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**CLOSE-OUT MEMORANDUM**

**To: File**  
**From: Michelle Boutros (MB)**  
**Public Corruption Unit**  
**Re: Jay D. Schwartz**  
**File # PC 25-07-038**  
**Date: September 16, 2025**

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**SUMMARY:**

This investigation was forwarded by the Florida Department of Law Enforcement ("FDLE") and opened by the State Attorney's Office Public Corruption Unit on July 16, 2025. On May 21, 2025, FDLE received a complaint from the Pembroke Pines Police Department, regarding the alleged impersonation of a law enforcement officer by sitting City of Pembroke Pines Commissioner, Jay D. Schwartz ("Schwartz"). The complaint involved an incident that occurred on May 21, 2025, at Charles W. Flanagan High School, in which several students were approached and questioned by an unknown male (Schwartz). Schwartz allegedly removed a police-style badge from his pocket and brandished the badge while questioning three (3) students. It was later determined that Schwartz was an adjunct instructor from Embry-Riddle Aeronautical University, teaching aviation classes at Charles W. Flanagan High School. The question for consideration is whether the State has sufficient evidence to proceed to trial and prove this case beyond and to the exclusion of a reasonable doubt.

## **FINDINGS:**

According to the detailed and comprehensive investigation by Special Agent Christopher Woehr ("Woehr"), Woehr and Special Agent Mike Martinez ("Martinez"), proceeded to Charles W. Flanagan High School to begin their investigation, starting with a sworn statement from Principal Brad Fatout ("Fatout"). The following is a summary of the interview.

Fatout advised that on the day of the incident, a young man, O.B., came into the student affairs' office and was talking to Dr. Michael Warkentien ("Warkentien"), an assistant principal. The young man was quite upset and frustrated that a staff member accused him of possessing marijuana. O.B. also stated that the staff member was showing multiple forms of identification. Fatout and Warkentien determined that the staff member who approached O.B. was Schwartz. Fatout spoke to Schwartz about the encounter to determine if reasonable suspicion existed to have the encounter with O.B. Fatout stated that Schwartz told him no reasonable suspicion existed. Schwartz further stated that he smelled something and questioned the students, and showed the students multiple identifications. Fatout did not recall Schwartz telling him he displayed a badge.

Fatout explained to Woehr that staff require reasonable suspicion to initiate an investigation. Protocols dictate that the administration and security would initiate an investigation if reasonable suspicion existed. Per policy, if the investigation develops into the need for searching a student, only the security team is authorized to search. Teachers are not authorized to search students. Fatout further stated that Schwartz is an adjunct professor for dual enrollment and was assigned from Embry-Riddle University.

Fatout also provided the Broward County Schools statement form that O.B. completed and signed on May 21, 2025, after the incident. The statement contained the following

handwritten account: "(A) individual walked up to me and asked me where's the weed and flash me a badge and kept asking me over and over where's the weed."

On May 27, 2025, Woehr took a sworn statement from Flanagan High School Campus Monitor Romeo Harris ("Harris"). The following is a summary of the interview. Harris stated he was travelling to his post on campus, known as the "hot corner" (an area where students congregate), which is located between the lunchroom and main staircase of the building. Harris was posted near two students (later identified to be R.J. and O.B.). Harris was called away to let a teacher into a classroom, and when he returned to the area, he observed R.J. and O.B., and additional two (2) students talking to an unknown teacher. As Harris approached, it was near the end of the interaction between the students and the teacher. Harris heard the teacher say, "This is your welcome to America," as he pulled out his wallet. Harris was unsure what was being discussed. Harris advised that the students were upset after the teacher had shown them his wallet. One of the students then went to report the incident, and Harris accompanied him to the area of the assistant principal. Harris wasn't aware that the teacher presented a badge until after the interaction ended, and the student said the teacher had pulled a badge out.

On May 28, 2025, Woehr took a sworn statement from O.B. The following is a summary of the interview. On May 21, 2025, at approximately 7:30 A.M, while at school, he was talking with a few of his friends. While talking, an unknown man aggressively walked up to O.B. and said, "Where's the weed? Who has the weed?". O.B. told the man he didn't use marijuana, and he doesn't know what he was talking about. The man then started questioning O.B. about his employment and where he worked. O.B. told the man he didn't have to tell him where he worked. At that point, the man pulled a badge (that was in a wallet) out of his pocket. O.B. then realized that the man must have been a police officer, or someone impersonating an officer. The conversation continued, and O.B. ultimately told the man that he "didn't like the way he walked

up to me". The man then said, "Welcome to America". O.B. stated that the confrontation lasted between three (3) and five (5) minutes. Immediately after the confrontation, O.B. sought out School Resource Officer Robert Williams and reported the incident because he felt this person was an officer, whether real or fake. O.B. stated that the person presented himself as if he were an officer.

On May 28, 2025, Woehr took a sworn statement from R.J. The following is a summary of the interview. On May 21, 2025, at approximately 7:30 a.m., R.J. was standing near the cafeteria by the security office. The security guard left, and he, D.R., and O.B. were talking. A random guy walked up and said, "Where's the weed at, where's the weed at? I smell weed". The person then questioned them about the language they were using and said, "That's how you talk when you go for a job interview?". R.J. advised that O.B. stated that he had a job, and the person then asked O.B. how old he was. O.B. stated that he didn't feel comfortable telling him his age, and the person pulled a badge out, showed it, and then put it back in his pocket. The man pulled it back out and showed it again. R.J. described the badge as being gold, and he then thought the person was a police officer. The man then "started walking down on O.B." as O.B. was backing up. R. J. advised that O.B. then stated he didn't feel safe because "he wasn't from here," and the man asked where he was from, to which O.B. replied he was from Haiti. The man then said, "Welcome to America". R.J. didn't think the individual was a police officer until he saw the badge. At one point, R.J. said the man told O.B., "You're not free to leave because I identified myself. I need your age and where you work at."

On May 28, 2025, Woehr took a sworn statement from D.R. The following is a summary of the interview. D.R. was talking with a group of friends before the bell rang. A person came up and said, "Who got weed? Who got weed?" When the boys denied having marijuana, the man asked, "Who dropped the F-bomb?" D.R. admitted to using foul language. At some point during

the conversation, the individual produced an "ID" and showed it to the boys. D.R. referred to the person as "the other officer". D.R. then stated that the individual "put" O.B. in the corner and asked him to identify himself. D.R. stated that he was not allowing O.B. to leave. D.R. explained the "identifying" as presenting a badge that was inside a wallet. D.R. stated that he used the word "agency" while identifying himself. Before seeing the badge, D.R. thought the individual was a teacher; however, after the encounter, he believed the individual to be an officer based on seeing the badge. D.R. stated the individual also told the group, "Welcome to America," after O.B. told him he didn't need to identify himself if he wasn't being accused of a crime.

On June 25, 2025, Woehr took a sworn statement from Warkentien. The following is a summary of the interview. Warkentien advised that on the day of the incident, he was in his office with Fatout. O.B. was brought to his office. Warkentien recalled that O.B. was "shooked up" as if something had happened, and this was out of character for O.B. O.B. reported that a guy approached them and was repeatedly asking, "Where's the weed?" Warkentien reported that O.B. did not exhibit any signs of using marijuana. Warkentien reported that he and Fatout discussed the incident with Schwartz to learn what had happened. Warkentien stated that he remembered Schwartz saying that "he was hearing like a lot of loud cussing and whatever and then, um, smelled like marijuana or something like that and so he approached them and was like, 'hey, where's the weed', um, and he, he mentioned that they said something to the effect of, 'Whoa, I don't, like, who are you?'" In response, Schwartz stated that showed them his badge and his school ID.

On July 2, 2025, Woehr took a sworn statement from Schwartz. The following is a summary of the interview. Schwartz stated that on May 21, 2025, he was walking to class, past the cafeteria, and he heard "a lot of F-bombing." Schwartz stated that he stopped to address the profane and vulgar language. When asked what he meant by "address", Schwartz stated the

following: "Well, well, I like positive interaction with, uh, with students. That's, that's ... I'm driven by that. I see, I see, there's always an opportunity, um, to, to be a, a whether, inspire or, you know, just kind of uplift the community, right, so ... um, there were four, ah, students and, um, we had a conversation. Um, I asked, um, if the, um, basically, I said, I said, we can do better than that, meaning the vulgarity. And that stoppcd, and then, um, then we had a, um, a discussion in general."

Woehr then asked about the marijuana aspect of the incident. Schwartz indicated that there is always the odor of marijuana on campus, and this day was no different. Schwartz further stated that his original reason for stopping the students was due to the profanity being used; however, Schwartz did say something along the lines of "Who has weed?". Schwartz stated that he did not know the kids, but his attention focused on one of the boys after the other three identified the fourth as the one using the profanity.

Schwartz stated that he was wearing his Flanagan High School-issued teacher badge (lanyard around his neck), and he showed it to the boys and identified himself by name (Jay Schwartz) and position (teacher) to the boys and wanted to tell them to "knock off the profanity". Schwartz then stated that he began speaking to the one boy (presumed to be O.B.) and told him that speaking like that would make it hard to get a job. The student then told Schwartz he had a job. Schwartz then asked the student what type of job he had, and the student said he was a first responder. Schwartz, puzzled by the response, said he then stated, "I have two jobs. Right? I'm a teacher here (then showed him his teacher identification), and then I said I also represent you in City Hall. I'm a City Commissioner, uh, I'm an elected official, and I showed them my identification (City Commissioner badge). That was, that was the extent of it."

Schwartz stated that during the encounter, he was not taking law enforcement action, for example, a search or an arrest. Regarding the comment, "Welcome to America," as has been

reported, Schwartz stated that it was "inherently false" and "absolutely no way" he made that statement.

On June 5, 2025, Woehr received a disc from the Broward County Public Schools Risk Management, which contained the video footage of the incident. The video shows Schwartz entering the school at approximately 7:29 A.M. At approximately 07:31 hours, Schwartz can be seen entering the corridor and walking in the direction of the students. At approximately 7:32 A.M., Schwartz is seen passing the students, and as he passes, he turns to interact with the students. At approximately 7:33 A.M., Schwartz can be seen reaching into his pocket, removing something, and showing it to the students. The movements are consistent with removing a wallet and brandishing the badge as reported by the victims.

#### **LAW and DISCUSSION:**

The applicable Florida criminal statutes are Florida Statutes is § 843.08. To prove the crime of Falsely Personating an Officer, the State must prove the following two...elements beyond a reasonable doubt:

1. (Defendant) falsely assumed or pretended to be a[n] [police officer] [deputy sheriff [sheriff]...
2. While doing so, (defendant) [took it upon [himself] to act as such an officer] [required [someone] (name of person)] to aid or assist [him] [her] in a matter pertaining to the duty of such an officer].

When evaluating whether to file criminal charges, prosecutors must adhere to a higher standard than simply determining probable cause. Probable cause, which is the threshold law enforcement must meet to make an arrest or obtain a warrant, means there are reasonable grounds to believe a crime was committed and the suspect committed it. However, when deciding to formally prosecute

a case, prosecutors must assess whether there is a reasonable likelihood of conviction at trial. This means the evidence must not only support the charges but also be strong enough to convince a judge or jury beyond a reasonable doubt. The distinction ensures that prosecutions are pursued only when a case is sufficiently robust, promoting fairness and conserving both State and judicial resources.

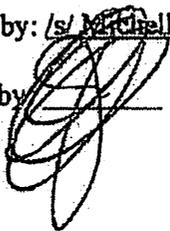
In applying the required prosecutorial standard to the applicable law in this incident, the undersigned notes that even though the statements of the victim(s) were both consistent and credible, the intent requirement would create doubt in the minds of a jury and diminish the possibility of a conviction if this were to proceed to trial. While the conduct identified constitutes a clear technical violation of Florida Statute § 843.08, a review of the facts and applicable law suggests that there is no reasonable likelihood of securing a conviction beyond a reasonable doubt for the following reasons. A criminal prosecution under § 843.08 requires proof of willful intent. While the conduct of Schwartz was both inappropriate and improper, it is not clear from the available evidence that Schwartz acted with the specific intent required for criminal culpability. *Siplin v. State*, 972 So. 2d 982, (5<sup>th</sup> DCA 2007). Furthermore, the undersigned notes that even though actions alone can constitute impersonation, *Schwartz never specifically announced that he was law enforcement, and his badge identified him as a city commissioner.*

While the evidence supports a finding of a technical violation of Florida § 843.08 and poor judgment by Schwartz, the matter does not support criminal prosecution under the standards set forth by applicable law. Accordingly, this investigation is closed with the conclusion that there is no reasonable likelihood of conviction, and no further criminal action is recommended.

**CONCLUSION:**

As such, PC 25-07-038 is closed without further action.

Submitted by: /s/ Michelle Boutros

Reviewed by: 

Date: 9/16/25