspection form – ostensibly to comply with accreditation compliance. She is also alleged to have ordered other officers to falsify or manipulate documents to comply. This allegation derives from an *anonymous* e-mail from valparaiso1954@tutanota.com, sent to CFLEA which stated:

The entire accreditation process at the Marco Island Police Department is a farce. Most of the required training was pushed through haphazardly without the actual hours of instruction required by the lesson plans being completed. Some days, up to 10 training rosters were signed by officers in less than 8 hours of “training” under threat of retaliation, which if done properly would have required over 24 hours of actual instruction. This includes highly important topics such as tazer and cpr. (Sic)

Only Officer Nelson would confirm, in his statement, that he witnessed Joan Taylor utilize “white-out” on the firearms form with the intention to backdate the form. Sgt. Kirsch claims that Taylor told him the same thing though he did not witness any altering of any form. No other witness indicated that they witnessed Taylor do any such thing. Taylor stated that had there been an issue with an alteration, she would have thought that Lt. Gallup would have confronted her about it. He did not. In response to the anonymous e-mail, Gallup defended his actions and denied alterations in a memo dated 11/07/22.

The primary basis for this accusation against Frazzano seems to derive from the belief that “*if it (orders) comes from Joan Taylor, it comes from me,*” (quoted directly from the FOP letter) referencing Frazzano. Hence, if Joan Taylor orders anyone to alter, forge or falsify documents, she is simply transmitting orders from the Chief. While that accusation may be fodder for internal investigation and discipline, it is no basis to predicate criminal charges.

Taylor does admit to using “white-out” around this time. However, it related to private documents she was preparing.

It is undisputed that, if proven, altered documents of any kind could have affected accreditation. However, all documents were reviewed following the anonymous e-mail. CFLEA could not identify any false, fraudulent, or altered documents related to firearms inspections forms. Accreditation was ultimately successful.

FDLE is not in known possession of the document on which Taylor allegedly used “white-out.” All paper documents were uploaded into the Power-DMS system and then destroyed. Only the digitized version exists. This process was entirely permissible and should not give rise to suspicion. Hence, the *corpus* of the alleged crime does not exist.

No credible evidence exists to charge Frazzano, Taylor, or Gallup with any violation of the Florida criminal code regarding forgery, falsification, official misconduct.

c) whether Tracy Frazzano committed a burglary or trespass on 02/22/2023 at the residence of Matthew and Christine Gallup

It was alleged that in February, 2023, a false CJSTC 86A form was submitted on behalf of Sgt. Mark Haueter. The document confirmed that Haueter successfully completed firearms qualification training. In fact, he had not. Lt. Gallup investigated this discrepancy and learned that on the date of the alleged training, the range was not in use. On February 22, 2023, Gallup confronted Captain Wallace at MIPD, and the conversation deteriorated. Gallup alleged that Wallace told Gallup to leave his guys alone. Not satisfied, an agitated Gallup called Stoltenborg. When Stoltenborg did not answer his phone, Gallup called Frazzano. Frazzano was off duty at the pickleball court but spoke with Gallup.

Soon thereafter, Frazzano drove over to Gallup's residence. This is documented by two undated and untimed ADT home security videos from the residence. A :42 second video of the driveway purports to show Frazzano arriving, exiting her vehicle and walking towards the front door, which is out of frame. Frazzano is clearly dressed in civilian clothes and consistent with just having played pickleball. Frazzano indicated in her statement that her intention was to speak to Gallup and calm him down and make sure he was not frantic. Christine, Lt. Gallup's wife, testified in a statement that she had already opened the door and that Frazzano came into the house angry and looking for Gallup. Throughout her statement, Christine Gallup claims to have been under duress and afraid for her safety due to the alleged behavior of Frazzano. She claims Frazzano insisted that she call her husband and have him come home so Frazzano could speak with him. Christine Gallup provided FDLE with phone and text logs from that time wherein, on several occasions, she attempted to contact her husband. After some time, which is hotly in dispute, Frazzano left the residence. A :45 second video of the driveway purports to show Frazzano entering her vehicle, spend some time in the driveway, then begin to back out.

Fla. Std. Jury Instr. (Crim.) 13.1 Burglary F.S. §810.02 sets forth the elements of the crime of burglary which must be proven to a jury beyond a reasonable doubt:

1. *Defendant entered a structure or conveyance owned by or in the possession of the owner.*
2. *At the time of the entering, the defendant had the intent to commit an offense in the structure or conveyance.*

It is a defense to the crime of Burglary if the defendant was invited to enter the structure or conveyance. The State has the burden of proving beyond a reasonable doubt that the defendant was not invited to enter the structure or conveyance.

Although Christine Gallup indicated that she was fearful of the situation because Frazzano was allegedly angry, and her husband's boss, at no time did she ever testify in her statement that Frazzano was denied entry into her house or that Frazzano committed an offense therein.

Additionally, consent to enter by the owner of the structure may be withdrawn, and the failure of a defendant to abide by the withdrawal of consent may constitute burglary. There is no evidence that Christine Gallup ever withdrew her consent to allow Frazzano to remain in the house.

The evidence is insufficient to support a finding of probable cause for the charge of Burglary, pursuant to F.S. §810.02, against Tracy Frazzano.

Fla. Std. Jury Instr. (Crim.) 13.3 Trespass – In Structure or Conveyance, F.S. §810.08 sets forth the elements of the crime of trespass which must be proven to a jury beyond a reasonable doubt:

- a. *Trespass*
 - 1. *Defendant willfully entered or remained in a structure or conveyance.*
 - 2. *The structure or conveyance was in the lawful possession of the owner.*
 - 3. *Defendant's entering or remaining in the structure or conveyance was without the authorization, license or invitation by the owner or any other person authorized to give that permission.*
- b. *Trespass After Warning to Depart*
 - 1. *Defendant had been authorized, licensed, or invited to enter or remain in a structure or conveyance.*
 - 2. *The owner of the premises warned the defendant to depart.*
 - 3. *The defendant refused to depart.*

Authority to enter or remain in a structure or conveyance need not be given in express words. It may be implied from the circumstances. It is lawful to enter or remain . . . if, under all the circumstances, a reasonable person would believe that he/she had the permission of the owner.

Both above trespass scenarios could apply to this scenario. However, no evidence has been provided to support either iteration of the trespass charge. Frazzano did willfully enter and remain (either a few minutes or 20 minutes is irrelevant) in the Gallup's home. However, no evidence exists that entry was without authorization. Nor is there any evidence that, *arguendo*, authorization was granted but then was revoked and a warning to depart given. And despite Christine Gallup indicating that she never expressly invited Frazzano into the home, the fact that the front door was open (with Mrs. Gallups present), there was no objection to her entry, coupled with the fact that Frazzano had been to the home prior for social occasions and for other personal reasons, those circumstances would lead a reasonable person to believe that presence within the home was with the permission of the owner.

Christine Gallup could not determine, but was in fear, that Chief Frazzano was carrying a gun when she entered the home. However, again, there is absolutely no evidence that Frazzano was carrying a gun. Christine Gallups also indicated in her statement that she never felt directly threatened by Frazzano but felt intimidated by her presence as she was her husband's superior. While this may be true, the reasonable person standard afforded to Frazzano, considering all the circumstances, militates in Frazzano's favor.

Finally, no police report was ever filed at the time of the offense. MIPD was never notified, Collier County Sheriff's Office was never notified, nor was FDLE. This incident occurred in February, 2023. The Gallups decided to press charges only after the FOP letter was made public in October, 2024 and FDLE was brought in to investigate the relevant accusations. The demand to prosecute was made by both witnesses in July, 2025. Of note, this alleged incident was not recounted in the FOP letter. These facts create a credibility issue for the complainants.

The evidence is insufficient to support a finding of probable cause for the charge of Trespass, pursuant to F.S. §810.08, against Tracy Frazzano.

CONCLUSION

In conclusion, it was obvious from the evidence provided that the accreditation process was less than orderly. MIPD was dealing with stringent deadlines, unfamiliar software, and a reordering of forms. Various sergeants responsible for uploading documents into METR were failing in their responsibilities and which required a reorganization of duties. Some of the witnesses indicated that others within the department felt accreditation was a fool's errand and there was an insinuation that some might have intentionally muddled the process.

There is no doubt that factions within the agency rendered the accreditation exercise tense and accusatory resulting in behavior aligning with the atmosphere. This is mentioned not as an indictment or criticism of those involved, but as further proof of an undercurrent that could call into question the motives and biases of certain witnesses if exposed to vigorous cross-examination in a trial.

FDLE is to be commended for their work on this investigation. It is difficult to work from an unsigned, undated, lengthy laundry list of accusations against an organization, then blasted to the public and media, and cull those accusations down to the relevant issues for inquiry.

The SAO closes this matter without any further action.

Copies provided to:

James Franquiz, Case Agent, FDLE – *via e-mail*

Donald Day, Attorney for Tracy Frazzano *via e-mail*

Casey Lucius, Ph.D., Interim City Manager, City of Marco Island *via e-mail*