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INTERVIEW OF:

PAT PATTERSON

DATE TAKEN: FEBRUARY 10, 2014

TIME: 9:31 A.M. - 10:04 A.M.

PLACE: VOLUSIA COUNTY ADMINISTRATION BUILDING
123 WEST INDIANA AVENUE
DELAND, Florida 32720

1 APPEARANCES:

2 JONATHAN KANEY, ESQUIRE

Kaney & Olivari, P.L.

3 55 Seton Trail

Ormond Beach, Florida 32176

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1 THEREUPON,

2 PAT PATTERSON,

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

5 BY MR. KANEY:

6 Q. Mr. Patterson, for the record, I am Jon Kaney, and
7 I'm here as special counsel for the county council, and
8 we're looking into what is called the Waverly matter.

9 A. Um-hum.

10 Q. Which, I believe you know the definition of. This
11 will be like a deposition. I don't know if you've ever done
12 a deposition.

13 A. It's been a long time. I usually stay out of
14 trouble.

15 Q. Lucky for you. The main thing is to answer
16 verbally, not by gestures, because she can't write down a
17 head nod, and just what you know. This is an investigation.
18 We're not going to court. I'm interested in knowing not
19 only what you know of personal knowledge, but what you know
20 of credible -- that you've heard, hearsay, because it's --
21 if it's credible, we need to know about it.

22 Okay. When did you last run for county council?
23 When did you win this seat you have now?

24 A. Last year, 2012. November of 2012.

25 Q. Who was your opponent?

1 A. Jeff Allebach in the general election. And then
2 there was four others in the primary. I came in first place
3 in the primary election, and Jeff Allebach was second.

4 Q. Did -- did you advertise on bus benches in the
5 county?

6 A. No.

7 Q. Did you have the opportunity to do that?

8 A. No. I -- I had heard that the, I don't want to
9 use the term anointed, but there was some list or somebody
10 that was, you know -- and I wasn't one of them that was
11 chosen. That's the hearsay, I guess --

12 Q. Um-hum.

13 A. -- that I -- that I heard. That there was
14 somebody that was, more or less, saying who should get the
15 bus benches and who shouldn't get the bus benches. Or who
16 should, actually. I don't know about who shouldn't. But I
17 wasn't one of them.

18 Q. Did Jeff Allebach have bus benches?

19 A. I -- from looking at his campaign reports, because
20 I follow them very closely during an election to see what
21 everybody is up to, he did get something from Waverly, but
22 it was some banners of some type, and that's all I saw was
23 an in-kind contribution from Mr. Brown, I believe, or maybe
24 Mrs. Brown.

25 Q. Were you aware of other candidates advertising on

1 bus benches?

2 A. Yes. Yeah. Missy Kelly, I was told. I don't
3 know if she actually got them. There was a lot of Andy
4 Kelly bus benches on the west side of the county scattered
5 around. I knew that there was a lot of in-kind
6 contributions going on with that. I never saw any Missy
7 Kelly bus benches. I really wasn't paying attention to
8 them. I really consider things like bus benches and
9 billboards as incredibly ineffective in a political
10 campaign, so I don't really care about them.

11 Q. Were you -- were you aware of any others that
12 appeared to be on the list of approved candidates?

13 A. Down in Southeast Volusia, Mr. Hathaway, and a
14 Mr. Kennedy. I think Mr. Kennedy was -- seemed to be using
15 them. And then after he lost in the primary, I think it was
16 Mr. Hathaway was receiving some bus bench help.

17 Q. They were candidates for the seat that had --

18 A. Dave Dennis.

19 Q. Dave Dennis ultimately won?

20 A. Right. Yes. That wasn't the chosen one, from my
21 knowledge, anyway.

22 Q. She'd say that, too.

23 A. I know that in my conversation with Pat Northey,
24 she, at the urging of her husband to get a bus bench, she
25 didn't want one, but she felt just to get it so that he

1 wouldn't continue to drive her crazy about it, she called --
2 I guess she was working with a Mr. Kiepert, or something,
3 out of Deltona to get one of her -- what she told me was
4 that they weren't sure they really were going to, you know,
5 let her have one. And so, you know, she had offered to pay
6 for it. She wasn't going to do an in-kind contribution on
7 it, from what she told me. And they never got back with her
8 on it.

9 Q. Do you have any idea who the people responsible
10 for those decisions were?

11 A. The rumor I kept getting, and I really -- it's all
12 secondhand, was that Josh Wagner was the one directing it.
13 He --

14 Q. How did Josh get to be in a position where that
15 would have been possible?

16 A. I had always heard that he had a very friendly
17 relationship with Jim Sotolongo and Ramara Garrett and Jim
18 Brown. I guess Mr. Brown was running the bus bench company,
19 and Waverly, I guess, was owned in some way, or they had
20 something to do with Sotolongo and Garrett. I didn't know
21 them. Some people had told me about them, and I had
22 received a Facebook friend request from Ramara Garrett, but
23 in talking to other people, I was kind of cautioned to keep
24 a distance from him.

25 Q. Why was that? What were you told?

1 A. They were just -- it was just some suggestions
2 that maybe they were -- there was something going on, some
3 investigation of some type, which nobody ever went into.
4 Eventually I saw what happened with the -- the arrest and
5 that. And then I was kind of cautioned to keep clear of
6 Mr. Brown, I guess because of some prior conviction he had
7 in another state on something to do with a murder of some
8 type where he was imprisoned but eventually pardoned or
9 something.

10 Q. I think what he had to do with the murder is the
11 murder.

12 A. Murder is murder. Or disposing of a body or
13 something like that. In other words, I didn't -- you know,
14 I didn't have anything that made me very comfortable that
15 they were people I really wanted to deal with. You know,
16 this is my tenth -- tenth campaign, and, you know, after 20
17 some years, you kind of learn what you want to do, and who
18 you want to deal with, and who you don't want to deal with.

19 Q. Would you -- would you, if -- would you agree with
20 the statement that the distribution of bus bench signs to
21 candidates on a basis other than paying for them, would you
22 say that was like an open secret in that campaign?

23 A. I'm not sure I'm following you.

24 Q. Well, I just -- I have heard others say that the
25 fact that Waverly, with -- through Sotolongo and Garrett,

1 who are controlling owners, I think, that it was widely
2 discussed that they were picking candidates and giving them
3 bus benches without requiring the payment and without
4 reporting them accurately.

5 A. Not until after the election is when I started
6 really looking at what was going on. You know, Chapter 106
7 of the campaign finances is very clear about in-kind
8 contributions. And when I started looking at the way the
9 names were showing up, that's when I really felt that
10 something a little flaky was going on. But there were an
11 awful lot of bus benches out there. It seemed like there
12 was more bus benches out there than in-kind contributions
13 that were being reported. But I -- you know, it seemed to
14 be the opinion of quite a few other people that that was
15 going on. I don't have any way of proving that at all,
16 but --

17 Q. And -- and that -- people were sharing that
18 opinion during the election, as well as after?

19 A. After. I think during --

20 Q. After?

21 A. And, you know, if it was during the election, I
22 really don't remember. I'm more focused on what I'm doing,
23 and I don't really give a big bear's behind of what other
24 people are doing. It just seemed to me that the in-kind
25 contributions, either they didn't understand how you do an

1 in-kind contribution, or they were -- people were illegally
2 accepting in-kind contributions from people who really
3 weren't authorized to -- to do that. In other words, they
4 didn't own the asset or they hadn't written a check for that
5 bus bench. That's the way I interpret in-kind contributions
6 under Chapter 106, which every candidate signs a statement
7 when they open their campaign account that they have read
8 Chapter 106 and they understand it. So I think some of the
9 candidates didn't realize that maybe there was people
10 authorizing their names to be used, or not authorizing their
11 names to be used. I don't know.

12 Q. Do you -- have you had a working relationship with
13 Josh Wagner?

14 A. I've known Josh. When he first ran he happened to
15 talk to me about running, and, of course, I'm always willing
16 to help anybody running for office. I'll even help their
17 opponent if they ask me for advice. And when he was first
18 running, he wanted some advice, and I gave it to him, on
19 what I thought was the best way to run a county council
20 race, which he did. He went out and took my advice and won.
21 That was my -- you know, it was -- that was the first time I
22 had ever met him. I really didn't know much of him. I just
23 kind of followed him.

24 I don't think we agree on a lot of things on the
25 council, but I think it's more collegial. At least I try to

1 keep it that way. Some days you're friends with your
2 enemies and some days your enemies are your friends.

3 Q. I believe you're talking about politics now.

4 A. Yes, I am. I've learned a lot in 40 years of
5 running candidates that I did for 20 years and 20 years of
6 running myself. I don't feel that I was Mr. Wagner's chosen
7 one, though.

8 Q. Apparently not.

9 Do you have any idea what -- what -- if Josh
10 was -- and he's a good friend of all of ours, so we'll call
11 him Josh.

12 A. Yeah.

13 Q. If Josh was behind this program, do you have any
14 understanding or idea what he was after, what his purpose
15 was?

16 A. I think it was more or less to have people who
17 were going to be friendly with his -- you know, things that
18 he was -- issues that he was supporting. Wanted people to
19 support him. And I think that's why he seemed to be quite
20 friendly with Andy Kelly, and I think that carried over to
21 Missy Kelly. I think he wanted somebody on the council that
22 thought pretty much along his line, the way he does things.

23 Q. Did you have any information, including hearsay,
24 that Josh was a party to the improper or incorrect reporting
25 of the signs?

1 A. I -- I don't have any knowledge of that one way or
2 the other.

3 Q. Are you familiar with the county's contract with
4 Waverly for bus bench advertising?

5 A. From -- since coming onto council, yeah.
6 That's -- during the campaign, I just know that the county
7 had a contract with him. I wasn't aware of any of the
8 issues around the contract, what had been going on, until
9 after I came onto county council. It just became very clear
10 there were some problems.

11 Q. Well, were you paying attention to that subject
12 when the county was trying to issue a new RFP, and for --
13 for that contract? Or that predates your time there?

14 A. That was prior to me coming on to county -- I
15 wasn't even aware of anything with it, you know.

16 Q. I'm sure you're familiar by now with the e-mail
17 that Josh wrote to Ken Fischer making suggestions about the
18 draft RFP. Are you?

19 A. I became aware of that, yes.

20 Q. In your -- in your opinion, is -- is that sort of
21 communication withstand an appropriate thing for a member of
22 the county council to do?

23 A. If it -- if it's just directly to that staff
24 person and they're trying to do it, no, it's not
25 appropriate. I mean, if he had maybe talked to the manager

1 and maybe they had discussed that or somewhat maybe, it
2 would probably be appropriate. But I kind of thought it was
3 a backdoor way of doing something. I just -- it did disturb
4 me. I've sat on a lot of selection committees back to my
5 prior days from 1995 to 1998, but I never suggested a way a
6 RFP should be written. I was just there to be part of the
7 group as we selected somebody for a contract.

8 Q. Are you familiar with any other instances where
9 any other council members would get into a -- that kind of
10 RFP issue?

11 A. No. I'm not aware of any time.

12 Q. That's not a common thing?

13 A. (Shakes head.)

14 Q. Well, you supported the investigation that I'm
15 working on now.

16 A. Yes.

17 Q. Why did you do that?

18 A. I felt there was only two issues here, and only
19 two issues. The first one being the process, how this
20 contract and why it had languished as long as it had with
21 the kind of issues that were surrounding it and the
22 problems. That that was one which I felt is an internal
23 process that the county manager and staff should look at and
24 maybe clean it up a little bit. So that was my first issue.

25 The second one is the integrity of the elections

1 process. That's my other reason. Some of the things that
2 were going on with these in-kind contributions really
3 troubled me, and I thought they were violations of state
4 law. I wanted to make sure, and I think Ann McFall had
5 noticed what was going on. And that was it. Just purely
6 the integrity of the elections process, which I think is
7 important. We've been criticized in the past, and I don't
8 think fairly criticized at times, but this is one issue that
9 should be -- should have been noticed and taken care of.

10 Q. You say some of the things that were going on.

11 A. Well, just people that were given credit for doing
12 an in-kind contribution, whether they were legally able to
13 do it, had the legal authority to do it. And who was -- who
14 was doing it, whether people knew that they were giving
15 these contributions, or somebody there at Waverly was just
16 doing a little science fiction in creating these names and
17 putting them with it.

18 Q. Did you say signs fiction?

19 A. I call it science fiction, yes.

20 Q. Signs. I'm writing that down.

21 A. There's a lot of science fiction when you're on
22 the county council sometimes. Things get --

23 Q. All right. I'm sure you probably read in the
24 newspaper report that Mr. Brown claims that he gave credit
25 for many more bus benches than he actually put out there.

1 Did you see that interview?

2 A. Yeah. I don't remember a lot of the details
3 around it, but I -- I -- I wonder at times what Mr. Brown
4 has done so far, if he's taking the brunt of the criticism
5 on this. And there's some others involved in here who have
6 enough problems on their own at this time, that being
7 Garrett and Sotolongo, and maybe some others that -- I think
8 there's some people down in Deltona, Mr. Kiepert or
9 something, that's down there, from what I heard with Pat
10 Northey, that they were involved with it. And I guess there
11 was some involvement down in Deltona with the contract that
12 the City of Deltona had that I'm aware of. This is since
13 the election is over with.

14 Q. Were you interviewed -- were you interviewed by
15 the State Attorney's office?

16 A. No.

17 Q. Is there anything else that you think I ought to
18 know in this Waverly matter?

19 A. No, I think you've got it all, you know.

20 Q. You're a very efficient witness. Signs fiction.
21 I'm spelling it S-I-G-N-S fiction.

22 A. Science.

23 Q. No, sign?

24 A. Signs?

25 Q. You didn't intend that? That's a great pun.

1 A. Yeah, I think -- when you stop and just take a
2 view of it from about 40 thousand feet, it stinks. It
3 really does. And I'm just going into the -- the -- as I
4 said, the integrity of the elections process, because when
5 you get into campaign finance, that is critical. And it
6 really troubled me, because when I was seeing this happening
7 and seeing the bus benches out there, and just -- and
8 wondering where in the hell they were all coming from, it
9 just didn't seem right, you know. And, I mean, there were
10 some other things that I saw. I saw some -- where, you
11 know, state law requires you to pay for everything up front
12 at the time you receive the service. And I saw where some
13 people were using some -- getting mailing services, and they
14 were reporting it, the expenditure, long after the mail had
15 gone out. And that didn't make sense, you know, that during
16 the height of campaign you have somebody showing that they
17 did a three to four thousand dollar mail out and it wasn't
18 reported until after almost the campaign was almost over
19 with. And that's illegal as all get out.

20 Q. Do you remember the names of any of those --

21 A. Yeah, that was -- the company was S2 Advertising,
22 and that was Jeff Allebach. Because I -- I -- I don't
23 think -- I wouldn't -- I wouldn't get any mail pieces from
24 him. You wouldn't send your opponent any mail pieces. But
25 my brother-in-law would get the mail pieces, and he would

1 bring everything over, and I was seeing Jeff Allebach's mail
2 pieces coming out, and then at the next campaign report I
3 wouldn't see an expenditure for it. So you can look at it
4 and see -- so I think sometimes candidates really don't
5 understand what their responsibilities are, and it could be
6 just not paying attention, or it could be intentional, you
7 know, trying to raise money. Or it could be an oversight
8 that they just failed to report it accurately. I only pay
9 attention to my graces.

10 Q. Sure. But you were cautioned by friends to keep a
11 distance from the Waverly outfit?

12 A. Yeah. Well, not only Waverly, but anything
13 associated with Ramara Garrett and Sotolongo.

14 Q. Would you think it, then, surprising that a
15 candidate who -- whose reports showed in-kind contributions
16 of signs would take the word of Mr. Brown that these were --
17 people had paid for the signs and they were properly being
18 reported?

19 A. You mean, that those people -- that -- why they
20 would do it? I'm --

21 Q. Would you think it unusual that a candidate would
22 trust that information as being correct?

23 A. I don't know if they have the same knowledge I
24 have. I mean, I would think in the case of Andy Kelly that
25 he would have been a lot smarter about it, but -- you know,

1 because, I mean, there was a lot of bus benches that he --
2 and I'm wondering if all of them were reported. And I think
3 he was using it more as the bus benches were just getting
4 the name recognition, which is key. Really all you want to
5 see is somebody's name, where Kelly was predominant, so he
6 was probably hoping there was some transferring over to his
7 wife in that county council race.

8 But from what I heard, and everything that was
9 going on, I would have been really nervous about it, you
10 know. I mean, even if I -- somebody suggested -- when
11 somebody suggested that there was something in the past out
12 there with Mr. Sotolongo over on the west coast of Florida
13 and some of his criminal activity in the past, and with
14 Mr. Brown -- you know, it's amazing what you can find with a
15 Google search. And when I started doing a Google search, it
16 really convinced me that these were people I needed to stay
17 as far away from as possible. I'm not going to believe
18 everything everybody tells me. I do have to confirm what
19 I -- what's going on.

20 Q. So you say you think Andy Kelly could have been a
21 little smarter, maybe he could have Googled some of that?

22 A. Yeah. And he may have known. I -- you know,
23 he -- I even question Josh Wagner. He swears he's, like,
24 best friends in the world. I just find it -- from what I
25 hear, the investigation going on, that Sotolongo knew he was

1 being investigated by that private investigator. That was
2 some information that I was told.

3 Q. Private investigator was Hullett?

4 A. Yeah. He brought a friend of his in. That was
5 information given to me by Doug Daniels. Doug has said
6 that -- I guess he had talked to Mr. Hullett. And they were
7 right up front with Sotolongo that they were looking into
8 it. I guess Hullett's father had been scammed by -- by this
9 guy.

10 Q. And you -- you had been told that kind of
11 information during the election?

12 A. After.

13 Q. After.

14 A. After. This most recently -- I think Mr. Daniels
15 has had some conversations with Mr. Hullett. He just let me
16 in on a little bit of it.

17 Q. Have you got anything else I need?

18 A. No.

19 Q. No?

20 A. I didn't know how much if -- what I knew or had
21 was that useful. I didn't think that I was -- had a lot of
22 information. I mean, there's a lot of information out
23 there, and I figure everybody knows it, I mean. So I don't
24 know what's new that I'm actually adding into the
25 discussion.

1 Q. Well, one of the things you're adding in, and one
2 of the things that's important, is to know what people knew.
3 What was, for lack of a better word, the buzz in the context
4 in which some of these candidates made these decisions that
5 you would think could have been made smarter if they had
6 been paying attention.

7 A. Yeah.

8 Q. Or maybe they were paying attention.

9 A. I can't respond to that.

10 Q. I know you can't.

11 A. I don't know.

12 Q. And neither do I. Neither do I.

13 A. I have been very careful over the years. You
14 know, watching some of the candidates that were -- when I
15 was helping people run years ago, things that would come up,
16 and I would tell them, you know, you've got to be careful,
17 you know. There's a lot of people out there that follow the
18 money. And in some races, there's a lot of money. It needs
19 to be -- they need to be careful with it, who they're
20 dealing with. And I -- I had dismissed myself from quite a
21 few races when I lived in another county because I saw
22 things that I wasn't comfortable with. I wouldn't
23 participate in. I never thought I'd look cute in a jail
24 uniform.

25 Q. Orange doesn't look good on you?

1 A. No, it doesn't look good on me. Orange, or black
2 and white, or anything, you know. I've had, over the years,
3 people that I have known have got in trouble and call me for
4 help and, you know, I said, you did it to yourself, baby.
5 It's not me. Nobody can be that dumb.

6 Q. Well, I think we're done.

7 A. Okay.

8 Q. I appreciate -- and I want the record to show, by
9 the way, that Mr. Patterson is appearing voluntarily. He's
10 not subpoenaed. And he's just being cooperative. Thank
11 you.

12 (WHEREUPON, the interview was concluded.)

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CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

I, Shannon Green, Registered Professional Reporter, the undersigned authority certify that Pat Patterson named herein personally appeared before me and was duly sworn on the 10th day of February, 2014.

WITNESS my hand and official seal this 16th 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 16th day of February, 2014.
19
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22 _____
23 Shannon Green
24 Registered Professional Reporter
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ERRATA SHEET

INTERVIEW OF: PAT PATTERSON

ERRATA

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