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## Oviedo cop won't lose job over 'ninja' flap

**May 23, 2008**

**By Jenny Andreasson**  
**The Voice**

An Oviedo Police officer who was being investigated for an unusual sentence on his MySpace page is not in trouble for speaking to the media about it. In fact, the media policy itself is now under investigation.

Chief of Police Jeff Chudnow reversed a finding against Varkony, one which said that he violated the media policy by talking to a TV news reporter about a message on his MySpace page that described him as a "killer ninja fighter." Varkony's supervisor had recommended the officer receive two days suspension without pay. The media policy is now under review for having not served its intended purpose, Chudnow wrote in a memo to Varkony.

"On its face, your conduct would appear to be a violation," Chudnow wrote. "However, the spirit and intent of the policy is to prohibit employees from disclosing information that compromise or interfere with an ongoing investigation, would disclose confidential or privileged information, or would interfere with the employee's ability to perform his job or the department's ability to carry out its mission.

"After legal review, it is my decision that this investigation will be reclassified, as relates to the media interview, from sustained to not sustained due to policy failure."

Varkony was approached by a WFTV Channel 9 reporter on April 11 and he spoke about the MySpace internal investigation. Only the "chief of police or an appropriate designee" is allowed to do that, according to the media policy.

Also, the department's discipline policy is under review because it does not address "policy failure" as a finding.

In a memo to Chudnow, Varkony wrote that he spoke with Channel 9 after he read an "embarrassing" news article with "nothing published in defense of me." He also said he did not seek Channel 9, but said it was an "ambush."

He said the TV reporter told him the Police Department had not defended him and then gave him a chance to defend himself. He didn't think it would be a violation of the media policy at the time. "I was off-duty, in plain clothes, at my residence, and said nothing about the city or the open investigation. I felt like I was using my first amendment right to defend myself to the public."

Varkony also wrote that the whole investigation was initiated by three Oviedo councilmen who told a reporter to look into him. "It doesn't seem fair to me that councilmen from the city of Oviedo can tell a reporter bad things about me and influence her to look into something that is going to make me look bad," Varkony wrote.

The MySpace sentence was OK'd after the investigator found it was in reference to a video game. "Killer ninja fighter" was Varkony's "tag name" on an Xbox 360 game.

The sentence was taken in a negative way, but "required explanation," investigator Lieutenant Dennis Lynch wrote. Also, the statement was not found to have had an adverse affect on the department's reputation. When all the facts are known about the sentence, the negative impact it caused could be "negated," Lynch added.

Varkony will not be disciplined and went back to his regular policing duties Friday, May 16, but Chudnow wasn't without some cautionary words for the 28-year-old officer.

"While no discharge is imposed," Chudnow wrote, "you are reminded that you are responsible for knowing and adhering to all policies and regulations of the city and you should govern your behavior accordingly."

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