

Daniel Eckert - Brief Report on Waverly Investigation

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Subject: Brief Report on Waverly Investigation
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Honorable Members of the County Council

This is a brief report on the present status of the investigation of the Waverly Matter under Ordinance 2014-01.

Today in a hearing before Judge Zambrano, I withdrew the subpoenas I had issued to Kimberly Was, Justin Kennedy, Ted Doran, Waverly Media, LLC., Ramara Garrett, and James Sotolongo and dismissed my petition to enforce compliance with them. I explained to the judge that I no longer consider this testimony sufficiently important to justify the expense and further delay that will be required by the litigation. I now have the records of the State Attorney investigation, which Mr. Larizza released on Tuesday. This will supply about the same information that I could have expected to glean from the testimony of these witnesses. I do not expect that they would testify to me any differently than they testified to the State Attorney.

I did not take this action out of concern for the merits of our case. After reviewing the briefs and argument against your ordinance, my opinion is unchanged. Ordinance 2014-01 is a legal and valid exercise of the home rule legislative power of the council. Of course, it is an obvious but hollow boast for the other parties to declare victory, but there is no justification in litigating what is now an academic question.

Based on his through investigation, Mr. Larizza reported, "Our investigation did not reveal any compelling evidence of intentional unlawful violations of the Election laws or quid pro quo actions taken by candidates in complicity with Mr. Sotolongo and his subordinates." This is consistent with my findings. You will recall that I previously stated essentially the same thing in a presentation to the council. I agree with Mr. Larizza and believe that his office conducted a thorough investigation and collected a substantial amount of evidence relevant not only to the State investigation but also to our investigation.

In my investigation, I also did not find compelling evidence of intentional wrongdoing. In fact, I found the opposite. You will see in the transcripts that certain witnesses testified to a rumor that the County Manager received funds from Mr. Sotolongo for the purchase of his home in Ponce Inlet. Although it the rumor was false on its face, I thoroughly investigated it and determined conclusively that it was false. There is no support

whatsoever for this rumor.

The State Attorney's conclusion that there is no compelling evidence of criminal behavior by the candidates does not conclude our investigation. You assigned me to discover what happened in this matter and to give you a report that may assist you in determining whether legislation should be adopted concerning purchasing, campaign finance, ethical standards for public officials, or other matters of county government. My fact-finding project is now substantially complete, and I intend to submit my final report by the time of your first meeting in September.

It is faint praise, indeed, that to say that there was no compelling evidence of criminal conduct by the candidates. My findings may very well lead the council to consider legislative reform in the area of purchasing, campaign finance, and ethical standards for public officials.