

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INTERVIEW OF:  
TIMOTHY DAVIS

DATE TAKEN: MARCH 3, 2014  
TIME: 9:28 A.M. - 9:56 A.M.  
PLACE: HOMEWOOD SUITES BY HILTON  
165 BILL FRANCE BOULEVARD  
DAYTONA BEACH, FLORIDA 32114

1 APPEARANCES:

2 JONATHAN KANEY, ESQUIRE

Kaney & Olivari, P.L.

3 55 Seton Trail

Ormond Beach, Florida 32176

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THEREUPON,

2 TIMOTHY DAVIS,

3 was called as a witness and, having first been  
4 duly sworn, testified as follows:

5 BY MR. KANEY:

6 Q. Good morning, Mr. Davis.

7 A. Good morning, sir.

8 Q. Would you state your name and address for the  
9 record, please?

10 A. Yes. It's Timothy Davis.

11 Q. Where do you reside?

12 A. 406 Virginia Avenue in Port Orange, Florida.

13 Q. Where are you employed, if you are?

14 A. I am currently employed for myself. Tim Davis is  
15 the name of my business. Timothy J. Davis is the name of my  
16 business.

17 Q. What is that business doing?

18 A. It's a variety of things. I'm a web designer,  
19 graphic designer, photographer and videographer.

20 Q. Where did you work before that?

21 A. Well, I've had my own business since about 1991,  
22 but I have taken jobs for other people. So, I mean,  
23 directly before that, I was an independent contractor for  
24 Coast Line Signs. Directly before that I was an independent  
25 contractor for Waverly Media. And before that I was an

1 independent contractor for One Hour Biz Cards up on Beville.  
2 That's when I first moved here, you know.

3 Q. Well, as you know, the reason we're interested in  
4 talking to you is because of your time at Waverly.

5 A. Yes, sir.

6 Q. When did you work there?

7 A. You know, I don't know the dates, but it was some  
8 time around March of 2010 through -- and I can tell you the  
9 exact end date, because it was my birthday, January 6th,  
10 2011.

11 Q. What were you doing there as an independent  
12 contractor?

13 A. I was a graphic designer.

14 Q. Pardon me my ignorance, but what does that  
15 actually mean? What do you do?

16 A. I sit in front of a computer and make things look  
17 pretty. I design -- I design signs and benches and car  
18 graphics, and things like that, via computer.

19 Q. Who did you report to at Waverly?

20 A. Jim Brown.

21 Q. How was your experience in working with Waverly?  
22 Was it pleasant?

23 A. It was weird.

24 Q. Would you explain that, please?

25 A. I don't know how to explain weird. But it was --

1 it was a situation that I had never been in before where --  
2 where, you know, you have a guy that owns the company, Jimmy  
3 Sotolongo, who stops in periodically and asks for crazy  
4 things. You know, asks you to do crazy stuff, and you don't  
5 understand any of it. But then when you talk to Jim Brown,  
6 he's like, Forget it, don't do it. You know what I mean?  
7 It was always conflicting. I'd spend hours on a project,  
8 and then Brown would come by and say, That project's not  
9 going anywhere. Don't -- don't fool with it no more. So it  
10 was just a weird situation. They were weird. Jimmy and  
11 Ramara were strange people, you know. They were -- they  
12 were real secretive. Just different.

13 Q. Jimmy Sotolongo was the owner of the business, or  
14 an owner?

15 A. As far as I could tell.

16 Q. And Ramara is Ramara Garrett?

17 A. Um-hum.

18 Q. What was her role?

19 A. I thought she was a part owner as well.

20 Q. What is an example of a crazy thing that you were  
21 asked to do? Use your word, crazy.

22 A. This was towards the end of my -- towards the end  
23 of my time there. They had another business called Horizon  
24 Events. And I had been up for three days with very minimal  
25 sleep printing banners and signs and posters for this event.

1 And I took them all to City Island Park about 2:00 in the  
2 morning and dropped them off to a guy that was there waiting  
3 on them, because the concert was the next day. Well, in my  
4 mind, I had finished my job, you know what I mean? I had  
5 fulfilled my commitment to them as far as getting them what  
6 they needed.

7           So the next morning, the morning of the concert,  
8 which was on a Saturday, my phone started ringing, like, at  
9 8 o'clock in the morning. It rang and rang. I didn't  
10 answer it. The first time I heard it, I just didn't even  
11 answer it. I didn't even go see who it was. And then a few  
12 minutes later it rang again. And I went and looked and it  
13 was Jimmy's number. I was, like, what does he want with me,  
14 you know. I've done everything I can do. I'm not answering  
15 it. So I didn't answer it again. And then it rang again.  
16 I thought, well, I better just see what's up. So I answered  
17 it. And he's, like, I need you to come up here right away.  
18 I said, Okay.

19           So I go up there and he takes me into this big  
20 mobile -- motor home and he rifles through some papers on a  
21 table and he pulls out a check, a bank check, that's made  
22 out for 10 bucks. And he goes, I need four of these. And I  
23 said -- I picked it up and looked at it and I said, Then  
24 take your happy little ass over to the bank and get four of  
25 them. And he said, No, you don't understand. We don't have

1 any money, and the acts are not going on unless we pay them,  
2 and I need you to design and print four of these. I said,  
3 No, I'm out. I just turned around and walked out of the  
4 trailer. And he started cussing me in his native language.  
5 And telling me he was going to -- he knew where I lived and  
6 if I didn't do this, I didn't have a job. You know, I'll  
7 cut your throat. I mean, just threatening me back and  
8 forth. And I just kept walking. I didn't even acknowledge  
9 that he was speaking to me. I just kept walking.

10 I got in my car and I called Jim Brown. And I  
11 told Brown, I said, I think I just lost my job, buddy. I  
12 said, So. He goes, What's going on? And I told him the  
13 story. And he said, Don't -- don't print checks. I said,  
14 Well, I'm not going to print checks. That's, you know, a  
15 felony, dude. I'm not going to do it, I said. You know, he  
16 said, Just -- I said, What do you want me to do? It's  
17 Saturday. I've worked all week. I'm tired. I'm wore out.  
18 I said, I'm going back home and I'm going back to bed. I  
19 said, Morning Monday I'm going to come in there and get my  
20 stuff and I'm done. And he said, No, don't do that. He  
21 said, I'll talk to Jimmy. I'll smoothe this over. I said,  
22 Hey, dude, he threatened me. You know, he threatened me  
23 with several different things, okay. Knew where I lived.  
24 Knew that I had a little son at home. Knew -- he was going  
25 to cut my throat. I said, You know, I'm not putting up with

1 this. I'm not going to do it. Brown said, I'll smooth it  
2 all over. You go to work Monday like nothing ever happened.

3 So I did, and nothing ever -- else was ever said  
4 about it. I don't know what he did. I don't know how he  
5 paid the people. I don't know anything about it. But I  
6 know that that's what took place. And that's just one  
7 thing, you know. Just one thing. I mean, they asked me to  
8 help them prepare proposals and things like that for bus  
9 benches and different stuff, and I -- you know, I'd help him  
10 with that on my time. You know, that was not -- I didn't  
11 get paid for that. So, I mean, it was weird stuff like  
12 that, you know.

13 Q. What would be a proposal for a bus bench that you  
14 would have to do on your own time?

15 A. What do they call them? Request for proposal?  
16 RFP.

17 Q. RFP.

18 A. Yeah, RFPs, where they were -- where the benches  
19 were coming up for renewal, or whatever, with the county.  
20 And they would ask me to put all this together, you know.  
21 They would have the information, but I would, you know, type  
22 it up and put it in a nice folder that they could print out  
23 and flip through it and do all that. And, you know, they  
24 did that to me a couple of times. I don't know. I don't --  
25 I think one time it was a practice run or something. I



1 don't know.

2 Q. When you ended your relationship on January 6th,  
3 was there any particular reason for that?

4 A. I was working on January 6th and I got a phone  
5 call from my wife, who was working for the real estate  
6 company, Waverly Real Estate, over on beachside, and she  
7 said that Kim Was told her to call me and get all -- told me  
8 to get all my stuff out of there because Jimmy was coming  
9 there to change the locks. She heard him and Manny  
10 Bornia -- there's another winner for you. She heard him and  
11 Manny talking about it. Manny had a brother-in-law or  
12 something that he wanted to put in there and replace me and  
13 all this stuff. So my wife called me and I got all my stuff  
14 out. The guy next door, Bill, real good guy, was -- there  
15 was three bays in this little building that we were in, and  
16 he was in the far bay. And I asked Bill, I said, Can I  
17 bring my stuff over? I had -- I had camera equipment, I had  
18 studio equipment lighting and stuff in there. So I took it  
19 all out and I put it next door and I was there waiting on  
20 him to come.

21 And I was doing a job and I was cutting down --  
22 you know, I was cutting down these big bus bench things, you  
23 know, trimming them, so I had a box knife in my hand when  
24 they walked in the door. And the first thing he did was  
25 threaten me, you know. He said, Hey, I hear you're talking

1 bad about my partner, Manny, here. And I said, What do you  
2 mean talking bad? Well, I heard you say you did your  
3 homework on him. I said, I didn't do any homework on him.  
4 I read the paper. Pretty plain. He said, Okay, well,  
5 you're out of here. I said, Well, listen, we need to talk  
6 about this, all right? And he said, Well, there's nothing  
7 to talk about. He's my partner and if anybody -- if I  
8 killed somebody, he'd bury the body for me. And I said, Are  
9 you threatening me again? And I got the box knife in my  
10 hand and I'm pointing it and I said, Are you threatening me  
11 again? Because, whatever, okay. So he said, No, you just  
12 need to get your stuff and get out of here. I said, Fine, I  
13 already got my stuff out of here. I'm gone, you know. Give  
14 me 'til -- give me 'til tomorrow. Which, this was the 5th,  
15 because the 6th is the day I actually moved all my stuff  
16 out. And then he put -- he put Manny's brother in there, or  
17 brother-in-law, whatever he was. He put him in there to do  
18 the work. And he figured he could control him and make him  
19 do whatever he wanted him to do.

20 Q. I guess that was the end of your --

21 A. That was it.

22 Q. -- relationship?

23 A. That was it.

24 Q. Do you know Ann McFall?

25 A. I know who she is.

1 Q. Have you ever had a visit with her?

2 A. Not a visit, but a phone conversation.

3 Q. What was the nature of that?

4 A. Well, not long after I was not there any more,  
5 somebody -- some guy that was running for office down there  
6 in Port Orange, him and I -- he came in to get some stuff  
7 for his vehicle and some signs, some yard signs and stuff.  
8 Him and I got talking about his politics, you know, and I  
9 really liked what he was saying, so. I ran into him, and  
10 I'm pretty sure it was him, but I can't -- I can't think of  
11 his name. But, anyway, I ran into him later and he asked me  
12 why I would be supporting so and so, or donating to so and  
13 so's campaign since that was so far from what my political  
14 beliefs were. And I was like, I have made no contributions  
15 to any campaign. Oh, Yeah, your -- your name's in there,  
16 you know. And I was like, Well, you tell me how to get to  
17 that. And he didn't say then how to do it, but through  
18 wanting to know what he was talking about, my name being  
19 down as donating money to somebody, I went and found it and  
20 found where you can look that up. Are you familiar with how  
21 can you do that? I wasn't.

22 Q. Yeah.

23 A. But you can look up and see who -- how everybody  
24 donates or what the amount was they donated. It had me down  
25 and my wife down for \$500 donations to people that we never

1 made any donations to. So I just thought then that it had  
2 to come from them. So I called Ann McFall. Because I was  
3 still a little upset about the whole thing, you know what I  
4 mean?

5 Q. Yeah.

6 A. Little vengeance, you know what I'm saying?

7 Q. Yeah.

8 A. And I -- so I called and I said, Hey, you know, my  
9 name and my wife's name is down as, you know, contributing.  
10 Well, she sent me this great big packet of stuff to fill  
11 out. And I told, Laura, I said, I just forget it. Them  
12 people ain't worth fooling with. You know, nobody's going  
13 to do nothing about any of it anyhow. It's politics. And  
14 we didn't care for politics anyway. So we just dropped it.

15 Well, the next thing I know, I've got an  
16 investigator coming to my house wanting to speak with me and  
17 my wife about this. And then I find out there's 19, 18  
18 people that they done this to. I mean, that's what the  
19 investigator told me, you know, that there was 18 or 19  
20 other people that this had happened to. Their names were  
21 down for donations and they never made a donation.

22 Q. Do you know who the investigator worked for?

23 A. You know, I could have brought that, because I do  
24 have that card. But it was -- I'm pretty sure they were  
25 state guys. I can't think of their names. I never -- you

1 know, I should have brought that. Sorry.

2 Q. That's all right. We know who it is.

3 A. Okay. I figured you did. I figured you did. The  
4 first time a couple of nice guys came. The older -- the  
5 older gentleman was a really nice guy. And, you know, he  
6 questioned me, questioned me, questioned me, and I told him  
7 everything I knew, you know. I mean, I didn't know a lot of  
8 it, but I told him what I did know.

9 Q. Have you heard from him again?

10 A. Yeah. They've been around a few times. Different  
11 guy -- a different guy and a girl came, and they interviewed  
12 my wife and I both separately. And then just recently the  
13 original guys came back and they asked me questions about --  
14 about a car lot and Joyce -- what's Joyce's name? Joyce.

15 Q. Would that be Joyce Cusack?

16 A. Yes. Yeah, asked me questions about her  
17 headquarters and stuff.

18 Q. What did you tell them?

19 A. I just told them what I did. You know, I made --  
20 I made up and printed and installed graphics for the windows  
21 of that place and for the windows of her vehicles and some  
22 of her family's vehicles. I installed them all. I couldn't  
23 remember if I went and had taken them down. I couldn't  
24 remember. And she asked me -- as far as contributions go,  
25 she asked me if I would be interested in coming up there and

1 running that office on a Saturday. She had family stuff to  
2 do or something. And I said, Joyce, I'd be happy to do that  
3 for you. And I did. I went up there and spent a Saturday  
4 answering phones, which never rang. Greeting the people  
5 that never came. So I spent a Saturday up there by myself  
6 just hanging out. But as far as contributions go, that's  
7 the only contribution that I made. I don't think she was  
8 one that named -- that my name was on. I can't remember.

9 Q. Did you ever talk to Jimmy again about that  
10 contribution?

11 A. Yeah. I was coming out of a little restaurant  
12 over on Beach Street, and him and Ramara was sitting at a  
13 table, and he -- he says, Hey, hey, come here. And I  
14 thought, Yeah, I'll come here. So I walked over there, you  
15 know, and he started talking to me like nothing ever  
16 happened. You know what I mean? Like there was never a  
17 situation. How you doing? How's the family? I said,  
18 Listen, I don't -- I don't have anything to say to you. I  
19 don't -- I don't have nothing to talk to you about. I said,  
20 After what you've done and what you put me and my family  
21 through, and then you used my name, you know, and my wife's  
22 name. And he goes, Oh, we didn't do any of that. That's  
23 all lies. That's all lies. We didn't do any of that. I  
24 was, like, whatever, and I left. And that was it. That's  
25 the last time I've spoken with him. And I can't -- I

1 couldn't tell you when that was. It was in 2011, but that  
2 was it.

3 Q. Who was the candidate that alerted you to the fact  
4 your name --

5 A. I can't remember. I have never been able to  
6 remember his name. I could see if I could see his -- I see  
7 his face, but I can't -- I just can't think of his name. He  
8 was one of them that came through down there and got stuff  
9 from us. And, like I said, I'm pretty sure that's who said  
10 it to me. I mean, at that point I was --

11 Q. Do you know -- do you know if he won?

12 A. No, he did not win.

13 Q. Was running for the county council?

14 A. No. He was running for something in Port Orange.

15 Q. And your name had not been credited to a  
16 contribution to him?

17 A. No, no, no, no.

18 Q. Do you know who they put you down for?

19 A. I don't. I'm sure you know that, though.

20 Q. Henry Fords.

21 When this fellow came in and told you that he had  
22 seen your name on these reports, was that after you had  
23 terminated the relationship?

24 A. Oh, yeah.

25 Q. I've heard this story a little differently.

1           A.    Okay.

2           Q.    I'll check this with you.  The way I heard it, you  
3 had been fired for refusing to put your name on a  
4 contribution or a check.

5           A.    Really?  They never asked me, so how can you  
6 refuse if they don't ask you?

7           Q.    Well, that's that game.  What is it called,  
8 telephone?  Every time somebody tells a story, it get  
9 different.

10          A.    Yeah.

11          Q.    Okay.  Well, do you have anything else you can  
12 tell me about Jimmy and Ramara and their political  
13 activities?

14          A.    No.  I mean, I don't know politically what they  
15 did.  I went -- you know, they were going to have a  
16 restaurant at the pier, right.  They were going to try to  
17 open a restaurant at the pier.  They were going to try to  
18 save the pier.  And Josh Wagner --

19          Q.    Um-hum.

20          A.    -- was involved in it, and I kind of felt like he  
21 was a decent person.  So they asked me if I would go to the  
22 meeting up there and bring a couple of people with me in  
23 support of them getting the pier.  This is before I knew,  
24 you know what I mean, what I know now.  So I went in support  
25 of them doing that.  And I think Joyce Cusack spoke.  And,



1 you know, it all sounded pretty good to me. I'm glad that  
2 somebody knew more than I did and didn't let them get it.  
3 But, I mean, that's the only -- politically, that's the only  
4 other thing I ever knew about them doing is trying to get  
5 that pier. And I went up there and, you know, gave my  
6 support, clapped when I was supposed to.

7 Q. Where was that meeting?

8 A. In Daytona.

9 Q. At City Hall?

10 A. At City Hall. Yeah. Yeah.

11 Q. Did you ever see Josh around the business, the  
12 Waverly business, much?

13 A. No. I wasn't really -- I mean, I was separate  
14 from them, you know. I was over on Oak Street in Port  
15 Orange, and they were over on -- so if he came to see them,  
16 I mean, I wouldn't have seen him. I did meet him when I did  
17 the vinyl and stuff on his truck. He came over there with  
18 his S.U.V. and I put a back window decal on it for him. I  
19 met him then.

20 Q. When you did something like that, how would the  
21 customer pay for it? Did you deal with that?

22 A. No. No. Little stuff, you know, \$10, \$15  
23 stickers. I could take a check or cash and then I would  
24 just take it over to them at the end of the day. But on  
25 anything big like that, they dealt directly with -- they had

1 a -- they had an accounting department over there, and I  
2 think people basically went through that, or sent them a  
3 check or whatever.

4 Q. What would be the charge for a window thing like  
5 you did for Josh?

6 A. I don't -- I don't remember. It was 180 bucks  
7 seems to stick in my head, but I don't remember exactly.

8 Q. Well, what do you know now about Jimmy and Ramara  
9 that you didn't know then?

10 A. Everything I read in the paper. You know,  
11 they've -- they've been into this real estate problem. And,  
12 you know, I don't know. I never got -- I've heard so many  
13 different numbers, but millions of dollars, you know,  
14 they're involved with that. And then, you know, giving away  
15 stuff to candidates. I mean, all that -- all the stuff that  
16 you read. I mean, I haven't read it all, I'm sure, but I've  
17 tried to keep up with some of it. You know, I know that  
18 Jimmy has an extensive record. My wife and I found a place  
19 online where you could look him up. And it goes back to, I  
20 think, when he's, like, 16. He boosted a car or something.  
21 I can't remember the details. But I know he's got a pretty  
22 extensive record, and --

23 Q. Okay. Well, did he ever have you do anything for  
24 political candidates other than that?

25 A. Just printing and designing.

1 Q. So it was -- it was somebody at Waverly that sent  
2 you down to Joyce Cusack's office to do that signage?

3 A. Well, I did it there. I created it all in my  
4 office, in my -- in my shop there, and put it all together,  
5 and then I took it there and installed it on the windows.

6 Q. And you were told to do that by whom?

7 A. Well, it would have been Jim Brown probably, or  
8 Jimmy himself. I don't know. Somebody told me to do it.  
9 Whoever was in authority, you know, told me to do it.  
10 Probably Jim Brown is the one that told me to go stick the  
11 windows. He's the one that I dealt with mostly daily.

12 Q. What was he like to work with?

13 A. I know stuff about him that I didn't know before,  
14 too. Jim was cordial, I mean, you know. He was -- he  
15 seemed -- Jim always seemed like the -- what do you call it?  
16 The guy that just calmed everything down. That smoothed  
17 everything over. If there was ever an issue, you know, with  
18 anything. If there was a printer problem and we needed  
19 money to fix the printer, you know, I called Jim Brown. Jim  
20 Brown would say, Let me talk to Jimmy and we'll get this  
21 fixed and we'll do what we got to do for you. So Jim Brown  
22 was kind of like the middleman, you know. But he seemed to  
23 be the one that had the level head and everything, you know.  
24 I never seen -- I have never seen Jim Brown get angry. I've  
25 never seen him, you know -- I've never seen him do anything

1 outside of what a person in his position was supposed to do.

2 Q. Okay. Is there anything else you'd like to put on  
3 the record about this whole Waverly situation?

4 A. Does it have to be on the record? No.

5 Q. Only if you want it to be.

6 A. No.

7 Q. Okay. All right.

8 (THEREUPON, the interview was concluded.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA )

COUNTY OF VOLUSIA )

I, Shannon Green, Registered Professional  
Reporter, the undersigned authority certify that  
Timothy Davis named herein personally appeared  
before me and was duly sworn on the 3rd day of  
March, 2014.

WITNESS my hand and official seal this  
14th day of February, 2014.

---

Shannon Green  
Registered Professional Reporter  
Notary Public - State of Florida  
My Commission No. EE852120  
My Commission Expires 1-8-2017

## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF FLORIDA )4 COUNTY OF VOLUSIA )  
5

6 I, Shannon Green, Registered Professional  
7 Reporter, certify that I was authorized to and did  
8 stenographically report the foregoing proceedings;  
9 that a review of the transcript was requested, and  
10 that the transcript is a true and complete record of  
11 my stenographic notes.

12 I FURTHER CERTIFY that I am not a  
13 relative, employee, attorney or counsel of any of  
14 the parties, nor am I a relative or employee of any  
15 of the parties' attorney or counsel connected with  
16 the action, nor am I financially interested in this  
17 action.

18 Dated this 14th day of February, 2014.  
19  
20  
21

22 \_\_\_\_\_  
23 Shannon Green  
24 Registered Professional Reporter  
25

## ERRATA SHEET

INTERVIEW OF: TIMOTHY DAVIS

## ERRATA

PAGE	LINE	CORRECTION
------	------	------------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

_____	_____	_____
-------	-------	-------

Under penalties of perjury, I declare that I have  
read the foregoing document and that the facts  
in it are true.

_____	_____
-------	-------

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25