STATE OF FLORIDA
COUNTY OF VOLUSIA
COUNTY COUNCIL

In the Matter of the Investigation
Of the Waverly Matter, Pursuant to
Ordinance 2014-01 of the County Council
of the County of Volusia, State of Florida

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EXAMINATION UNDER OATH OF MANUEL BORNIA

DATE: June 30, 2014

TIME: 10:08 o'clock a.m.

PLACE: Vero Beach Court Reporters
3111 Cardinal Drive, Suite B
Vero Beach, FL 32963

REPORTER: Cynthia L. O'Cain

A P P E A R A N C E S:

FOR THE COUNTY COUNCIL:
KANEY & OLIVARI, P.L.
55 Seton Trail
Ormond Beach, Florida 32176
BY: JONATHAN D. KANEY, JR. ESQ.

ALSO PRESENT:
MICHAEL KANEY, Intern

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WITNESS: MANUEL BORNIA

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EXHIBITS

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1 AND THEREUPON,
2 MANUEL BORNIA
3 called as a witness on behalf of the County Council,
4 after having been duly sworn, was examined and testified
5 as follows:
6 DIRECT EXAMINATION
7 BY MR. JONATHAN KANEY:
8 Q Good morning. May I call you Manny?
9 A Of course.
10 Q First, thank you for meeting me here in Vero,
11 halfway between your place and my place. I appreciate
12 it.
13 A You're welcome, I think.
14 Q Would you state your full name for the record,
15 please.
16 A Sure. Manuel Bornia.
17 Q What is your address?
18 A My home address is 120 Newberry Lane,
19 Wellington, Florida 33134.
20 Q Are you employed now?
21 A I am, yes.
22 Q Congratulations.
23 A Thank you.
24 Q Where are you employed?
25 A I actually own my own business. I own my own

1 marketing agency.
2 Q What do you call your business?
3 A ExperiMar.
4 Q How do you spell that?
5 A E-X-P-E-R-I-M-A-R.
6 Q Creative name. I wonder how you got that.
7 A Creative. It's a combination of the word
8 experiential marketing. That's what we focus on.
9 Q Are you acquainted with -- you previously lived
10 and worked in Volusia County?
11 A I did.
12 Q When was that?
13 A From 2008 to 2011 or '12, 2012.
14 Q When you were there, where were you employed?
15 A I was employed by the -- what was the name of
16 the organization? Daytona Beach International Festival,
17 the Daytona State College and then by Floridian View
18 Magazine.
19 Q Who were the principles of Floridian View?
20 A Yes. Myself, Ramara Garrett and initially Josh
21 Wagner.
22 Q Ramara, R-A-M-A-R-A? Garrett with two Rs and
23 two Ts?
24 A I believe so.
25 Q What was your role for Floridian View? First,

1 for the festival.
2 A For the festival I was the executive director.
3 Actually, I started off as the marketing director and
4 then I became the executive director of the festival. I
5 ran the daily operations and events and all the creative
6 work that needed to be done for the festival.
7 Q And then you, after that, went to Floridian
8 View?
9 A Yes. Unfortunately, the festival ceased to
10 exist after 2010. And so I was presented with the
11 opportunity to start Floridian View and then I took the
12 opportunity.
13 Q What is Florida View?
14 A Sure. Floridian View was a monthly
15 publication, a magazine that was produced in Volusia
16 County.
17 Q What did it deal with?
18 A Everything. The lifestyle of Volusia County,
19 food, different editorials, homes, restaurants. It was a
20 general lifestyle publication.
21 Q Who were the owners of the that business?
22 A Myself. I was a minority stakeholder and
23 Ramara Garrett and Josh Wagner, initially. And then I
24 believe at some point, I wasn't involved in that
25 conversation, but at some point in the fall of, it would

1 have been at that point 2011, Josh Wagner was no longer
2 involved. So at that point it would have been Ramara as
3 the majority stakeholder and myself.
4 Q Do you know why Josh was no longer involved?
5 A I never got a specific answer. I believe at
6 that point he -- there was a lot going on in his world
7 with his father and things like that. So I think at that
8 point he just felt at best to step aside.
9 Q His father had some criminal issues?
10 A I believe, yeah. I followed that in the paper,
11 yeah.
12 Q When did you first meet Josh Wagner?
13 A I first met Josh Wagner through the
14 International Festival. We were very involved in the
15 community, the festival was. And the county council and
16 the city were very involved in the festival. I don't
17 remember a specific moment having met Josh, but I know
18 that it was during that time when we were involved in
19 producing a festival with the orchestra.
20 I know that Josh and I became friendly when
21 Josh was appointed by the county to serve as liaison to
22 the organization to represent the county's interest in
23 the festival. The county and the city had contributed
24 some funds to the festival so they could each appoint an
25 individual from the organization. So Josh worked with us

1 closely on that.
2 Q Do you recall who was appointed by the city,
3 the City of Daytona?
4 A Yes, actually. Commissioner Schriver, Rick
5 Shriver at that point.
6 Q And you are acquainted with a gentleman by the
7 name of James Sotolongo?
8 A I am.
9 Q How did you meet him?
10 A I met Jimmy, as I knew him, through Josh Wagner
11 at one of the festival events. I was introduced to him
12 by Josh. I can't remember the exact specifics of the
13 introduction, but I know that I met them back stage at
14 one of the events at the festival.
15 Q Them would be Jimmy and who?
16 A Jimmy and Ramara. They were together.
17 Q They were together?
18 A Yeah.
19 Q What was Jimmy's occupation, to your knowledge?
20 A No idea. I really didn't know. We, at that
21 point, didn't -- when we initially met, there was no
22 exchange of that kind of information. It was just hi,
23 this is really great, what are you doing kind of stuff.
24 There was really no exchange of any of that kind of
25 personal information.

1 Q Do you know if Josh and Jimmy had a
2 relationship, a working relationship, friendship?
3 A I'm aware that they were friends, I assume,
4 because Josh introduced me to him. I know that at some
5 point they were involved with something to do with the
6 pier. They wanted to put a restaurant together on the
7 Daytona Beach Pier, which was common knowledge in the
8 community. But beyond that, I didn't know at that point
9 about their relationship, no.
10 Q Jimmy was involved in the effort to get the
11 restaurant on the pier?
12 A I believe so.
13 Q With Josh?
14 A Yes.
15 Q Do you recall the elections of 2012?
16 A Vaguely, yes, I have. But I was back in Palm
17 Beach County by August of 2012, so I was not there for
18 the election, for the actual elections of 2012, but, yes.
19 Q You were there when the campaign was going on?
20 A Yes.
21 Q Was Josh a candidate in those elections?
22 A I believe he was running again. 2012 would
23 have been the year that Josh was running. I think so,
24 yeah.
25 Q Are you familiar with a company called Waverly

1 Media?
2 A I am.
3 Q What do you known about them?
4 A Waverly had an office near our office for a
5 period of about a year. They were downstairs. And I
6 know that they did bus benches. They sold advertising on
7 the bus benches across Volusia County.
8 Q Did you have any participation in the bus bench
9 advertising aspects?
10 A I didn't, no. I wasn't involved in that
11 company.
12 Q You know a man named Ted Doran?
13 A I do.
14 Q What do you know of him?
15 A Ted is an attorney in Volusia County.
16 Q From time to time.
17 A Yes, allegedly. And, actually, I met Ted
18 through, I think I met him through Jim and Ramara as
19 well. And Ted was campaigning in 2012 and Jim and Ramara
20 were helping him with his campaign. They asked me to do
21 some graphic design work for Ted's firm, for Ted's
22 campaign.
23 Q What did that involve?
24 A The design of a logo, the design of some
25 marketing materials. We did a logo, we did some

1 marketing materials, post cards, things like that.
2 Q Did you do the art for bus bunch ads?
3 A I don't believe we did the art for the bus
4 bench ads, no.
5 Q Do you know if Ted used bus bench advertising
6 in his campaign?
7 A I believe he did, yes.
8 Q Do you know how many bus benches he applied for
9 that purpose, the signs on benches?
10 A I don't know how many he actually acquired, no,
11 I don't.
12 Q Do you have a rough idea?
13 A The only thing that I know is that there has
14 been conversations that I heard either over the phone,
15 people around me, about something between 60 to 100
16 benches. But I don't know even know how many benches
17 there were in total, so I don't know how real that number
18 is.
19 Q Are you familiar with the fact that various
20 benches were provided by Waverly to candidates as in-kind
21 contributions?
22 A Yes, I am.
23 Q What is your understanding?
24 A I would observe, mostly as a third-party, just
25 people in the office back and forth talking about

1 supporting candidates with in-kind contributions. I know
2 that had it happened fairly often.
3 Q How does that transaction, how did that happen?
4 A I was never really part of a transaction with a
5 candidate present. Since the offices were near one
6 another, what I would see is kind of behind the scenes of
7 either Jim or Ramara, Jim Sotolongo or Ramara Garrett
8 coming and speaking with Jim Brown, or other people in
9 the office, about making sure that a candidate got a call
10 back or a candidate got benches. That's to the extent
11 that I observed that going on.
12 Q Do you know what the financial aspects of the
13 in-kind distribution, how that works?
14 A I don't. You know, I understand that there's a
15 campaign limit now just by what I've read and what I
16 understand through, you know, reading the news, basically
17 the coverage. But, no, I didn't at the time and I really
18 wasn't paying attention to that to be honest.
19 Q Well, do you know that for the bench to be
20 provided in-kind, that would mean that someone else would
21 have had to pay Waverly for the bench, for the
22 advertising and the art and so forth, other than the
23 candidate?
24 A No, I wasn't aware of that. No, I didn't know
25 that. And, for the record, I never even heard that

1 discussed. That was never even part of the conversation.
2 (Exhibit No. 1 was marked for identification.)
3 Q We've marked this sheet of paper here Exhibit
4 1. Would you take a look at that, please.
5 A Yes, sir.
6 Q Have you ever seen that before?
7 A I have.
8 Q When and where did you see it?
9 A I saw that. I don't remember when
10 specifically, but it was in the Floridian View. It must
11 have been somewhere -- there's a date on the paper here,
12 7/7/2012. So it must have been around that point in time
13 or later.
14 Q What do you believe this handwriting says? Can
15 you read it?
16 A Sure. Would you like me to read it directly?
17 Q Sure, please.
18 A Okay. It says, please order materials for
19 invoice. I believe that it says, done benches total 60.
20 I can't make out what the first word is there. It says,
21 order. I can't make out that second word. SAP need to
22 be -- I can't make out that last word. Something day.
23 Maybe Friday there. Keep off books. Only bill 10K. And
24 I cannot make out what that last word is there either.
25 Q Do you think it might say, rest in trade?

1 A It could. But that last word is completely
2 illegible.
3 Q And there is a signature there. Do you
4 recognize that signature?
5 A I recognize that signature from having seen it
6 in the office. And that's Jim Sotolongo's signature.
7 Q Do you know if Ted Doran actually acquired bus
8 bench ads from Waverly for his campaign?
9 A I know that he did because I saw him in town.
10 But I will tell you that shortly after this document, I
11 was no longer involved with any of the campaigns. So I
12 can't tell you how he acquired them or how many he
13 acquired.
14 Q Would you interpret this memo as directing Jim,
15 which is, I believe we would agree that's Jim Brown, who
16 it is address to Jim? Jim Brown was the manager at
17 Waverly?
18 A Yes.
19 Q Does this appear to direct him to order
20 materials for Doran benches a total of 60, ASAP need to
21 be up in a, something. Maybe Friday, as you said. Keep
22 off books. Only bill 10K. Rest, and probably trade,
23 what I'm interpreting that to be trade. Do you know if
24 that was how that was done?
25 A What I know is this: As I've explained, this

1 document reflects a conversation that several people in
2 our office overheard. I have to put it into context and
3 then could tell a back story a little bit.
4 Q Sure.
5 A The two years that I worked for these two
6 individuals were probably the worst two years of my life.
7 I apologize if I get emotional because it was a very
8 difficult time for me personally. I dealt with
9 everything from fraud to physical abuse. I was beaten up
10 a couple times. It was very difficult.
11 Q Excuse me. Who beat you up?
12 A Jim Sotolongo. Physically abused me twice.
13 One time he went to hit me with a metal bar and actually
14 I was pulled under a pavilion. And Josh Wagner was
15 present. And Josh was one of the people who blocked him
16 from doing that.
17 Q Why was he angry?
18 A You know, Jim has a very bad temper. Now that
19 I know, in retrospect, that he has a history of violence.
20 It wouldn't take much to set him off. It would be
21 anything out of the norm of what he wanted you to either
22 be doing or do on his behalf or even something simple.
23 I'll give you an example. In the magazine once
24 we simply mislabeled Frank Bruno's title. I think one of
25 the writers called him Major Frank Bruno instead Volusia

1 County Chair Frank Bruno. Something silly. And I had a
2 magazine thrown at my face. I was taken downstairs and I
3 was pushed to the ground in front of Jim Brown, Ramara
4 Garrett and Ramara's children. I was grabbed by the
5 neck, thrown to the floor and my glasses were broken. It
6 was a fairly horrible night. And that happened a couple
7 of times.
8 For me I was in a position where I couldn't
9 really go anywhere. People recognized me in the
10 community and I had a team of people that I was
11 responsible for. My team and I had witnessed these
12 things happening over and over. Jim was losing his
13 temper over and over.
14 This particular document was never intended to
15 be a public document, as I had expressed to you
16 previously in a phone call. You know, my staff became
17 highly frustrated one day. To be really honest, I don't
18 even remember what was the breaking point. We were
19 constantly being asked to do things for candidates, which
20 sets back our job of producing a magazine.
21 You know, at the end when I was kicked out,
22 basically forced out because I could no longer be trusted
23 with what was going on in front of me, they blamed the
24 fact that the magazine ran late on my exit. But the
25 truth of the matter was, it wasn't because the magazine

1 was running late. It was because we were always being
2 asked to do things for candidates.
3 And so this was an interoffice joke that was
4 created after we overheard conversation with Jim. And I
5 believe at that point it to be Jim, because that's how it
6 happened. Jim Sotolongo would call Jim Brown and say,
7 make this happen. And it would happen, to the best of my
8 knowledge. We would see benches up and we wouldn't know
9 where they came from. We would see lawn signs and
10 postcards and T-shirts and things would just pop up.
11 And so this was actually an interoffice joke, a
12 ruse that we were having amongst each other of this, the
13 kind of thing that people were trying get away with in
14 our office and Waverly. That was the genesis of this.
15 I don't believe that this was an actual memo
16 from Jim Sotolongo or Jim Brown, but I do believe that
17 this, because I heard it with my own ears, that these
18 were the conversations that were being had.
19 Q You had no hesitancy in identifying this
20 signature as Sotolongo?
21 A Yes.
22 Q It's pretty distinctive.
23 A Yes. We had seen it multiple times around the
24 office. Jim had trained a couple of people to sign
25 things for him, whether it was checks or whatever it was

1 for employees. He had shown several people how to write
2 his handwriting and things like that. So his signature
3 was recognized not only because of that, but because he
4 was also the person who typically signed checks when
5 there were checks to be had.
6 Q So are you under the impression that someone
7 other than Sotolongo scrawled this signature on this
8 note?
9 A I believe so, yes.
10 Q Do you know who it was?
11 A I don't remember how it all played out.
12 Because it was literally, you know, if I think back, we
13 have reached a fever pitch of a campaign cycle and we had
14 huge deadlines. And so we were being asked to do all the
15 things that I just expressed.
16 I can't remember how it played out, but someone
17 said, wouldn't it be hilarious if someone just, you know,
18 if Jim were sending these memos and someone actually
19 found this stuff? Somehow this has got to come to a
20 head.
21 So thinking back now, it was probably not
22 funny. In the moment of frustration with everybody
23 overwhelmed and upset about the fact that this was going
24 on, we were being asked to do these things, it was just,
25 you know, the comings and goings of a bunch of staffers

1 having expressing their frustration.
2 Q Let me go back. One of the comments you made,
3 you were constantly being asked to do things for
4 candidates.
5 A Yes, sir.
6 Q What kind of things was that?
7 A Yes. So we were constantly being asked to do
8 design work. I am a graphic designer. I do very good
9 work. They would ask me pretty consistently to try to,
10 you know, to help them with these projects. I know that,
11 you know, the questions of whether or not these people
12 are trying to help these candidates was true, because I
13 was one of the people they would come to and ask to do
14 these things. So we were constantly being asked to do
15 design work for whatever. Someone needs a rack card.
16 Manny, can you please do the rack card.
17 The thing is this, the worst part about it,
18 because Mr. Sotolongo controlled the funds, we had to do
19 whatever Jim said or we wouldn't get paid. To put that
20 into context, just so you understand the full picture,
21 when I left the festival, our family, we didn't have any
22 money. The festival was great to us, but we didn't have
23 any money. We saw this opportunity.
24 From day one, now thinking back, it was all a
25 big lie. There wasn't any money to be put into the

1 magazine. They never really did what they said they were
2 going to. I was supposed to be on a salary. I was
3 supposed to be an employee and get a paycheck. It was
4 always contingent upon trying, you know, we'll grab some
5 money from here and give it to you over there. We'll
6 make sure you're okay, Manny. We'll make sure you're
7 taken care of. It was that kind of thinking. There was
8 never a paycheck.
9 So in order for us to get paid, Jim would hold
10 things against me, against other staff members. He would
11 literally come into the office and flip desks. Literally
12 take a desk, flip it. It scared the living daylights out
13 of employees. That's how it was.
14 I'll tell you one thing that I just think is
15 important for the record. Jim Sotolongo sat me down one
16 day in my office and told me how he had kidnapped
17 someone, had kept them their bathtub for three days and
18 urinated on him for three days. He looked at me with a
19 straight face and told me that.
20 Q Did you believe him?
21 A Yeah. Hell yeah I believed him. I believe him
22 now. Absolutely I believed him.
23 A second story. You I haven't asked me these
24 questions, but I feel it's important for you to know
25 these things.

1 Q Please.
2 A The reason why -- you asked about the signature
3 or familiar with it. There were two accountants in our
4 office. I don't remember their last names, but it was
5 Michelle and Charlotte. I don't remember what their last
6 names were. And one day with the payment situation we
7 became frustrated because we needed our paychecks.
8 It was famous for Jim and Ramara to disappear
9 Friday morning. They would disappear Friday morning.
10 I'd be left to deal with the staff without paychecks.
11 They would reappear on Monday with cash for the staff
12 members to cash their checks right then and there. It
13 was a terrible, terrible feeling. These people had
14 families, I had a family.
15 Long story short, one day I went into the
16 accounting office, which was also the Waverly accounting
17 office. I said, what is this?
18 Don't you know? It's like a joke to them.
19 Don't you realize? They don't care. Jimmy is an ex drug
20 dealer, and told me all of the things that are common
21 knowledge about Jim Sotolongo.
22 I told my staff these things. I said, guys,
23 this is what I just found out. I was floored.
24 I looked Jimmy up. I researched Jimmy. I
25 thought Josh was his friend. How could Josh put me in a

1 position to be dealing with someone like this? So I
2 didn't believe. Told my staff. I said, listen, this is
3 what I just found out. This is why we're having these
4 issues.
5 The staff became highly irritated and angry
6 because we had all been abused either physically,
7 mentally or verbally.
8 So one of my staff members confronted
9 Mr. Sotolongo, who denied the entire thing.
10 Mr. Sotolongo called Charlotte and Michelle from finance
11 down and me into his conference room. He asked me what I
12 had heard and I repeated it to him. He asked Charlotte
13 and Michelle right in from of me if they had said that.
14 They, with a completely blank stare said that
15 they had never said that, that they had never told me
16 anything about Jimmy's past, that I had made up the
17 entire thing about Jimmy being a cocaine dealer and the
18 FBI investigation. All of those things, I had fabricated
19 all of it in front of my staff.
20 That afternoon Jimmy took me outside and had
21 one of his little sessions with me again where he pushed
22 against the wall, grabbed me by the neck, et cetera.
23 That's the kind of environment that we were operating
24 within. I think it's important for you to understand
25 that.

1 Q You know that was he convicted in federal
2 court?
3 A I'm aware of that.
4 Q Extensive mortgage fraud.
5 A Yes.
6 Q Millions of dollars.
7 A Yes.
8 Q Do you have any idea where that money is now?
9 A I have no clue. And it's shocking to me
10 because they never had any money to pay us. Shocking. I
11 had no idea.
12 Q When you were being called upon to do this
13 design work for candidates --
14 A Yes, sir.
15 Q -- were the candidates paying Waverly and/or
16 Floridian View for this work?
17 A No. They were not paying Floridian View. I'm
18 not sure. I have no knowledge of the finances of
19 Waverly. But they were not paying Floridian View or me.
20 Q It is a good question how Josh would put in you
21 that situation with Jim. Have you figured out an
22 explanation for that?
23 A You know, it took me about a year to reconnect
24 with Josh. It took me a year to kind of deal with all
25 this stuff.

1 Again, for perspective purposes, when Jim
2 Sotolongo found out about this, because he found it in
3 the office, which was kind of a point for him to see it,
4 we were hoping he wasn't going to beat the crab out of me
5 again. But, basically, he came to my home. He accosted
6 me in my home. He took my computer. He took everything
7 I had in my house that was related to Floridian View.
8 The lock was changed and I was no longer welcomed. That
9 was that. That's the last I was ever in that office. I
10 was never allowed back in.
11 I called Josh then. And I don't know if Josh
12 was just naive or he believed Jimmy. But at that point I
13 had gone to several people that I had developed a
14 personal relationship with Josh Wagner, Donna Sue
15 Sanders, people who I thought were outstanding people in
16 the community. Donna Sue Sanders was an amazing person,
17 for the record. And I told them that I was scared.
18 Because Jimmy knew where I lived. He had told me these
19 things.
20 I asked Josh. I said, Josh, did you know this?
21 And Josh at that point said he didn't. Jimmy had really
22 done a good job convincing people that it was all untrue.
23 At that point nothing had broken. The FBI
24 investigation hadn't broken. His past hadn't been
25 published. So he made me out to be crazy. He literally

1 told all of my connections from Josh to the chamber to --
2 he told everyone that I was crazy.
3 At that point I was trying to either find
4 another job so that I could leave. I had built some
5 great relationships in the community. I had an amazing
6 board when I was working at the festival. I had been
7 offered opportunities at Brown & Brown and Florida
8 Hospital and I took the magazine. Kick myself in the ass
9 sometimes. Not anymore, but I did then.
10 And I confronted Josh. At that point he really
11 didn't have anything to say to me about it. He almost
12 still believed and was standing by Jimmy's version of the
13 events.
14 More recently I ran into Josh on the street. I
15 was visiting my mother-in-law and just ran into him. He
16 gave me a hug. And he said, I guess maybe things weren't
17 exactly as they had been described. We left it at that.
18 There really wasn't, there is no relationship or
19 friendship to solve there. It kind of evaporated after
20 what happened. It's tough to play that all out again in
21 my head.
22 Q Do you believe Josh was telling the truth when
23 fessed that he had no understanding of what Jimmy was
24 about?
25 A He had nothing to gain by lying to me. He

1 really didn't. I don't know why he would. If he wasn't
2 being honest, he really had nothing to gain by being
3 dishonest with me at that point.
4 Q You mean in the second meeting?
5 A Yeah. Or even in the first.
6 Q Don't you think that if he admitted to you that
7 he was misleading you, he would have something to lose
8 from saying that?
9 A No. Because, candidly, John -- I'm sorry.
10 Q That's okay.
11 A Candidly, John, at that point, if you sit
12 somewhere with someone for a couple of years and they
13 beat the crap out of you and they tell you you're crazy
14 and they tell you you're stupid and they tell you you're
15 an idiot and they beat the crap out of you again,
16 sometimes, I hate to sound, you know, sound like any less
17 of a guy, but the truth of the matter is sometimes you
18 start believing that maybe you're the one. This guy is a
19 mastermind at this. I know now he's left a trail of
20 people like me in his life. He is talented.
21 Q So are you saying you that you think Josh was
22 duped?
23 A I think so. I have no reason to believe
24 otherwise. I really don't.
25 Q Did you do artwork for Josh's campaign

1 material?
2 A I actually didn't. Josh himself is a designer.
3 I think Josh did most of his stuff himself. I know I
4 didn't do it.
5 MR. JONATHAN KANEY: Let's take a time out.
6 (Off the record.)
7 Q What familiarity did you have with Josh's
8 candidacy?
9 A Very little. I was pretty busy at that point
10 and so was he. I wasn't involved. It's funny because I
11 would have thought that I would have been involved in
12 Josh's stuff and I wasn't, ironically enough. So I
13 didn't have much to do with it. The only thing I know is
14 kind of from watching on the outside and conversation
15 over beer or whatever, he was struggling, he was having a
16 hard time. Mostly because of the associations with
17 things happening with father. I think that was a burden
18 on him. I think, inherently, Josh has a good heart. So
19 I think that that was really a great, you know, affected
20 him.
21 Q That the memo, Exhibit 1.
22 A Yes, sir.
23 Q Jimmy found that in the office?
24 A That's what he told me, yes. I only know this
25 because he showed up at my house one night. I can't

1 remember what it was. I think it my brother-in-law was
2 at the door and Jimmy, family kind of knew that Jimmy was
3 involved in my world. So they let him in the door. I
4 was in the bathroom and Jimmy walked into the bathroom
5 and started berating me about this. So, yes, I believe
6 that he found it in the office and that's what his issue
7 was.
8 Q You know Charlie Lydecker? You know Charlie?
9 A Yes, I do know Charlie.
10 Q I think this memo came into his possession at
11 some point. Are you familiar with that?
12 A Yeah. It's funny because I don't remember how
13 in the transgression of things Charlie got it. But I
14 think it was through conversation with you that I became
15 aware, recalled that memory of Charlie getting it in his
16 hand, yeah.
17 Q You don't know how?
18 A I don't remember the exact. It was really kind
19 of a blur. I don't remember exactly how Charlie ended up
20 with it. I don't.
21 Q I believe also that at some point this note was
22 given to a reporter, a newspaper, a news journal.
23 A Yes. I remember you had brought that up on a
24 previous conversation.
25 Q Did you know that other me telling you?

1 A I didn't.
2 Q Do you know if anybody ever asked Jim Brown
3 about this note?
4 A I don't know. Jim Brown, just so you
5 understand the perspective, Jim Brown and I rarely spoke.
6 There was always something about Jim Brown that rubbed
7 me. I just didn't know Jim and we never got along.
8 Found out later he was a murderer, which spoke volumes to
9 my intuition. But Jim Brown and I never got along. So
10 Jim Brown and I communicated literally when we had to.
11 Q So if I understand, I do think I do understand
12 what you're testimony is, this note was a concocted
13 fictitiously, but it accurately represents the nature of
14 the dealing that was going on between Jimmy and
15 candidates.
16 A As I understood it, yes. I was never present
17 with a candidate and Jimmy having this conversation, but
18 I do remember the conversation and Jimmy saying. Your
19 understanding is correct.
20 Q And in particular with respect to Ted Doran.
21 A Yes, sir.
22 Q This would represent a conversation or
23 conversations --
24 A Overheard by myself and my team.
25 Q Regarding Ted's candidacy, but you didn't hear

1 Ted say this. You heard Jimmy talking about it.
2 A Yes, sir.
3 Q I put too many words in your mouth.
4 A I can repeat it in my own words. It reflects
5 accurately a conversation that I overheard Jimmy having
6 in regard to Ted's campaign, yes, sir, Jimmy Sotolongo.
7 Q Do you know a lady named Joyce Cusack?
8 A I do. I know of Joyce. I don't really know
9 her personally, but I know Joyce, of course.
10 Q Was Waverly providing advertising materials to
11 Joyce?
12 A I'm unaware of a specific instance where I saw
13 any advertising for Joyce because I don't think Joyce was
14 running. Maybe she was. I'm not sure when Joyce was
15 running. I don't believe, I never saw any marketing for
16 Joyce. Personally, I didn't.
17 Q Did you hear her discussed in the office?
18 A I did.
19 Q What was the nature of what you heard, in the
20 discussion?
21 A I knew that they had a good, Jim and Ramara had
22 a personal relationship with Joyce. They always talked
23 about how much they loved Joyce and they went out to
24 dinner with her. I wouldn't say frequently, but once a
25 month possibly.

1 Every time I met Joyce socially we would go to
2 either an event or whatever were involved in stuff. She
3 was very nice. She always seemed to embrace Jimmy and
4 Ramara.
5 You know, I think that Joyce, just like
6 everyone else, may have been just kind of taken by --
7 this is what they do. This is what they did to
8 everybody. I saw in Joyce that she was smitten and kind
9 of taken by their attention and friendship, quote,
10 unquote.
11 Q Do you know if Jimmy provided her campaign
12 support?
13 A The only support that I'm aware of that Jimmy
14 provided her, and this a third party, I'm aware of this
15 from overhearing conversations, was support for a
16 campaign, I'm not sure when it was, with the use of
17 space. There was a car lot on International Speedway
18 Boulevard that Jimmy owned or leased or something at one
19 point. And they gave her that space to use as
20 headquarters, I believe it was. That's the only thing I
21 specifically recall hearing about.
22 Q Gave her. She didn't pay for it?
23 A The way that I understood the conversations --
24 context, let me explain the context. At a certain point
25 in time. I can't remember when it was. It must have

1 been the spring or summer of 2012. We started hearing
2 rumblings about the FBI and all these things, that Jimmy
3 was under investigation. He kept playing those things
4 down. So people saw me associating with him would come
5 to me and say, hey, you need to separate yourself from
6 those people. You're a good guy. You're young, you have
7 a family. What the hell are you doing?
8 So I want to say, I can't remember who
9 specifically it was. It was so many people kind of
10 around. But someone had said to us that there had been a
11 investigation previously about the use of the car lot or
12 in-kind contributions to Joyce by Jimmy and Ramara but
13 that it had been squashed somehow. So that always
14 carried me as I saw things unravel from a distance after
15 that. It always carried with me. I wish I remember who
16 specifically had that conversation, but I don't.
17 Q Is there anything else you would like to add
18 relevant to my incentive to look into the campaign
19 financing?
20 A No. I can't think of anything specific at this
21 point relative to campaign finance. The only thing that
22 I would offer to you on the record is that, as I
23 understand it, the things that I saw lead me to believe
24 that there were things going on that were inappropriately
25 handling items in the campaign. I understand that even

1 after my exit, things developed even more in the sense
2 that a lot of people quit, my old staff. As soon as
3 Jimmy was arrested, people were literally called me
4 crying, apologizing because I was made out to be a kook.
5 Because I told them exactly what was coming.
6 So the only thing I will put on the record to
7 you directly is the fact that, to my best knowledge,
8 while I was never personally in the middle any of it and
9 involved to the degree that I saw these transactions,
10 everything that I understand that is being suggested
11 leads me to believe that things like that were going on.
12 I don't know if that makes any sense.
13 Q It does. The candidates were the beneficiaries
14 of what was going on; were they not?
15 A To my understanding, they were the only ones
16 who benefit from the advertising.
17 Q Do you know if any of the candidates were aware
18 where this was coming from?
19 A I don't. There was only a handful of
20 candidates that ever observed even being in the same
21 space as I was. There were Derrick Henry, who was
22 running for mayor at that point; Justin Kennedy; Roy
23 Johnson from Holly Hill; and Ted, obviously.
24 I remember a distinct conversation, if this is
25 important for you to know, I remember a distinct

1 conversation with Roy Johnson's daughter. Her name
2 escapes me. A nice girl. Where I said to her specific,
3 I said, your dad's a good guy. Whatever you do, please
4 don't take benches from these people. I said that to
5 her. And I know that they didn't. I take a certain
6 amount of pride in knowing that at least someone like her
7 and Roy listened and didn't take it. Subsequently,
8 everything was evolved from there. Those are the only
9 people I ever saw in my presence discussing needing signs
10 or things like that.
11 I never witnessed, personally, anyone outside
12 of conversations, Jim on the phone and things like that
13 requesting anything for free or knowingly saying, yeah,
14 thanks for, you know, giving me this stuff for free. I
15 never saw that.
16 Q What about Mr. Kelly from Deland?
17 A Yes. I was not personally involved or designed
18 anything for Andy Kelly or any of that stuff, but I know
19 that they were very close with Jim and Ramara.
20 Q Did you ever hear Andy Kelly asking for bus
21 bench signs?
22 A I have to say, no, John, because I don't
23 remember him, in my presence, asking for benches
24 personally. I don't.
25 Q You mentioned Justin Kennedy. What do you

1 recall his connections with Waverly?
2 A Just request for design of materials. I know
3 that they did some signs for him and things like that,
4 but I don't know how that all, who paid for what or any
5 of that stuff. I just know because I had a stack of
6 design requests. They were like, please design this,
7 this and this.
8 I was like, you got to be kidding me. I have a
9 job. I remember that a lot of materials being designed
10 for Justin.
11 (Off the record.)
12 MR. MICHAEL KANEY: Was Josh Wagner at the
13 Waverly office? Did you see him frequenting in the
14 office?
15 THE WITNESS: I saw him frequenting the office.
16 But to put it into context, there was one building
17 and the real estate office was on one side of it.
18 The bench office was on the other side of it. For
19 about a year before the building was foreclosed on,
20 the magazine was upstairs. So everyone was in the
21 same space. So Josh would frequent the office to
22 see Jimmy and Ramara in the real estate side. I
23 can't recall specific time where I would say I saw
24 him in the Waverly media side.
25 MR. MICHAEL KANEY: So Sotolongo is sort of

1 this mastermind. He fools people, I guess. Would
2 it be reasonable to think that we could have assured
3 Josh Wagner of the things he was doing and told him
4 that everything would be okay and just to listen, to
5 put trust in Jimmy, for Josh to put trust in Jimmy
6 and to just reassure him that everything is going to
7 be okay so he could do these campaign distributions?
8 Because Andy Kelly received the most amount of
9 contributions from, whatever, $8,000. Josh got
10 7,000. And there were emails from Andy Kelly that
11 he knew what was going.
12 THE WITNESS: Sure.
13 MR. MICHAEL KANEY: And Josh knows nothing.
14 Well, members of the council in the community said
15 he was ringleader.
16 THE WITNESS: Okay.
17 MR. MICHAEL KANEY: So would it be reasonable
18 to think that he did know something but it was
19 because Jimmy said everything would be okay?
20 THE WITNESS: I'll answer the best I can.
21 Jimmy has a talent to convince people to do what he
22 needs to be done. This isn't just personal. You
23 can see now a long history of this, person after
24 person. Good person after person, like decent
25 people.

1 I would hope that Josh would know better. I
2 don't know. I was never a part of conversation
3 where I saw Jimmy say to Josh, don't worry about it,
4 I'll-take care-of-it kind of thing. Never saw that.
5 But I can't tell you with any kind of accuracy that
6 that didn't happen because I don't know. And I saw
7 it happen to me. I saw him in a different context.
8 I gain nothing from the politics. I have no
9 personal benefits for any of these candidates
10 winning or losing. As a matter of fact, I actually
11 supported different candidates myself. I wasn't for
12 some of the candidates. It caused huge -- that was
13 one of the reasons for fights, by the way. You
14 asked before. Huge fights. I was a big supporter
15 of Edith Shelley. There was nothing of that. I
16 never witnessed that.
17 But having been manipulated myself and having
18 been used as a pawn to get whatever they needed to
19 get, it wouldn't surprise me it did. But I never
20 saw, so I can't testify I saw that.
21 MR. MICHAEL KANEY: So did you ever notice Josh
22 having a temper or getting upset when things didn't
23 go the way he wanted? I know you dealt with Jimmy
24 and he obviously had a temper.
25 THE WITNESS: Right. Never with me.

1 MR. MICHAEL KANEY: Never with you?
2 THE WITNESS: No, no. I never saw that from
3 Josh. I know that Josh has a history of being a bit
4 of a renegade. We know. It was common knowledge.
5 He does it every day any chance he gets. Josh is
6 kind of a bull in a china shop.
7 But I will say this. It has nothing to do with
8 anything that we're talking about. I personally,
9 for some reason, and maybe it's stupidity or
10 naivety, every interaction that I've had with Josh
11 has always been to do something good.
12 We brought the Travel Channel to Daytona Beach
13 and did an hour special, a national, televised hour
14 special. Josh and I did that. I have good memories
15 of collaborating with Josh. We didn't go south
16 until Jimmy and Ramara came into my life.
17 So everything prior to Jim and Ramara with Josh
18 and I was stuff to make the community a better
19 place. We worked closely on the festival. Neither
20 of us had anything to personally gain from that. I
21 mean, I was on salary and he was a county
22 commissioner. We had nothing to gain from those
23 things, except making the community better. So it's
24 hard for me to picture Josh doing that behind the
25 scenes. Again, I have been fooled before, so I

1 don't know.
2 MR. MICHAEL KANEY: From what I've seen, it
3 seems like he wants to do stuff in the community, he
4 wants to be involved, it seems like beneficial
5 things for the community. But laws were broken with
6 the campaign financing. And it seems reasonable to
7 believe that someone who wants to keep going into
8 the community and get upward mobility, I guess we
9 could say. It would seem reasonable someone like
10 Jimmy in his corner that, you know, getting a few
11 extra bucks for a campaign, extra signs, off the
12 books, would help him keep stay in his position of
13 power in the council and help him do stuff in the
14 community. So the ends could have been, I would say
15 beneficial. The means to get them could possibly be
16 illegal.
17 THE WITNESS: Sure. You can say that about any
18 of them. At that point -- it's an interesting for
19 me as an observer having to watch this and two years
20 to rebuild my life and think back.
21 I'm in no way, shape or form involved in
22 politics now. I even hate the idea of voting. You
23 know, I do. Because I've seen the ugly side of it.
24 I'm like, this is so manipulated and everybody has
25 got a hand and fingerprints all over this crap.

1 It's just insane to see that.
2 But, you know, there was definitely a culture
3 of mutual advancements between Waverly and the
4 candidates. And I can't imagine a scenario where
5 the candidates, no matter what they were doing,
6 someone was putting their reports together. Some of
7 them were seeing that campaign contribution limits
8 were being met at some point. I mean, if you're
9 running for office -- I didn't know anything about
10 any of this stuff before all of this blew up.
11 But the truth of the matter is, as I process in
12 my own mind as a human, how could you not know if
13 your reports are coming out saying certain numbers
14 in realtime? How does that not raise a red flag to
15 you as a candidate? Regardless of whether you knew
16 or not, something is not right. And so just logical
17 deduction would lead me to believe that you have to
18 understand that.
19 Again, it's tough for me because I never really
20 saw anybody come begging for anything. I saw
21 people, you know, zoom around trying to make sure
22 that candidates' calls were always made back and
23 that people like Frank Bruno's name are always
24 spelled correctly and taking a punch for it. I
25 mean, who cares if he's the mayor or not? Frank's a

1 nice guy. But who gives a crap at the end of the
2 day? So that's the kind of thing.
3 Just out of logical deduction I would agree
4 with you, but I never witnessed it.
5 MR. MICHAEL KANEY: That's all I got.
6 BY MR. JONATHAN KANEY:
7 Q I got one more question thanks to Michael.
8 A Yes, sir.
9 Q When I talked to the members of the council,
10 there is Josh can count on Joyce and often Jason Davis.
11 A Okay.
12 Q On any of these issues that's polarizing, the
13 polarization is the four or the three. The other four
14 candidates come out the other way. Several of the
15 candidates have told us that they believe that Josh was
16 in control of the distanciation of the free bus benches.
17 That if he was for it, you would get the benches. And
18 that would include, Justin Kennedy was one of the ones,
19 the beneficiaries; Andy Kelly and others. But the
20 picture that is being painted is that Josh was, maybe for
21 all good reasons, Josh was attempting to get that fourth
22 vote to be able to win those polarizing issues.
23 A Sure.
24 Q And several candidates think that he was
25 communicating with Jimmy to bless certain people and not

1 others and see they got it. Does that have residence
2 with you?
3 A My initial get answer is, I don't know.
4 Because I was never part of those, I never saw that
5 conversation happen.
6 It's interesting. That perspective is really
7 interesting to me. Because I've never saw Josh as the
8 ringleader of anything really. I'm not saying that it
9 happened or it didn't happen, but I really never did see
10 Josh as a ringleader.
11 I always understood it to be a Waverly issue to
12 make sure that the contracts were made in place, the
13 benches were still there and all that kind of fun stuff.
14 But, again, I have a different perspective from
15 where I was seated. I wasn't involved in the
16 conversations about which candidate was good, which
17 candidate was bad. I was simply told, you do this for
18 this candidate because if not,
19 we're-going-to-eat-Ramen-noodles-tonight kind of thing.
20 We're going to take you outside and break your glasses
21 again and you're not going to be able to buy new ones.
22 That's kind of how it worked. I don't recall any
23 circumstance that I saw Josh as the person trying to
24 control benches.
25 I do know that, just like I can imagine

1 everyone has, certain candidates they want to support,
2 Josh had certain candidates that he wanted to support,
3 and I know that there were conversations about that. But
4 I believe it was pretty equally weighted about who Jimmy
5 wanted to support and who Josh wanted to support. I even
6 recall times where they didn't agree on those things.
7 But the outcome of that is unknown to me.
8 I'm not aware of any specific time where I saw
9 Josh saying to another candidate or to another person, in
10 my presence at least, hey, you got to support this
11 candidate or not support this candidate. Having said
12 that, Josh was the one who introduced to me to Jimmy and
13 Ramara as well.
14 So it's in perspective of contacts, who you
15 know and what you are doing there. So he was the one who
16 connected me to them, so it gives me pause.
17 Q Well, you know, Josh did tell me, in his
18 interview, that he was the chairman of the campaign
19 committee for the Democrat Executive Committee.
20 A By the way, I was unaware of that.
21 Q And that he was involved in trying to help
22 people he favored get elected. I asked him. He said,
23 I'm only one of seven.
24 Aren't you really one of three? He agreed that
25 that was his issue. That was where the impression was

1 created, where he's masterminding or ringleading
2 I think we've worn you out. How do you feel?
3 Do you feel worn out?
4 A I feel worn out, but I almost feel like a
5 therapy session. I feel like I've been able to let it
6 out and just talk about it. I apologize. I know it's
7 not the purpose of it. You know, you carry this stuff
8 for a couple of years.
9 MR. JONATHAN KANEY: I appreciate your candor
10 and your testimony. Again, I appreciate you meeting
11 me halfway geographically.
12 This is not a deposition. This is an
13 investigation. So you can prepare the transcript.
14 We'll send one to Manny. Give him an errata sheet
15 in case we've got any misspellings.
16 THE WITNESS: Sure. Not a problem.
17 (The examination under oath concluded at
18 11:17 a.m.)
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1 STATE OF FLORIDA)
:SS
2 COUNTY OF ST. LUCIE)
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4
5 CERTIFICATE
6
7 I, Cynthia L. O'Cain, a Notary Public of the
8 State of Florida, authorized to administer oaths, certify
9 that MANUEL BORNIA personally appeared before me and was
10 first duly sworn to tell the truth.
11 WITNESS my official seal this 15th day of July,
12 2014.
13
14
15 _____
16 Cynthia L. O'Cain
17 My Commission No. EEO46190
Expires 02/01/2015
18
19 Notary Public State of Florida
20 Cynthia L O'Cain
My Commission EE046190
Expires 02/01/2015
21
22
23
24
25

1 STATE OF FLORIDA)
:SS
2 COUNTY OF ST. LUCIE)
3
4
5 CERTIFICATE
6 I, Cynthia L. O'Cain, a Shorthand Reporter and
7 Notary Public of the State of Florida at Large, certify
8 that I was authorized to and did stenographically report
9 the deposition of MANUEL BORNIA; that a review of the
10 transcript was requested, and this transcript is a
11 complete record of my stenographic notes.
12 I further certify that I am not a relative,
13 attorney, or counsel of any parties, nor am I relative or
14 employee of any of the parties' attorney or counsel
15 connected with the action, nor am I financially
16 interested in the action.
17
18 DATED this 15th day of July, 2014.
19
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21 ----------
22 Cynthia L. O'Cain
23
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1 ERRATA SHEET

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23 I hereby certify by the above corrections,

24 if any, that the foregoing transcript is a true and

25 correct transcription of my deposition taken in the

1 above-entitled case at the date and time indicated.
2
3 _____
4 MANUEL BORNIA
5
6 The foregoing was acknowledged before me by
7 MANUEL BORNIA who is personally known to me or has
8 produced _____ as
9 identification, and who ____did____did not take
10 an oath, this ____ day of _____ 2014.
11
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16 _____
Notary Public
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WIVERT

To: Jim

Date: 7-7-12

Fax Number:

Regarding: Daley Beaches

From:

Number of Pages: 1

Phone Number: 760 4761

Message: Please provide materials for unused Daley Beaches - total 60!!

Thought Beach ASAP was taking, fine daily!

Keep records!! Only Bill 10% retainer

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