

INTERVIEW OF:

ANDY KELLY

DATE TAKEN: FEBRUARY 13, 2014

TIME: 10:10 A.M. - 12:08 P.M.

PLACE: OFFICE OF BETTY W. KELLY, CPA  
843 NORTH WOODLAND BOULEVARD  
DeLAND, FLORIDA 32720

## 1 APPEARANCES:

2 JONATHAN KANEY, ESQUIRE  
3 Kaney & Olivari, P.L.  
4 55 Seton Trail  
Ormond Beach, Florida 32176

1 THEREUPON,

2 ANDY KELLY

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

5 BY MR. KANEY:

6 Q. Good morning again, Mr. Kelly. Is it all  
7 right with you if I call you Andy from now on?

8 A. Please do. Yes, sir. Good morning.

9 Q. We're here -- I'm here, you're here, and  
10 the reporter is here as part of an investigation that  
11 the county council has ordered into a set of  
12 circumstances they call the Waverly matter, and they  
13 retained me as special counsel to carry out an  
14 investigation.

15 This is an interview, not a deposition, and  
16 we're not in court. Evidence rules are not  
17 applicable. If I ask you a question and you believe  
18 you know the answer, but you believe the answer may  
19 be secondhand or hearsay, if it's credible to you,  
20 then you should share. The question is not, where  
21 did it come from, but how believable is it. So don't  
22 sensor yourself in that respect.

23 A. I didn't know that. Only because it's not  
24 a deposition, that's why. Okay. I understand. I  
25 didn't.

1 Q. We're not in court, even in the deposition  
2 sense, so it's more like just the facts, ma'am. If  
3 you remember Sergeant Friday.

4 A. I do. I do. I'm old enough.

5 Q. Andy, you were on the county council for --  
6 when did you first --

7 A. 2000 -- elected in 2006, began January,  
8 2007.

9 Q. And then you served on the council until --

10 A. Through 2000 -- December, 2012. So it was  
11 actually 2007 through 2012.

12 Q. Were you termed out at that time?

13 A. No, I was not. I had two more years, but I  
14 had opted to run for another -- another position that  
15 I felt that -- the incumbent had said that they were  
16 not going to run, and I thought that we needed  
17 somebody who was strong in financing in that seat.

18 Q. What position was that?

19 A. Supervisor of elections.

20 Q. And the incumbent that you're referring to  
21 was?

22 A. The position of supervisor of elections.

23 Q. And who was the incumbent you were --

24 A. Oh, the incumbent was Ann McFall, and she  
25 still is.

1 Q. When you first ran for county council, were  
2 you supported by Josh Wagner?

3 A. No, I did not know him at that time.

4 Q. Were --

5 A. He didn't run until two years later in  
6 2008, I believe.

7 Q. Were you supported by Waverly Media?

8 A. I was not aware of them, or that they  
9 existed.

10 Q. Or Jim Sotolongo?

11 A. I did not know him until years later.

12 Q. Or Ramara Garrett?

13 A. No, sir. I didn't know her until a couple  
14 years later.

15 Q. Okay. When you ran that first time in '06,  
16 did you advertise your campaign on bus benches?

17 A. No, sir.

18 Q. When did you first meet Josh Wagner?

19 A. During his campaign, and I believe it began  
20 -- it was 2008.

21 Q. Do you have a friendly relationship with  
22 Josh?

23 A. I would say if we saw each other that we  
24 would talk, but as far as do we text, or call, or go  
25 out of our way to see each other, not at all. But,

1 yes, I would say that if we were to be sitting here,  
2 we would be very friendly, yes. And I can tell you  
3 that I did offer support to him in 2008, because I  
4 thought he was a very strong candidate. Very -- you  
5 know, I liked his -- he had -- it seemed like he had  
6 a lot of fresh ideas.

7 Q. So you sat with him on the council from  
8 when he took office in '09, I guess, or --

9 A. Yes, he's the -- okay. I'm a odd seat,  
10 he's an even seat district. So, yes, and that would  
11 have been, I believe, 2009, forward.

12 Q. And you have become pretty well acquainted  
13 with him in that respect?

14 A. On the council, yes, sir.

15 Q. On the council. Not that you were talking  
16 off the council?

17 A. No, no. We didn't -- we weren't -- and  
18 that was the only time we ever saw each other was on  
19 the council, or if there was an event that, you know,  
20 one of our council members be present at.

21 Q. Did you continue to think well of his  
22 politics -- his approach to the government as you sat  
23 with him?

24 A. For the most part, yes, sir, when I was  
25 sitting in the council. Somewhat controversial at

1 times, but I thought a lot of that had to do -- he  
2 was -- he was fresh on the council, and he was, you  
3 know, quite a go-getter, so -- I didn't agree with  
4 everything, but there were several things that I did.

5 Q. And on balance, you thought he was a good  
6 councilman?

7 A. I think it's better to say, yes.

8 Q. The record should show that took a moment  
9 of reflection, and now we're chuckling.

10 A. Now we're chuckling.

11 Q. When you ran for re-election to the  
12 council, were you -- were you opposed?

13 A. When I -- yes, I was, by the former council  
14 member who had the seat, Dwight Lewis.

15 Q. Dwight Lewis. In that campaign, that would  
16 have been the campaign of?

17 A. 2010, so it would have been 2009.

18 Q. Were you supported in that campaign by Josh  
19 Wagner?

20 A. Probably so. In -- probably so. I  
21 don't -- as far as a Harley, no. As far as -- I  
22 don't know if he gave me a financial support, if so,  
23 that may have been the extent of it. He was pretty  
24 busy with his own stuff.

25 Q. What about Wagner -- I mean, Waverly?

1           A.    Yes, I was.  As a matter of fact, they  
2           provided me with -- contributed four bus benches.

3           Q.    And that you're referring here to an e-mail  
4           dated August 6th, 2010?

5           A.    Yes, sir.

6           Q.    They're not duplicates of each other?

7           A.    Those are not.  These -- one of those runs  
8           on -- these run on because it's the only way that I  
9           could it to print.  Those I was able to get in and do  
10          them individually.

11          Q.    Okay.  This -- this is a series of e-mails  
12          from Jim Brown.

13          A.    And/or Kim Was.

14          Q.    And or Kim Was to you?

15          A.    To me.  Or they were things that I  
16          forwarded back in 2010 from my -- my personal  
17          cfl.rr.com account because I wasn't using that.  It  
18          got too bogged down, so I switched everything to a  
19          Yahoo e-mail account.

20                MR. KANEY:  Okay.  Let's mark this as a  
21          collective exhibit.

22          (Exhibit 1 was marked.)

23   BY MR. KANEY:

24          Q.    Who is On Time Signs?

25          A.    I do not know.  I don't even remember them

1 being there until -- or that they were even a  
2 contributor until I printed that up.

3 Q. This e-mail is from Jim Brown, who is -- at  
4 that time was a manager of Waverly Media, to Andy  
5 Kelly. And the first entry is production for four  
6 bunch signs. Well, the first thing it says -- it's  
7 addressed, actually -- it speaks to Missy, your wife,  
8 Missy Kelly.

9 A. Yes.

10 Q. There would be three separate entries for  
11 the in-kind contributions. And the first entry is --  
12 first item is production for four bench signs, \$500.  
13 Contributor, On Time Signs, 415 Oak Street, Port  
14 Orange. And you just said you don't know who that  
15 was?

16 A. No. And I -- the only thing I would think  
17 is that maybe it was the people who actually produced  
18 the vinyl -- the wraps for the benches. Or the  
19 artwork, because they actually help with the artwork  
20 in 2010. I did my own in 2012. Or I paid somebody  
21 else to do it.

22 Q. When I say "they", you're referring to  
23 Waverly?

24 A. Yes sir.

25 Q. And Waverly Media --

1 A. Yes, sir.

2 Q. -- because there's two Waverlys here.

3 All right. The next entry is production  
4 for four bench signs, \$500. Shows Waverly Media,  
5 LLC, is the contributor. What does production  
6 encompass?

7 A. I don't know. The only thing I know is  
8 that I was provided with four benches that had -- the  
9 back of the bench had a vinyl wrap on the back, and  
10 that's it, so I'm assuming that that's what that  
11 represents. If that's what it cost to create the  
12 artwork in that case, and put the vinyl wraps on the  
13 bench, and put them up.

14 Q. Okay. And then the third item here is  
15 media placement charges for bus bunch ads, \$500, and  
16 that contributor is Waverly Property Group. What  
17 would --

18 A. I don't know, again. I would -- I was just  
19 assuming that this all had to do with bench signs. I  
20 don't know. I don't know what the difference would  
21 be regarding placement, unless that was when the put  
22 them in place and they stayed there.

23 Q. None of these entries shows a monthly sign  
24 rental charge.

25 A. No.

1 Q. Wouldn't they ordinarily have charged that?

2 A. Yes, they would have. And I asked -- I  
3 asked -- had asked at that time because I had  
4 considered doing more, but my budget wasn't  
5 sufficient to do that in 2010.

6 Q. What was the answer when you asked them?

7 A. They never provided me one. They ended up  
8 giving me the benches.

9 Q. So it's benches for free?

10 A. Bench -- I received the bench advertising,  
11 yes, sir.

12 Q. So you had to bring your own vinyl, but  
13 they provide the bench?

14 A. No, that's what I believe happened is that  
15 they were working with One Time Signs as the artist,  
16 and I don't know who did the printout. I would think  
17 it would be One Time Signs if they're a sign company.

18 Q. All right. And here is -- just to keep the  
19 series going, this is an e-mail dated July 25, 2010.  
20 And it's addressed to Andy Kelly, but it says --  
21 okay. I see. At the bottom, which is the earlier  
22 item -- you translate this for me.

23 A. That's from a gentleman named Tim Davis at  
24 Daytona Sign -- signsandwraps.com. And it says, here  
25 is re-work proof for the bench ad, and it is to

1 myself and to Jim Brown.

2 Q. Okay. So Mr. Davis says to Mr. Brown, here  
3 is re-work proof of bench ad. And then Mr. Brown  
4 replies, Tim, looks good. Happy you were able to  
5 rearrange the base artwork, I like it, please print  
6 me up six of these ASAP once Councilman Kelly  
7 approves the proof.

8 A. And we're actually going -- I did it from  
9 the most current to the earliest -- we're going  
10 backwards.

11 Q. This is another -- this is another, Tim,  
12 looks goods from July 25, so that's a duplicate.

13 A. There wasn't a lot of correspondence.

14 Q. Where is that one at?

15 A. Oh, that's that one. That's the one -- I  
16 had to copy a bunch of them at once to print it. I  
17 tried to print it up three different times.

18 Q. What do you recall that to be?

19 A. This is from Tim, again. And it's to Andy  
20 and Jim. And then he says, Andy, is this one okay?  
21 It's your original art, which I had, but to re-elect  
22 that guy, which is me, Andy. So if -- he inserted  
23 the re-election because I was going back to my -- and  
24 then it says, if this one's acceptable, he will start  
25 printing. And as Jim said, be able to place them by

1 midweek.

2 MR. KANEY: Okay. Let's mark that three.

3 (Exhibit 3 was marked.)

4 BY MR. KANEY:

5 Q. Do you know where Tim Davis is employed  
6 now?

7 A. I have never met him. I didn't even  
8 remember anything about him. I assume that -- as a  
9 subcontractor for Waverly. At least as far as I  
10 know, I never met him.

11 Q. Would you just identify that, so we can get  
12 it in the record?

13 A. This is from me to myself from -- it's from  
14 my cfl account to my Yahoo account, and it must be  
15 something I'm referring to because it has a subject  
16 line that Jim Brown had that says, first one is  
17 preferred one. Please -- and I state, okay, I like  
18 this one the best. It is the first one, and can you  
19 add the re-elect and scootch the guy's name, Andy, to  
20 the left which, again, is me. And I said,  
21 repetitiveness is the key as someone once told me.  
22 And I said, Jim, is that you? And I said, thank you,  
23 gentlemen, they're both great. I can finally see  
24 both side by side, and the first one does prevail.  
25 Please correct the spelling of Volusia at the very

1 bottom in the disclaimer, but forget rearranging the  
2 wording. I can see it either way, and if there is a  
3 problem, my bad, just do it, because they both are  
4 great. Thank you very much. Or, thank you.

5 Q. Correct the spelling of Volusia?

6 A. Yes.

7 Q. That is a hard word, isn't it?

8 A. It is a very -- never -- it's never -- it's  
9 not a common work.

10 (Exhibit 4 was marked.)

11 BY MR. KANEY:

12 Q. Okay. Let's talk about this one here.

13 A. And these are, of course, again from the  
14 most current, and now this is the first one dated --  
15 the series dated July 23rd, which Tim is sending it  
16 to Jim and myself. It says, here is reworked proof  
17 of the bench ad. And Jim's response on the same 23rd  
18 was, Tim, looks good. I'm happy you were able to  
19 rearrange the base artwork as Andy requested. I like  
20 it. Please print me up six of these ASAP once  
21 Councilman Kelly approves the proof. Thank you, Jim.  
22 And my reply was, unfortunately I can't see the first  
23 proof. There were too many web mail open on  
24 different computers, and one of the open ones took  
25 the e-mail so I couldn't see it on the one I was on.

1 Please resend it. Then I asked for them. If my --  
2 since my e-mail is not consistent, can you please  
3 text my phone for some of those other details? Not  
4 the pics and/or proofs, but just context. It seems  
5 to work a lot easier. Call me tomorrow -- call me  
6 tomorrow and we will see, thank you. And it's  
7 signed, I believe, Andy.

8 (Exhibit 5 was marked.)

9 BY MR. KANEY:

10 Q. Okay. Now, those are the only ones you  
11 have here today that pertains to that campaign?

12 A. 2010. Yes. And I don't know if we did a  
13 lot of texting back then. I don't think that we did.  
14 I don't remember. I don't believe that we did,  
15 though.

16 Q. Let me ask you again about the first thing  
17 we talked about, the charge that did not include  
18 rental for the bus bench. Did you just tell me that  
19 you asked them about that, and got no response?

20 A. I did. That's correct, yes. Actually,  
21 throughout the entire time I have not gotten a  
22 response, all the way through 2012.

23 Q. Would you -- don't you think, though, that  
24 the use of the bus bench is an in-kind contribution  
25 itself?

1           A.    I believe that was the -- my understanding  
2           is that that was what they were providing through the  
3           contributions that they gave me. That all of the  
4           above was in that. It was inclusive doing the  
5           artwork, doing the wrap, and placing them on the  
6           benches. I don't believe that they produced the  
7           bench, as in made a bench. They used stuff that they  
8           already had, and they were wrapping it. I don't  
9           know. That's Jim's choice of words. I wasn't even  
10          aware of that until you just pointed it out.

11          Q.    Do you think they charged you for the use  
12          of the bench as opposed to creating the bench?

13          A.    I think the contributions include both.  
14          All of the above. I believe that that was the  
15          intention. That's my understanding.

16          Q.    And that was 2010 we were talking about.  
17          Did -- did you run for re-election again, or was that  
18          next election --

19          A.    We had two-year elections due to the 2010  
20          national census, so there was a two-year term. So I  
21          had to re-run if I chose to, but instead I chose to  
22          run for a different seat, which was supervisor of  
23          elections, so I did not run for my seat again.

24          Q.    So when you -- when you ran for supervisor,  
25          were you supported by Josh Wagner?

1           A.    I don't remember. He's -- I never knew him  
2           to do anything to go out of his way to help. If he  
3           gave me a little bit of money, it was maybe 50 or a  
4           hundred dollars. I don't remember if he even did  
5           that, though.

6           Q.    What do you know of his relationship with  
7           Sotolongo and Garrett?

8           A.    Now we'll be getting into hearsay, and what  
9           I read in the newspapers.

10          Q.    Let me know what you got.

11          A.    This is probably why I was not as  
12          supportive, and a little more concerned about sitting  
13          with him in the council because he seemed to be  
14          involved in quite a bit of business dealings, and I  
15          didn't know about any personal, but at least from  
16          what the newspaper stated, a lot of business  
17          dealings. And at that time I believe it's hard to  
18          separate yourself from who you do business with.

19          Q.    So is that a roundabout way of saying that  
20          you were aware, by a whatever source, that he had a  
21          relationship with Sotolongo and Ramara Garrett?

22          A.    Yes.

23          Q.    Has anyone ever told you that Josh was, one  
24          of the words that I've heard used, is gatekeeper, for  
25          access to this support from Waverly and these in-kind

1 bus bench contributions? Have you ever heard that?

2 A. No, I have not, but it may make sense.  
3 Josh frequently referred to me as the second youngest  
4 member of the council. He frequently joked about  
5 being the youngest member, and then he occasionally  
6 would include me, although I wasn't that much younger  
7 than the other ones. He's 20 years less -- younger.  
8 I can say that I believe that Josh appreciated my  
9 role in the council. That seemed something, you  
10 know -- that he enjoyed working with me. And I'll  
11 make note that a fellow democrat, as well. I only  
12 say that because seemingly most of the candidates who  
13 this group, the Waverly people helped, were  
14 democrats. Most of them were. I thought that was  
15 significant. I didn't know that until afterward,  
16 though.

17 Q. Do you know Manny Bornia?

18 A. I know him, yes. Not well. I've met him a  
19 few times.

20 Q. What do you know him to be? Who is Manny?

21 A. Who is Manny?

22 Q. I know that that's a big question.

23 A. He's a fast talker and he gets very  
24 excited. That's all I can say of him really. And I  
25 do understand that he came to dislike Miss McFall

1 from a run-in that they had at the county courthouse.  
2 He was trying to do a -- filming a video of  
3 something, and she told him that he had to leave.  
4 That's what he told me. And he interviewed me  
5 shortly after that.

6 Q. What did he interview you for?

7 A. He was going to do -- they had a magazine.  
8 Florida, something. And they were going to do an  
9 article in there because of the -- what he considered  
10 the unfair treatment he received. He wanted Ann  
11 McFall out of her seat. Floridian View. That's the  
12 name of it. Floridian View.

13 Q. Floridian View. Did you ever read that  
14 magazine?

15 A. Not really. I received several copies.  
16 Dennis stopped getting them, and the views seemed  
17 pretty slanted, and further than I would have pushed  
18 if I were to speak or rate something.

19 Q. Did they ever produce the article that  
20 you --

21 A. No, they did not -- they did not.

22 Q. I was referring to the article he had  
23 mentioned, that Andy had mentioned, so -- just to  
24 keep the record clear. They pronouns don't look good  
25 in transcripts.

1           The confrontation, I guess you'd call it,  
2       between Manny Bornia and Ann McFall, when did you  
3       first learn of that?

4           A.    I believe it was Ramara that told me that,  
5       and said that I was going to be getting -- that he  
6       was going to be trying to contact me. And then I was  
7       told that he pretended like he was on the phone  
8       talking to somebody, and I'm -- I assumed it was me,  
9       and he was yelling that, we're going to support you,  
10      and back you all the way, and we're going to get her  
11      out of office. And I never heard that conversation,  
12      I just heard that it occurred in front of Miss  
13      McFall, I guess, to make a point. But that  
14      conversation never -- never ended up happening.

15          Q.    In your campaign for supervisor, were you  
16      supported by Waverly?

17          A.    Yes. I don't want -- apparently I was  
18      supported by Waverly.

19          Q.    Keep these in order. Can you put them in  
20      ascending chronological order for me so we can keep  
21      our --

22          A.    That's the best I can do. That's the same  
23      thing.

24          Q.    This is the same thing you gave me when I  
25      was talking to you before?

1           A.    Yes.  This is the printed out more in  
2           conversation succession.  Very difficult to get that  
3           to print out one message as the time.  Mostly there  
4           are several messages.

5           Q.    What most people do is print everything and  
6           throw away the ones they don't want.  It's not good  
7           for the tree crop.

8           A.    I agree.  I actually found -- well, I did  
9           searches on everybody's name, and I did search  
10          Waverly, and then I was able to get everything that I  
11          had.

12          Q.    Okay.  So these -- these are earlier --

13          A.    These should the same things.

14          Q.    These are -- okay.

15          A.    But I did find -- I was able to get  
16          something earlier.  I don't know if that was from  
17          Kim's name.  That may have been from Kim's name as  
18          well, his wife.  That was the one I said that I had  
19          found -- I was able to get one more.

20          Q.    So these two piles are the same thing?

21          A.    Yes.

22          Q.    But that one and that one are not the same  
23          thing?

24          A.    No, no.  This is the one that I was able to  
25          find.  I found this one that I had not found already,

1 I guess. Thank you, Jim. I thought I gave you  
2 this -- in fact, I know that I gave you this, because  
3 that was where we got the -- where the initial  
4 conversation was. The initial -- because he  
5 contacted -- he e-mailed me originally back in May.  
6 I can go through this right now if you want me to.

7 MR. KANEY: Let's go off the record.

8 (Off the record discussion was held, after  
9 which the following proceedings were had:)

10 BY MR. KANEY:

11 Q. Would you mind going back on what you just  
12 said about --

13 A. Oh, part of the aggravation in reading the  
14 newspapers was I was falsely accused that I was -- I  
15 had ever asked for anything from Waverly, or Jim  
16 Brown, or anybody, Ramara or Jimmy. And the fact is  
17 is that this initiated from an e-mail that Jim Brown  
18 sent to me which assumed that I was going to be doing  
19 bus bench advertising.

20 Q. That was your first -- that was your first  
21 contact with --

22 A. On May 26, 2012, he sent me an e-mail. On  
23 the back page. And at that point I had just lost --  
24 it just happened to be when he contacted me, I had --  
25 my iPhone had just broken, or my phone. My cell

1 phone had just broken, and I lost all of my contacts  
2 that I had.

3 Q. Let's identify that string there of  
4 e-mails.

5 A. Okay. May 25th. 6:23. This is from Jim  
6 Brown to myself. Hi, Andy, just want to make sure  
7 that my e-mail address was --

8 THE COURT REPORTER: Slow down a little  
9 bit, please.

10 A. Okay. Hi, Andy. Just want to make sure  
11 you have my e-mail address for sending graphics  
12 material. Thanks, Jim.

13 My reply was: You were sent to the spam  
14 box, and I need contact numbers because my phone,  
15 with 2,300 contacts took a dive as I was backing it  
16 up. I need contact numbers for you again, please,  
17 and Ramara, too. Thank you. Which I didn't know Jim  
18 Brown existed -- I'm sorry. I didn't know that Jimmy  
19 Sotolongo existed at that time. I don't believe that  
20 I had ever met him before -- before this. And he  
21 sent me -- he replied by sending me his work and his  
22 cell number, Ramara's cell number, and Jim -- Jimmy,  
23 as in Jimmy Sotolongo's, cell phones. Well, Ramara's  
24 cell. I don't know what number he gave me for Jimmy.  
25 He just says, Jimmy, and a phone number.

1           And I replied: Thank you. Now I have  
2           2,700 more contacts to go. Do you happen to have  
3           them handy? I was teasing. And he smiley-faced me  
4           back, and said, wish I could be more help.

5           Q.    Okay. This is --

6           A.    And at that time, I don't think I had ever  
7           met Jim in person either.

8           MR. KANEY: Mark that 6.

9           (Exhibit 6 was marked.)

10          BY MR. KANEY:

11          Q.    We just marked this as Exhibit 6. And  
12          what you -- what you said, I believe, is that the  
13          e-mail dated Friday, 25, May, '12 -- May, 2012, I,  
14          Andy, just want to make sure you have my e-mail  
15          address for sending graphics material. Thanks, Jim.

16          That's the first contact that you had  
17          regarding --

18          A.    I believe it was from Jim. I don't  
19          remember -- I obviously had met Ramara before that.  
20          Obviously -- because in 2010. I'm sorry. Yes.

21          So I don't know if we had talked about it  
22          and she, you know, we just started talking bus  
23          benches, but I don't believe that anything was in  
24          writing. I believe that I met her -- I saw her at an  
25          event, and she asked how things were going, and I

1 said, well, I need to get with you. And I found out  
2 about -- well, the first -- another question asking  
3 me about bus benches.

4 Q. And this was for your --

5 A. Supervisor of elections race.

6 Q. Right.

7 A. 2012.

8 Q. When you talked to her, what was the nature  
9 of your conversation?

10 A. It was more of just, hey, how are you, and  
11 how is your campaign going? I said, you know -- I  
12 thought that the ads were rather effective, the bench  
13 ads in 2010. You know, it was a first for the  
14 county, you know, within -- I know that after the  
15 fact, it seems like those same bus benches that I had  
16 an advertisement on, they were, in turn, at -- they  
17 were sold shortly after that, which I think benefited  
18 them.

19 Q. So you wanted to do it again?

20 A. Yes. I thought they were effective.

21 Q. Did you discuss the contribution, or --

22 A. No, not at that time. No. We had -- that  
23 was it. It was very brief. It was just more in  
24 passing.

25 Q. Did you ever discuss the support they were

1 giving you, Waverly was giving you, with Ramara?

2 A. Somewhere I got the number 10 from, and I  
3 don't -- I believe it was from Ramara.

4 Q. What did that represent?

5 A. Ten -- that they had 10 benches that -- I  
6 believe it was 10 benches that they were going to  
7 donate.

8 Q. Do you know what the monthly rental on  
9 those benches are?

10 A. No, I don't. I still don't. I asked for  
11 it in some of the e-mails.

12 Q. Particularly because every time somebody  
13 asks them, they get a different answer.

14 A. That very well could be.

15 Q. Well, 10 benches, did you think about  
16 how -- how one company could give you 10 benches?  
17 Didn't that seem like a lot for the \$500 limit?

18 A. No, I didn't know they were -- it's just a  
19 number that was thrown out there. It -- nothing was  
20 ever in concrete ever. To this day I still don't  
21 have a clue how many benches were provided.

22 Q. Exhibit 1 is the e-mail listing three  
23 separate entries for the in-kind campaign  
24 contributions. Did you ever discuss the subject of  
25 in-kind contributions with anyone from Waverly, Jim

1 Brown, Ramara?

2 A. I don't remember. No.

3 Q. Did you understand that that would be the  
4 process they would follow?

5 A. We had never discussed the process.

6 Q. Not to lead you, but was this the first you  
7 heard of in-kind contributions from them, this  
8 Exhibit 1?

9 A. Yes, sir. Yes.

10 Q. What did you do in response to this? You  
11 got this e-mail saying that you had gotten  
12 contributions from -- in-kind contributions. Did you  
13 --

14 A. That was pretty much it. And after that,  
15 there was not any more communication not until a  
16 couple years later with Jim.

17 Q. And you didn't know -- you didn't know then  
18 who On Time Signs was?

19 A. No, sir.

20 Q. Did you have a guess then that they were a  
21 supplier for Waverly?

22 A. I thought that they were somebody they  
23 worked with either in-house, or there was a separate  
24 company they had, or a subcontractor that they had.

25 Q. Did anyone ever discuss with you what

1       Waverly wanted in return for their support?

2           A.    I was never asked or offered -- I was never  
3       asked for any support, you know, something in-kind  
4       from them. And I had certainly never asked for one  
5       to get their support.

6           Q.    When you get political contributions from  
7       various people, do you assume that they've got some  
8       reason for contributing to you, whatever that might  
9       be?

10          A.    I would hope it's because they like my  
11       political stance, or at least they like my reasoning,  
12       and why I make the decisions I do, even if they  
13       disagree with the decision. I would hope that that  
14       would be the case.

15          Q.    Have you ever had any experience to find  
16       out that was not the case?

17          A.    Never. No, sir. Fortunately not. I told  
18       everybody from the getgo that I had to decide -- I  
19       make the decisions on what I feel is best for all of  
20       those in the county and not just supporters.

21          Q.    And this be -- this list of contributors  
22       on Exhibit 1 found its way onto your campaign report?

23          A.    Yes, sir.

24          Q.    You just reported it as they sent you  
25       this --

1 A. Yes, sir.

2 Q. Okay. So then when you started your race  
3 for supervisor -- let me ask you this: Regarding  
4 that first race, do you know how many signs they  
5 produced for you, put out there?

6 A. No, sir, I do not. As you can tell, the  
7 number was -- they had ordered six signs, and then he  
8 gives me the contribution report for four, and I  
9 don't even know what period of time that was for.

10 Q. Do you know whether or not there were --

11 A. It was for the primary, so it wasn't for a  
12 long time. It was only for a couple weeks.

13 Q. Did you ever look for the bus benches to  
14 see your pretty face on the bench?

15 A. I did not. I did run -- I did drive by, I  
16 believe, two or three of them that I did see on 92  
17 and North 17. In 2012 I didn't see many. I saw, I  
18 think, three or four.

19 Q. Do you know Kim Was?

20 A. I do not. No, sir.

21 Q. Do you know who she is?

22 A. I -- somebody who works with -- or works at  
23 Waverly. It's my understanding she still works there  
24 based on the newspaper.

25 Q. Okay. Let's --

1           A.     This is -- this is in line, which means  
2     that I sent an e-mail -- or she sent me an e-mail  
3     that was out of the norm path of messages, group of  
4     messages, so my response -- this was after I said my  
5     phone took a dive. Jim Brown cc'd Kim Was and  
6     myself: Hi, Andy. We located some old artwork.  
7     It's been sent to graphics. Watch for from proof  
8     from Kim. Thank you, Jim.

9                     And my response was on June 9th. Great,  
10    I'm super excited, and perfect timing because of my  
11    e-mail blew up on me, and I just got it re-opened.  
12    And then I asked them to make some -- please try to  
13    make some changes on the art. And then I -- I asked,  
14    you know, regarding spots over to county. And I have  
15    copy I'll send you tomorrow or Monday because I  
16    actually ended up doing the artwork. Or I paid  
17    somebody else to do it for me. Or somebody we had  
18    worked with on banners is the one that ended up doing  
19    the artwork.

20                   MR. KANEY: Okay. Let's mark that.

21                   (Exhibit 7 was marked.)

22    BY MR. KANEY:

23           Q.     Okay. So we've marked this one that --  
24    this two page string that begins at the top of the  
25    page, June 9 of '12. Before this e-mail, had you had

1 contact with Waverly about -- beyond your chat with  
2 Ramara at the --

3 A. No.

4 Q. -- reception?

5 A. And this was the limited conversations that  
6 I had with -- oh, no. Jim and I, I believe, texted a  
7 couple times.

8 Q. Jim Brown?

9 A. Yes. Yes. And it was just -- I don't know  
10 we did. Where the number 10 -- and I don't know  
11 where the number 10 came from. So there was not a  
12 lot of conversation overall. It was more getting it  
13 done.

14 Q. So by the time -- by the time you received  
15 this --

16 A. Most of the communication happened over,  
17 like, two or three days. I think it was the 13th  
18 through the 15th, or the 12th through the 15th, I  
19 believe.

20 Q. So back on June 7, Jim Brown is telling  
21 you, we've located some old artwork. Sent to  
22 graphics to see if it could be adapted. Watch for a  
23 proof from Kim, which would be Kim Was?

24 A. Yes.

25 Q. They had been busying themselves?

1 A. (Nods head.)

2 Q. And you had not asked them to do that at  
3 that point?

4 A. No, at that point I believe that I had said  
5 that I wanted -- I wanted some ads. I'm sorry. That  
6 I wanted to place some bench ads, but as far as --  
7 whether as me buying them, which is what I thought  
8 was going to be happening, or not until later that I  
9 found out it was going them in-kind.

10 Q. Would you say they were kind of taking the  
11 initiative there on their own?

12 A. Yes. Somewhat.

13 Q. Okay. I think that's -- there's nothing  
14 different about those two. Back to them. Would you  
15 identify that one? I think that was earlier than the  
16 one we just --

17 A. It was. It's dated May 25th. Hi, Andy.  
18 Just want to make sure you have my e-mail address.  
19 We're sending graphics material. Thanks, Jim.

20 Q. Do you recall what preceded that to cause  
21 them to send that to you?

22 A. I do not remember that, no.

23 Q. And that was -- that was --

24 A. May.

25 Q. -- May 25, slightly before the sequence

1 that began -- well, a little bit before your May 25  
2 exchange with him, which is in Number 7.

3 A. You want me to read what it says, or  
4 actually skip the stuff where I'm just blah, blah?

5 Q. Yeah, we don't really need to dictate them  
6 in here if you can --

7 A. Oh, I can definitely do that. Thank you.  
8 This is -- this is where -- from the 12th of June --  
9 no, from the 13th of June through the 15th of June is  
10 when the serious discussions arose in which I  
11 questioned as to the placement that they had  
12 available, the numbers that they had, and how much  
13 because I was trying to work out a budget.

14 Q. It looks like these are the ones. Could  
15 you walk through them, and just identify them briefly  
16 without trying to read them all in?

17 A. On June 11th, Kim sent me an e-mail saying:  
18 The art is attached. Please let me know any changes  
19 you want to make. Thank you. And that was artwork  
20 that I had sent them, and they just made it the size  
21 for benching. I -- let me see. I just had banners  
22 made, trying to make everything look the same, the  
23 logo, layout. And I said that the one that they had  
24 is a little bit different. And, again, that's when I  
25 decided to go outside, go ahead and get it done

1 through my banner -- my banner vendor. I asked for  
2 the copy size of the benching was, and I expressed my  
3 pleasure. And if you don't mind, I asked if Kim does  
4 web page -- does web page maintenance, or know how to  
5 do them because I had just had one, and I wasn't  
6 satisfied with it. Her --

7 Q. Let's take that one out. This would be  
8 number?

9 (Exhibits 8 and 9 were marked.)

10 BY MR. KANEY:

11 Q. Okay. So this is Exhibit 9, which you were  
12 just describing.

13 A. Okay. Okay. This -- this is a reply from  
14 Kim to me. Give me the size of the artwork so that I  
15 could pass it on to the person who was helping me  
16 with the banners. And they did -- they ended up  
17 doing this for the benches also. So she gave me --  
18 provided me the size. And she -- Jim asked, what's  
19 the deal? Is someone going to send us new artwork  
20 for the benches, or are there going to be changes to  
21 the proof that we sent you? And after I had asked as  
22 to the number of locations, I sent back and said, by  
23 the way -- sorry. You can scratch that. I'm reading  
24 the wrong thing.

25 Jim Brown replied, by the way, with a bit

1 of lead time, I can get banners cheaper than most  
2 anyone, and we're talking quantity. I never asked  
3 him, so that's that. That was his response to me.

4 Q. Okay. And that would be this, Number 10.

5 (Exhibit 10 was marked.)

6 A. is there anything here that says the art  
7 it attached? This is exactly that, it's just this  
8 has got more in it. I reprinted two e-mails that  
9 were already re-printed in a group of three. So I  
10 printed a duplicate is what it is.

11 BY MR. KANEY:

12 Q. Yeah. We're looking at an e-mail that's  
13 already been duplicated, so we don't need to identify  
14 that.

15 A. Okay. All right. And -- okay. This is a  
16 sequence on -- continuing on June the 13th. My reply  
17 when he gave me the size of the bench artwork trim,  
18 and the size that it needed to be, I wrote back to  
19 Jim: Okay. This is the artwork, and -- to Jim and  
20 to Kim. Okay. This is artwork that I did. It ended  
21 up being a banner artwork with a few changes. And I  
22 asked them to change the bottom words, honesty,  
23 integrity, trust from black to the blue, which would  
24 be the color I had used throughout the campaigns, all  
25 of my campaigns. Aurora blue.

1           And I asked if we could put another line in  
2     there, and that was it. Jim's reply is: One design  
3     only. Big cost difference for us, so forget that.  
4     And I replied back, it looks like I'll be getting hit  
5     all over Volusia County, which is -- hit is H-I-T,  
6     honesty, integrity, trust, which is what I was using  
7     for my slogan in running. And Jim replied: I had  
8     sent my -- the artwork is sent to the graphics guy so  
9     he can adapt the design to the format for the vinyls.

10           (Exhibit 11 was marked.)

11     BY MR. KANEY:

12           Q. All right. This is -- we marked this as  
13     number 11. The one you just described. And -- okay.

14           A. This is continuing from his response  
15     when -- I'm sorry. From where I sent the artwork. I  
16     sent a proof back, and they said it looks great. And  
17     I replied, yes, it sure does. And I think important  
18     to insert here is that I asked to please call me for  
19     the number. And I meant as in the number of benches  
20     that they had available, and the locations, and how  
21     much money. Well, I had that. Please call me for  
22     the number, and the placement of signs, and I gave my  
23     phone number. I didn't receive a call. I vividly  
24     remember that. The reply was, from Jim: Its  
25     placement will be best available, and he told me they

1 had 36 benches available benches open in the entire  
2 county. And some cities don't allow candidate  
3 advertising, so we're limited, but we still may be  
4 able to give you signs on high traffic roads. And I  
5 had mentioned my wife, because she was running for  
6 county council, that if you had a couple, we'd like  
7 to purchase a couple.

8 So he told me that they had 36 benches open  
9 in the entire county, but some places did not allow  
10 them. My reply was -- is: Okay. Please call so we  
11 can discuss pricing. I need the coverage, and  
12 hopefully we can get a few, two or three, for her,  
13 which is my wife, Missy. And then I stated that I  
14 definitely need high profile maximum road coverage,  
15 and not desolate areas.

16 Q. Okay.

17 (Exhibit 12 was marked.)

18 A. This next one is everything on the bottom  
19 is exactly as Number 12, but I had replied from --  
20 instead of the computer, I must have replied from my  
21 handheld or vice versa, and stated -- I sent Jim  
22 another e-mail, that was at 5:27. Please call. We  
23 can discuss pricing. At 6:27, I sent Jim an e-mail,  
24 by the way, I'm sure that I'll be taking them. Thank  
25 you again. And I meant by taking I would be buying

1        what they had. At that time I was trying to work out  
2        a budget, and I had limited amount, and I was  
3        deciding whether I was going to putting more money  
4        into the campaign or not. And that's the only one  
5        that's different from the ones that are on there.  
6        It's just because I sent it from a different source.

7            (Exhibit 13 was marked.)

8            A. And I'm telling him I'm taking that. I'm  
9        certainly not saying thank you for giving them. I  
10       never assumed anything.

11 BY MR. KANEY:

12           Q. This is -- I believe that was next in time.

13           A. Yes. And Jim's reply to me, which I did  
14       not read for five days, at 6:47 he stated, your price  
15       is in-kind. I'll order vinyls on Monday. We'll do  
16       what we can for Missy as well. That was on June 15th  
17       at 6:47. On June 20th, when I read that at 1:54. I  
18       said, wow, thank you, thank you, and of course Ramara  
19       and Jim. I believe, Andy.

20           (Exhibit 14 was marked.)

21 BY MR. KANEY:

22           Q. Where's the one from -- that's it. The one  
23       that gave the list. The next communication that I  
24       had. It would be the one to your left.

25           A. Okay. This is July -- no other

1 communication from the last one until July 9th at  
2 4:39. Jim sends me a -- hello, Andy. Please see  
3 below in-kind contribution report. And he states on  
4 there 25 -- this says, please see the in-kind  
5 contributions report. Twenty-five bench signs,  
6 colon, production and placement, hyphen, \$8,500. And  
7 then he give me a list of in-kind contributors with  
8 17 different people or -- well, it's either  
9 businesses and/or peoples' names with \$500 for each  
10 one.

11 Q. Here it comes again, production and  
12 placement, \$8,500. This list of contributors?

13 A. Yes, sir.

14 Q. Who among that list did you know at that  
15 time?

16 A. Did I know? Ramara Garrett. I had met Jim  
17 Brown, and we had communicated obviously. I had  
18 communicated with Kim Was. I know the name Michael  
19 Kiepert, and the same address of Susan Kiepert.  
20 Angela Kiepert, I don't know that name. I know  
21 Michael Kiepert's name. Waverly Media, and that's  
22 it.

23 Q. The others on this list, Terry Was, William  
24 Stone, Diane Was, the ones you don't know?

25 A. No, I do not at all. I do know Ramara?

1 Q. Chuck Wales?

2 A. No, sir. I recognize the name, though, but  
3 I don't know him.

4 Q. William Hill?

5 A. (Shakes head.)

6 Q. Marge, same address.

7 A. No, sir.

8 Q. Kim Was, you had dealt with her?

9 A. Yes, I had through the e-mails. Through  
10 the ones -- through most of my communications with  
11 Jim Brown.

12 Q. Frank Rigler?

13 A. Yes, sir.

14 Q. Michael Kiepert, and his -- and Susan at  
15 the same address. And Angela. Three Kiepersts.

16 What do you know about Michael Kiepert?

17 A. I don't know. Other than I believe he's a  
18 democrat and -- I don't -- I don't. I just recognize  
19 the name. And I -- I may -- should know him, and I  
20 apologize if I should and I don't, but I just don't  
21 -- I can't put a face with the name.

22 Q. What about Catarina Brown?

23 A. Not at all.

24 Q. 72 Bushman Drive. Same address as Jim  
25 Brown.

1 A. It's his mother -- I mean, wife?

2 Q. So, Andy, this -- this report that you just  
3 described will be -- we'll mark it as Number 15.

4 (Exhibit Number 15 was marked.)

5 BY MR. KANEY:

6 Q. And then -- see what that is.

7 A. Okay. This is a follow-up e-mail dated  
8 October 5th, 2012, that is from generic Waverly  
9 Media, LLC, and it asks for me to amend the July  
10 campaign report to reflect three changes due to  
11 promise in-kind contributors not following through in  
12 their promise donation of time, goods and/or services  
13 for your campaign. Unfortunately their donation  
14 resulted in fewer bench signs being produced and  
15 placed, and reducing any contributions by \$1,500.  
16 And they asked for me to remove William Hill, \$500,  
17 Marge Hill, \$500, and Mr. Frank Rigler, \$500, which I  
18 did.

19 (Exhibit 16 was marked.)

20 BY MR. KANEY:

21 Q. Okay. Let's -- you -- you amended your --  
22 or correct your report --

23 A. Yes, sir.

24 Q. -- as they requested in Number 16 here.  
25 Now, these are people that are presumably, according

1 to what Waverly is telling you, these are people that  
2 paid Waverly to put a bus bench sign together for  
3 you? Not them, but Number 15.

4 A. I don't know how they worked it out. I  
5 understand -- you referred to a term bundling, that  
6 they had -- and I don't know as to how many of them  
7 are shareholders, or partners, or own, you know,  
8 parent companies, or who are employees. I don't  
9 know -- I don't know how they worked it out. I was  
10 never privy to that. I took it at face value.

11 Q. And I have to ask this: It would be fair  
12 to say you don't know whether your campaign reports  
13 are accurate or not?

14 A. It would be fair to say that I would love  
15 to change my campaign reports so what is accurate. I  
16 am very frustrated that I have not been able to this  
17 entire time.

18 Q. As of the time you were making the report  
19 mentioned here in 15, and again in 16, what did you  
20 know about Waverly Media?

21 A. Nothing. As far as their structure?  
22 Nothing at all. I -- I thought that they had a lot  
23 of brother and sister companies, and there were  
24 parent companies, and Sub S's, and several LLC's.

25 Q. Why did you think that?

1           A.     Because of all of the different dealings  
2     that I had, like reading the newspaper, that Ramara  
3     and Jimmy were involved with.

4           Q.     At that time, we hadn't seen anything about  
5     the mortgage fraud?

6           A.     No, sir. But I did know that he owned a  
7     couple properties because I actually delivered a  
8     packet to -- to Ramara and Jimmy, or Ramara had asked  
9     for it because I was going over there for a meeting.  
10    Not to talk to them. I was going to another meeting,  
11    and she had asked about -- she asked me through a  
12    text, Andy, how does a candidate start, you know, a  
13    race, or enter the race? And I said, you go pick up  
14    a packet. She said, where? And I said, DeLand.  
15    Well, she told me she's over in South Daytona. And I  
16    said, I'm here, I could pick one up. It'll look kind  
17    of good. I'm going to the elections department and  
18    picking up another campaign packet. They'll think  
19    I'm going to run for something else. I was thinking  
20    that, so I said, I'll pick that up. I didn't tell  
21    her that. I was thinking it.

22                 And I picked it up, and I said, I'm going  
23    down to South Daytona for a meeting anyway, so I'd be  
24    happy to drop it by, and I did. I was there for five  
25    minutes. Not even that. It was like an apartment

1 complex they were working on.

2 Q. When did you first meet Jimmy Sotolongo?

3 A. I don't believe it was until 2012. Some  
4 time after 2010. I didn't know -- I didn't know  
5 Ramara had a boyfriend, or was with a significant  
6 other. Every time that I had seen her, I had seen  
7 her individually -- by herself. I've got a question.  
8 I was running for the supervisor of elections. Why  
9 would Jim feel it necessary to -- to embellish and  
10 provide this overstatement? I didn't need it, and it  
11 didn't help me on my campaign report. And I don't  
12 understand.

13 Q. Let's clear that up. That's an important  
14 point. What do you mean by, embellish?

15 A. Well, provided he -- apparently, as I read  
16 in the newspaper, is I can take a tenth of what he  
17 told me he gave me and that's all I got in the number  
18 of benches.

19 Q. This is a statement he quoted in the  
20 News-Journal?

21 A. That was a statement in the newspaper.  
22 Some candidates only got 10 percent, which I never  
23 saw more than four or five, but why was I provided  
24 with false report and why never corrected? I'd like  
25 to know the truth, you know. And why would it -- who

1 does it benefit and how?

2 Q. Well, you're asking the question that I'm  
3 supposed to be asking.

4 A. I don't know. It's, you know -- even then  
5 I could understand if they wanted to go out of their  
6 way to make it look a little better for some of the  
7 council members who were candidates who were running.  
8 I was running for the supervisor of elections. I  
9 don't -- there was nothing that I would be voting on  
10 that would affect anything.

11 Q. According to Manny Bornia, you were the  
12 instrument of his revenge --

13 A. That's correct. That's true.

14 Q. -- against Ann McFall. And at that time,  
15 Manny Bornia was one of that gang. He was close  
16 to --

17 A. Okay. So as one thinks and feels, they all  
18 steer. They have different leaders at different  
19 times? I don't know if you put this on the -- I  
20 never -- I never saw Ramara as this change-the-world  
21 kind of person, so maybe there was other people.  
22 Ramara just seemed like a -- to me like she was -- a  
23 small business person, and until later seemed like  
24 more of a large business person. And no more of a  
25 house mom kind of a person. That's the way that I

1 always saw her. Who happened -- who I believe -- she  
2 told me that she kind of, like, lucked into the bus  
3 benching.

4 Q. Did she say how?

5 A. No. I don't remember. Somebody was  
6 stagnate in the county, not doing anything, was the  
7 story, and she ended up buying out for almost  
8 nothing. That was one of the contracts, then she  
9 ended up buying out the other one, so actually  
10 entering into contract agreements with the cities.

11 Q. Do you think that Josh had any interest in  
12 that?

13 A. I do not know. I have not heard anything  
14 like that, but they seemed like they were pretty  
15 close. Much closer than, you know --

16 Q. Well, he -- I think we saw news that he was  
17 an investor with them in the effort to get the  
18 Daytona Beach Pier.

19 A. Yes.

20 Q. Do you recall that one of the big hangups  
21 in that deal was --

22 A. Money.

23 Q. Actually, their reluctance to provide  
24 financials.

25 A. Financials. Yes, I do remember that.

1 Q. In your business, what does that suggest?

2 A. It's suggests you have something that you  
3 don't want somebody else to find out. That maybe  
4 somebody could actually read them.

5 Q. Have you discussed -- did you discuss, back  
6 during the campaign, your deal you had with signs  
7 with other candidates?

8 A. No. Never. I don't remember ever  
9 discussing it with anybody. At that point I had  
10 just -- I was running a very strong campaign, as  
11 strong as I could, and giving all of my effort to it  
12 because I knew that Ann had decided to run, and that  
13 it was going to be an uphill battle. One that I did  
14 not expect to win, but I was hoping to.

15 Q. Did you talk to Carl Persis about it this?

16 A. I -- I don't remember. He may have  
17 mentioned -- we may have talked about it because at  
18 that point the signs -- there was a sign on 92, and  
19 anybody from the Daytona area used 92 to get here.  
20 And we discussed that that would be it, but I don't  
21 remember ever discussing prices, or anything, except  
22 for what was as I reported it. I don't believe I  
23 ever mentioned the number of signs or anything.

24 Q. Did you ever tell him he could get a good  
25 deal if he went to Waverly?

1           A.    I don't think I got -- no, because I didn't  
2   know what a good deal is. I don't know where Waverly  
3   is now. I'm not saying that we didn't discuss -- I  
4   do know that in a few texts with Jimmy Sotolongo --  
5   well, first -- first Jimmy and Ramara were very  
6   strong supporters of Ted Doran. Very strong. And --

7           Q.    How do you -- tell me how you know that,  
8   very strong. What were you seeing or hearing?

9           A.    Well, they were -- they were -- my  
10   understanding, they were very heavily involved in his  
11   initial opening of the campaign and getting into it.  
12   And they had, you know, a business, and I was running  
13   my own campaign, and I didn't -- they asked me what I  
14   could do to help. I said, really, nothing. I'm  
15   trying to run my own campaign. I don't have time to  
16   deal with anybody else. We had no communication at  
17   all until well after the primary, which I lost. And  
18   Jimmy and I texted. I think it may have been Ramara  
19   texting from Jimmy's phone. The only time that we  
20   text was one day or two days. And they had asked for  
21   help with Carl.

22           Oh, did I know Carl. I do remember that.  
23   Did I know Carl well? I said, sure. Why don't you  
24   approach him? If you like him now, you know, your  
25   candidate lost, if that's the one you want to choose,

1 go ahead. He's a real nice, likable guy. And that  
2 would have been right after the primary, which Ted  
3 Doran lost. And Carl -- it was Carl Persis, and  
4 Jason Davis and me.

5 Q. Do you know who Jimmy and Ramara supported  
6 in that?

7 A. I don't.

8 Q. Did you see bus bench signs for Ted Doran  
9 during the campaign?

10 A. I saw one. There may have been several.  
11 From what the newspaper said, there may have been  
12 several, but I saw one on the east side.

13 Q. Did you talk to Pat Northey about Waverly  
14 Signs?

15 A. I don't believe I ever did. I don't  
16 believe I ever talked to anybody about them. Not to  
17 my remember -- not to my memory. Use the right word  
18 there. To the best of my recollection. You know  
19 what? That does ring a bell. I don't think Josh  
20 cared much for pat Northey.

21 Q. You don't think --

22 A. I don't think Josh cared much for Pat  
23 Northey. I don't think he does now. They're on  
24 opposite side of the votes all the time. And they've  
25 had a spat or two.

1 Q. Pat's a democrat?

2 A. She is a democrat.

3 Q. So there goes your theory.

4 A. Okay. My theory is that most of who they  
5 were supported were democrats. And I don't know why  
6 they didn't support Pat. I don't know if they didn't  
7 appreciate her position. There were some -- we have  
8 had -- at that point we had had some controversial  
9 issues that I voted one way, and she voted the other.  
10 Or maybe some that Josh voted one way, and she voted  
11 the other.

12 What was the term? I wrote it down, gate  
13 keeper?

14 Q. Yes.

15 A. My two words I wrote down, or three words.  
16 Gate keeper and secondhand credible.

17 Q. Yeah.

18 A. Because they didn't know candidates, it  
19 seemed somebody had to have given them the strength  
20 of -- if they didn't know the candidates, or didn't  
21 know the players, somebody had to have said, this  
22 one, this one, this one.

23 Q. They, being?

24 A. Ramara and Jimmy.

25 Q. And that somebody might have been Josh?

1           A.    It may been.  I don't know.  It could have  
2    been Josh.  It could have been Manny.  It could have  
3    been several.  But if you're referring to gate  
4    keeper, yes, it could have been Josh.  I don't know  
5    that.

6           Q.    Do you know Joyce Cusack?

7           A.    Yes.

8           Q.    You served with her on the council, did  
9    you?

10          A.    Yes, I did, for two years.

11          Q.    Did Waverly support Joyce?

12          A.    I don't know.  Yes, I do.  From what I read  
13    in the newspaper, yes, I do.  She had her  
14    headquarters on some property they owned, and she had  
15    bus bench advertising, and contributions as well.  
16    And that's from reading the newspaper.

17          Q.    Do you know Justin Kennedy?

18          A.    I met him.  He was a candidate running for  
19    the district five seat I believe.  Southeast Volusia  
20    County.  Actually, I believe I met him at his  
21    fundraiser.  It was on the east side at Crabby Joe's,  
22    and --

23          Q.    Where is Crabby Joe's?

24          A.    Is it Crabby Joe's?  Crab shack.

25          Q.    Joe's Crab Shack.

1           A.     Joe's Crab Shack. Thank you.

2           Q.     Aside from these e-mails that we looked at,  
3 did you have any dealings with Jim Brown?

4           A.     We texted on a few occasions. I text with  
5 Ramara on a few occasions, and probably her more than  
6 anybody, and it was during 2012. But it wasn't as  
7 much about what I was doing. It was about a  
8 candidate doing something, or they were hosting an  
9 event for somebody. And I was --

10          Q.     I think you've answered this question,  
11 without me asking it earlier when we were talking  
12 about embellishing.

13                 Did you ever ask for Waverly signs to be  
14 provided?

15          A.     Yes, I did.

16          Q.     On what basis?

17          A.     I didn't ask for them. Sorry. Strip that.  
18 I did not ask for them to provide any. I asked for  
19 -- if they could do that, and that's because Ramara  
20 had told me that they had connections. And I said,  
21 well, Jim, can you find out? I sent him an e-mail  
22 asking, Jim Brown, can you tell me -- I told him  
23 exactly what I was looking for. Double-sided, my  
24 exact same color, I wanted them to match everything I  
25 did, and more or less a two by four sign.

1           And his reply a little later was giving me  
2   a price quote. Only one-sided, and I had already  
3   gotten another price for basically the same price,  
4   but it was double-sided so I didn't find his -- the  
5   information he gave me as being useful at all. I  
6   dropped it, didn't think anything about it, no more  
7   e-mails back and forth. And then one day I get a  
8   call saying, we have something here for you to pick  
9   up. Went to South Daytona. Port Orange. I believe  
10   it was a Waverly warehouse. I met Jim there, and  
11   opened up a box of really ugly signs, and they gave  
12   them to me, and I was told that was in the bundling  
13   of the names I had in the advertising.

14           Q. They told you that was covered in the  
15   in-kind contributions?

16           A. Yes.

17           Q. Well, they never put it that way. They  
18   said, 25 bench signs.

19           A. And they never -- I have never gotten  
20   anything retracting -- other than retracting those  
21   three names, I have never gotten anything with  
22   corrections, but I'd sure like to have them. They  
23   were one-sided, not double-sided, which means that  
24   you couldn't put them on the road, because you'd only  
25   be seeing one side. And they were, like, an

1 off-colored light colored purple. You couldn't even  
2 see it. Not my colors, which were dark red and royal  
3 blue.

4 Q. Had they already put your artwork on that  
5 one side?

6 A. Yes. The signs were printed. In fact,  
7 they were probably too fresh because they were still  
8 stuck together. Several were. But I didn't request  
9 it, I didn't ask for them to proceed, I certainly  
10 didn't order them.

11 Q. And I think you've already answered this  
12 question: Why do you think they were trying to  
13 impress you with all of the support they were giving  
14 you?

15 A. I don't know. I have absolutely no idea?  
16 I don't even -- this point, I don't know if they  
17 actually did give me that much support because  
18 apparently they gave me a lot less than they reported  
19 to me. So I have no idea why they were trying to  
20 impress me, or trying to impress others.

21 Q. And did you ever tour around looking for  
22 your signs?

23 A. No, sir. I saw three or four, maybe five.  
24 And that would be on 17 and 92. I never saw another  
25 one outside of that. I did not ever go looking for

1       them, though.

2           Q.    We've already put the duplicates into that.  
3       That there is the reject pile.

4           A.    I don't think -- what happened to the sign  
5       one? I don't remember reading a sign one. You just  
6       asked that. I don't think we did.

7           Q.    No, I do not see one referring to the  
8       one-sided signs.

9           A.    That was July, right?

10          Q.    Top one is July 14th.

11          A.    Okay.

12          Q.    Who is --

13          A.    I'm not even sure they were right side --

14          Q.    Let's get that identified.

15          A.    Okay.

16          Q.    I am referring to an e-mail that I sent  
17       July 14th, on Saturday, from me. And the subject  
18       line is that Ramara asked me to send it to -- to send  
19       me this. I sent it to Ramara and to Jim Brown. Hey,  
20       Ramara and Jim. Per our conversation last Thursday,  
21       that would be Ramara and mine, double-sided -- that  
22       would be -- stop all that. Hold on.

23                Oh, I had initially asked what pricing for  
24       the signs were, if they could provide signs, or had  
25       an access to an inexpensive source of signs. And I

1 sent this as a follow up. Per our conversation last  
2 Thursday, 24 by 48 inch double-sided sign talk. And  
3 I sent them a banner sign to see if it could be  
4 worked into a -- a whatever when they were trying to  
5 figure out what cost was.

6 So I was trying to send them artwork so  
7 that I could reduce my costs when he gave me a bid.  
8 And I did tell him that I was trying to get sign  
9 prices and needed them ASAP. But I didn't ask them  
10 to do ASAP. I was telling him that I needed them --  
11 I should have had signs up last week, but I've gotten  
12 the runaround, even my own smaller yard ones.

13 And his reply was to my request for how  
14 much they were. Not sure what you and Ramara spoke  
15 about. I can give you pricing, but we're still  
16 looking to -- minimum order is 50, and trim size is  
17 23 by 47. The cost works out to be \$695 for 50.  
18 Full color, one-sided. And I just -- after that, I  
19 just forget it. There was nothing there for me. I  
20 didn't want one-sided signs.

21 (Exhibit 17 was marked.)

22 BY MR. KANEY:

23 Q. Okay. Do you feel like you were "had" by  
24 the Waverly people, taken advantage of?

25 A. At this point, I see that the agenda had --

1 was -- certainly had nothing to do with me. It was  
2 regarding themselves. And I don't know how they  
3 would benefit from it still, but apparently they were  
4 trying to. I don't know if it was through me. I  
5 think just maybe I was a tool for them to be -- to  
6 look like they were -- like they were big in the  
7 political arena.

8 Q. Did you ever discuss the Manny Bornia a  
9 issue with Ramara after she had told you that you  
10 were going to hear from him?

11 A. I don't think -- no. We -- the only time  
12 we saw each other was -- it would be -- I was running  
13 for a countywide seat, so I would attend events. Not  
14 all of them. I would attend -- every once in a while  
15 I would attend an event just -- if it had a lot of  
16 people so I could be seen. And if people -- and at  
17 that point, if she was there -- usually it was at a  
18 fundraiser that she was at, one that I felt that they  
19 had sponsored. I would -- would I just, in passing,  
20 talk to Ramara. But usually she was so busy doing  
21 something else, taking care of the event, or -- you  
22 know, I am not much of a --

23 Q. Did you ever have any discussion with Manny  
24 Bornia about Ann McFall?

25 A. He -- he related to me what happened at the

1 courthouse, and that he had put on a show when he  
2 pretended he had made a phone call to me. And he  
3 told me it was to me. And reiterated that he didn't  
4 think that it was right. And I told him that I  
5 thought it was due to a blackout period, and I  
6 probably would have been in agreeance (sic) with  
7 Miss McFall, but I may have handled it differently.

8 Q. Okay. Do you have anything else you want  
9 to say for the record?

10 A. Not necessarily for the record. I want to  
11 ask: What happened with talking to Jim Brown?

12 THE COURT REPORTER: Are we on the record?  
13 BY MR. KANEY:

14 Q. No, that's relevant.

15 A. Okay. I mean, I just wanted -- did  
16 something else come up that I wanted -- I'm going to  
17 be accused of again? Because I'm a little tired of  
18 it.

19 Q. The reason for the second visit is I just  
20 need to get it on the record.

21 A. Oh, okay.

22 Q. We had a very nice conversation before. My  
23 approach was to have a preliminary discussion so I  
24 could be -- I understand how to approach the depo --  
25 sworn statement. And we had a very good discussion,

1     you know, you were very forthcoming, so we really had  
2     to duplicate that effort that I appreciate you  
3     sitting still for it.

4           A.    I don't mind this. I was just wondering if  
5     it was because there were some additional charges.

6           Q.    No.

7           A.    And I was, like, let's get through that.

8                   (THEREUPON, the foregoing proceedings  
9     were concluded at 12:08 p.m.)

CERTIFICATE OF REPORTER OATH

STATE OF FLORIDA )

COUNTY OF VOLUSIA )

I, Shannon Green, Registered Professional Reporter, the undersigned authority certify that Andy Kelly named herein personally appeared before me and was duly sworn on the 13th day of February, 2014.

WITNESS my hand and official seal this 3rd day of March, 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 3rd day of March, 2014.  
19  
20  
21

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

## ERRATA SHEET

INTERVIEW OF: ANDY KELLY

## ERRATA

PAGE	LINE	CORRECTION
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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.

_____	_____
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Subject: Bench Donation Info. Production & Placement  
From: Jim Brown (jimb@waverlymedia.com)  
To: andykelly4volusia@yahoo.com;  
Date: Friday, August 6, 2010 1:47 PM

Hi Missy,

There would be three separate entries for the in-kind campaign contributions.

1. Production for 4 Bench Signs \$500

Contributor:  
On-Time Signs  
415 Oak St.  
Port Orange, FL 32127

2. Production for 4 Bench Signs \$500

Contributor:  
Waverly Media, LLC  
3624 S. Atlantic Ave.  
Daytona Beach Shores, FL 32118

---

3. Media placement charges for bus bench ads \$500

Contributor:  
Waverly Property Group  
3624 S. Atlantic Ave.  
Daytona beach Shores, FL 32118

Thank you,

Jim



Subject: Fwd: Re: BENCH AD

From: Andy Kelly (rivermon@cfl.rr.com)

To: andykelly4volusia@yahoo.com;

Date: Sunday, July 25, 2010 7:51 AM

Tim,

Looks good...I'm happy you were able to rearrange the base artwork as Andy requested. I like it. Please print me up 6 of these asap once Councilman Kelly approves the proof.

Thank you,

Jim

--- On Fri, 7/23/10, Tim Davis <tim@daytonasignsandwraps.com> wrote:

From: Tim Davis <tim@daytonasignsandwraps.com>

Subject: BENCH AD

To: rivermon@cfl.rr.com

Cc: jimb@waverlymedia.com

Date: Friday, July 23, 2010, 7:08 PM

Here is a reworked proof of the bench ad...

Tim

EXHIBIT

2

Subject: Fwd: Bus Bench  
From: Andy Kelly (rivermon@cfl.rr.com)  
To: andykelly4volusia@yahoo.com;  
Date: Sunday, July 25, 2010 7:48 AM

Hi Andy & Jim,

Andy,

Is this one ok? It is your original art but with RE-ELECT above "that guy" ANDY'S name...

If this one is acceptable I will start printing Sunday and as Jim said we will be able to place them by mid week...

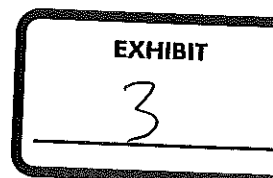
---

Let me know...

Thanks!

Tim

P.S I think the photo is great... I wouldn't worry about it at all!!



Subject: Fwd: First one is the preferred one... Please!

From: Andy Kelly (rivermon@cfl.rr.com)

To: andykelly4volusia@yahoo.com;

Date: Sunday, July 25, 2010 7:52 AM

Ok... I really like this one the best, it is the first one.... is there any way you can add the "Re-Elect" to the upper right corner and just scootch that guys name "Andy" a little to the left? Without touching any of the "Kelly". That part is big and has to be seen. This is the one that really is most reflective of all of our other material. Repetitiveness is the key someone once told me ( Jim, was that you???) It was a wise man... so, it was prob both of you! Thank you gentlemen!!!! They both are great but I finally can see both side by side and the first one does prevail! Sorry I couldnt see both at once until now. Had to go to main office computer.

And, please correct the spelling of "Volusia" at the very bottom in the disclaimer, but forget rearranging the wording. I see it can be either way. Sorry. ANd, if this is a problem... my bad and "Just do it!", because they both are great!

Thank you!

I Believe!  
Andy  
pers cell 386.804.1021

---

Pol adv pd for and aapproved by Andy Kelly for District 1, Volusia County Council

---

EXHIBIT

4



## Re: email for bench artwork

From: **Jim Brown** (jimb@waverlymedia.com) You moved this message to its current location.

Sent: Sun 5/27/12 3:49 AM

To: Andy Kelly (rivermon@live.com)

:-) Wish I could be more help!

--- On Sat, 5/26/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>  
Subject: Re: email for bench artwork  
To: jimb@waverlymedia.com  
Date: Saturday, May 26, 2012, 7:10 PM

Thank you Jim!!! Now, only 2700 more contacts to go... do you happen to have them handy???

I Believe!

Andy

**From:** Jim Brown  
**Sent:** Saturday, May 26, 2012 6:38 PM  
**To:** Andy Kelly  
**Subject:** RE: email for bench artwork

Hi Andy,

Jim Brown  
(386)322-3600 wk  
" 852-0556 cell

Ramara  
(407)694-6984 cell

Jimmy  
(407)733-2984

--- On Sat, 5/26/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>  
Subject: RE: email for bench artwork  
To: jimb@waverlymedia.com  
Date: Saturday, May 26, 2012, 6:23 PM

EXHIBIT

6

You were sent tpo the Spam box..

I need contact #'s... my pnone, with 2300 contacts, took a total dive (as I was backing it up... spent % hours on the phone with Iphone and they cnt find them. I'm, well, I'm rellt upset... meanwhile, I need contact #'s for your agian please and Ramara too. thank you!

I Believe!

Andy

---

Date: Fri, 25 May 2012 06:23:05 -0700

From: jimb@waverlymedia.com

Subject: email for bench artwork

To: rivermon@live.com

Hi Andy,

Just wanted to make sure you have my email address for sending graphics material.

Thanks,

Jim

## Re: email for bench artwork

From: **Andy Kelly** (rivermon@live.com) You moved this message to its current location.  
Sent: Sat 6/09/12 6:27 PM  
To: jimb@waverlymedia.com  
Cc: Kim Was (kimby15@aol.com); Andy Kelly (rivermon@live.com)

Great! I'm super excited! And perfect timing. My email blew up on me and I just get it reopened!

Where it had " District !" please replace with "**Honesty! Integrity! Trust!**" in Bold , slanted in the blue color. I went from the navy blue to royal blue to make it "jump on ya" and to match the printed signs. I have not changed my image at all... the All American, Native Volusia that'll fight to the end for what's best for all of Volusia County's residents!

And, after 14 months of studying and talking with voters (about what they see as problems) and other Supervisors around the state for the Best Management Practices... of course, they shut down on me after their own reentered. Too bad and too late!!!

~~Need the best spots all over this great county of ours... after all, The Supervisor of Elections is literally or should be the "Ambassador of Good Government" for all Volusians!~~

I have some copy that I'll send you tomorrow or Monday (when I get it finished) to compare looks... Thank You Jim!!!!!!

*Honesty! Integrity! Trust!!*

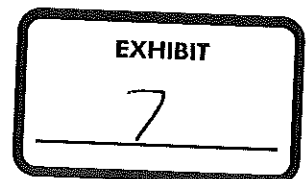
*I Believe!*  
Andy

**From:** Jim Brown  
**Sent:** Thursday, June 07, 2012 10:08 AM  
**To:** Andy Kelly  
**Cc:** Kim Was  
**Subject:** RE: email for bench artwork

Hi Andy,  
We've located some old artwork. It has been sent to graphics to see if it can be adapted for the Supervisor of Elections race. Watch for a proof from Kim.  
Thank you,  
Jim

--- On Sat, 5/26/12, Andy Kelly <rivermon@live.com> wrote:

I



From: Andy Kelly <rivermon@live.com>  
Subject: RE: email for bench artwork  
To: jimb@waverlymedia.com  
Date: Saturday, May 26, 2012, 6:23 PM

You were sent tpo the Spam box..

I need contact #'s... my pnone, with 2300 contacts, took a total dive (as I was backing it up... spent % hours on the phone with Iphone and they cnt find them. I'm, well, I'm relt upset... meanwhile, I need contact #'s for your agian please and Ramara too. thank you!

I Believe!  
Andy

---

Date: Fri, 25 May 2012 06:23:05 -0700  
From: jimb@waverlymedia.com  
Subject: email for bench artwork  
To: rivermon@live.com

Hi Andy,

Just wanted to make sure you have my email address for sending graphics material.

Thanks,

Jim

---

## email for bench artwork

---

From: **Jim Brown** (jimb@waverlymedia.com) You moved this message to its current location.

Sent: Fri 5/25/12 9:23 AM

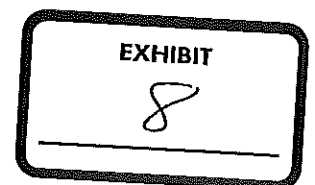
To: rivermon@live.com

Hi Andy,

Just wanted to make sure you have my email address for sending graphics material.

Thanks,

Jim



## Re: Art Proof for bus bench

From: **Andy Kelly** (rivermon@cfl.rr.com) It looks like this message got moved in another program (like Outlook). If you didn't move it yourself, try checking the program's anti-spam settings.

Sent: Wed 6/13/12 7:22 AM

To: <kim@waverlymedia.com> (kim@waverlymedia.com)

Cc: rivermon@live.com

... I thought that this was "sent" Monday... Tugger! Anyway, we need to move fast!!

Hey... Wow and wow! You are great Kim! After not knowing how (and well) you would pull through, I just had banners made and I am so trying to make everything the exact same (logo, layout, etc). Yours is almost exactly like theirs but a little different. They just told me that they would try to "size" their banner to your bench size.

What is the exact size of copy space area please, let's see if they can make faster changes.

I am so happy Kim!!! If you don't mind... and aren't too crazy, Do you "do" Web page? I fired and took mine down last week because they refused to take a very busy "button" off of my name. No one could/would read The web page, sign or anything because they would be trying to "read the small button" instead. As well, they put their logo on my adv (clearer then my ad!) without my permission, knowledge or ever would agree to. It was crazy!

Honesty! Integrity! Trust!

I Believe!

Andy

Political Advertisement Paid for and Approved by Andy Kelly for Supervisor of Elections, Volusia County

On Jun 11, 2012, at 10:42 AM, <kim@waverlymedia.com> wrote:

Hi Andy!

The art is attached. Please let me know any changes you'd like to make.  
Thank you,

Kim Was  
Account Manager  
Waverly Media  
386-322-3600

<AndyKelly\_-\_Bench\_AD.pdf.PdfCompressor-841448.pdf>

EXHIBIT

9

## Fw: bench artwork size-banners

From: **Jim Brown** (jimb@waverlymedia.com) You moved this message to its current location.

Sent: Wed 6/13/12 10:05 AM

To: rivermon@live.com

BTW, given a bit of lead time I can get banners cheaper than most anyone when we're talking quantity.

--- On Wed, 6/13/12, Jim Brown <jimb@waverlymedia.com> wrote:

From: Jim Brown <jimb@waverlymedia.com>

Subject: bench artwork size

To: rivermon@live.com

Cc: "Kim Was" <kimby15@aol.com>

Date: Wednesday, June 13, 2012, 10:00 AM

Hi Andy,

Bench artwork trim size is: 71.75" W x 23.75" H. I would keep any lettering .50" inside that, but a photo can bleed past the edges. Thanks!! What's the deal? Is someone going to send us new artwork for the benches, or are there changes to the proof Kim sent you? Let me know. We're a bit confused.

Sincerely,

Jim Brown  
Waverly Media, LLC

EXHIBIT

10

## RE: bench artwork size

From: **Jim Brown** (jimb@waverlymedia.com) You moved this message to its current location.

Sent: Wed 6/13/12 2:44 PM

To: Andy Kelly (rivermon@live.com)

Just sent the artwork you sent me to my graphics guy, so my graphics guy can adapt the design (to the format we need) in order to produce your bench vinyls. Will send final proof as soon as it's ready.

--- On Wed, 6/13/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>  
Subject: RE: bench artwork size  
To: "Jim Brown" <jimb@waverlymedia.com>  
Cc: "Andy Kelly" <rivermon@live.com>  
Date: Wednesday, June 13, 2012, 12:15 PM

Such a... p... Nice Guy!!! Ok, Looks like I'll be getting "H.I.T." all over Volusia County! But, also please call me so we can talk... about stuff.

Thank You!!!

I Believe!  
Andy

Date: Wed, 13 Jun 2012 09:00:09 -0700  
From: jimb@waverlymedia.com  
Subject: RE: bench artwork size  
To: rivermon@live.com

One design only...PLEASE. Big cost difference for us.

--- On Wed, 6/13/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>  
Subject: RE: bench artwork size  
To: "Jim Brown" <jimb@waverlymedia.com>  
Cc: kimby15@aol.com, "Andy Kelly" <rivermon@live.com>  
Date: Wednesday, June 13, 2012, 11:38 AM

Ok, this is the art work that I did. It ended up being the banner artwork with just a few changes, which werre My requests to My artwork.

Ok... the only change I asked from them was:

Thank the bottom words... "Honesty! Integrity! Trust!" and change them to blue... actually, all blue is now matching bright royal blue (we used navy before, but I need a "jump on ya effect! And, please slant the bottom three words slightly to the right.

But, given a chance... I would like approx half of the signs to read this on the bottom line (instead of the Honesty! Integrity! Trust!)... that is, if it "works":

"I will save Tens of Thousands of Tax Dollars!"... that line may? have to be quoted but it needs shortening (somehow).

Thank you!!!

Honesty! Integrity! Trust!

I Believe!

Andy

---

Date: Wed, 13 Jun 2012 07:00:16 -0700

From: jimb@waverlymedia.com

Subject: bench artwork size

To: rivermon@live.com

CC: kimby15@aol.com

Hi Andy,

Bench artwork trim size is: 71.75" W x 23.75" H. I would keep any lettering .50" inside that, but a photo can bleed past the edges. Thanks!! What's the deal? Is someone going to send us new artwork for the benches, or are there changes to the proof Kim sent you? Let me know. We're a bit confused.

Sincerely,

Jim Brown  
Waverly Media, LLC

## **Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!**

From: **Andy Kelly** (rivermon@live.com) You moved this message to its current location.  
Sent: Fri 6/15/12 5:26 PM  
To: jimb@waverlymedia.com

Ok, Please call so we can discuss pricing. I need the coverage... and, hopefully, we can get a "few" (2 or 3?) for her. I definitely need high profile, maximum road coverage... and not in desolate areas. I know that you know that, but I can't believe how much wasted coverage the NJ is giving her (shows their colors). Thank You Jim!

Honesty! Integrity! Trust!

I Believe!  
Andy

**From:** Jim Brown  
**Sent:** Friday, June 15, 2012 3:31 PM  
**To:** Andy Kelly

**Subject:** Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!

Hi Andy,

Placement will be best available. Currently we have only 36 benches open in the entire County. Some Municipalities do not even allow candidate advertising, such as New Smyrna Beach. So, at this point we are very limited, but will still be able to get you 20 to 30 signs on high traffic roads. Missy on the other hand will be very tight for bench placement...at least till after the primary. Once she gets through, then we will have a few more spots opening up. We Believe!

Sincerely,

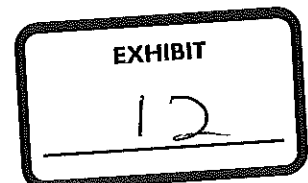
Jim Brown

--- On Fri, 6/15/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>  
Subject: Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!  
To: jimb@waverlymedia.com  
Date: Friday, June 15, 2012, 2:18 PM

It sure does!!!

Please call me for # (more please) and placement of signs... 386.804.1021.



I am sending my wife's, Missy's under separate email in just a minute... Thank you Jim!!!

Honesty! Integrity! Trust!

I Believe!

Andy

**From:** Jim Brown

**Sent:** Wednesday, June 13, 2012 6:25 PM

**To:** wmailto:mailto:/mc/compose?to=rivermon@live.com

**Subject:** Fw: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!

Please see proof attached. This looks great!!!!!!!!!!!!!!!!!!!!!!

--- On Wed, 6/13/12, Steve Faulkner <restoart@yahoo.com> wrote:

From: Steve Faulkner <restoart@yahoo.com>

Subject: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!

To: "jimb@waverlymedia.com" <jimb@waverlymedia.com>, "kimby15@aol.com" <kimby15@aol.com>

Date: Wednesday

**Gold Rush Signs**

**719-648-3058**

**Pikes Peak, CO**

From: Jim Brown <jimb@waverlymedia.com>

To: Steve <restoart@yahoo.com>

Sent: Wednesday, June 13, 2012 12:42 PM

Subject: Fw: RE: bench artwork size

Please make Andy's bench look like the jpeg attached....similar as possible anyway.

--- On Wed, 6/13/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>

Subject: RE: bench artwork size

To: "Jim Brown" <jimb@waverlymedia.com>

Cc: kimby15@aol.com, "Andy Kelly" <rivermon@live.com>

Date: Wednesday, June 13, 2012, 11:38 AM

Ok, this is the art work that I did. It ended up being the banner artwork with just a few changes, which were My requests to My artwork. Ok... the only change I asked from them was: Thank the bottom words... "Honesty! Integrity! Trust!" and change them to blue... actually, all blue is now matching bright royal blue (we used navy before, but I need a "jump on ya effect! And, please slant the bottom three words slightly to

the right. But, given a chance... I would like approx half of the signs to read this on the bottom line (instead of the Honesty! Integrity! Trust!)... that is, if it "works": "I will save Tens of Thousands of Tax Dollars!"... that line may? have to be quoted but it needs shortening (somehow). Thank you!!! Honesty! Integrity! Trust! I Believe! Andy

Date: Wed, 13 Jun 2012 07:00:16 -0700 From: jimb@waverlymedia.com  
Subject: bench artwork size To: rivermon@live.com CC:  
kimby15@aol.com  
Hi Andy,

Bench artwork trim size is: 71.75" W x 23.75" H. I would keep any lettering .50" inside that, but a photo can bleed past the edges. Thanks!! What's the deal? Is someone going to send us new artwork for the benches, or are there changes to the proof Kim sent you? Let me know. We're a bit confused.

Sincerely,

Jim Brown  
Waverly Media, LLC

## **Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!**

---

From: **Andy Kelly** (rivermon@live.com) You moved this message to its current location.  
Sent: Fri 6/15/12 6:27 PM  
To: jimb@waverlymedia.com

BTW- I'm sure that I'll be taking them. Thank you again!!!

Honesty! Integrity! Trust!

I Believe!  
Andy

**From:** Jim Brown  
**Sent:** Friday, June 15, 2012 3:31 PM  
**To:** Andy Kelly  
**Subject:** Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!

---

Hi Andy,

Placement will be best available. Currently we have only 36 benches open in the entire County. Some Municipalities do not even allow candidate advertising, such as New Smyrna Beach. So, at this point we are very limited, but will still be able to get you 20 to 30 signs on high traffic roads. Missy on the other hand will be very tight for bench placement...at least till after the primary. Once she gets through, then we will have a few more spots opening up. We Believe!

Sincerely,

Jim Brown

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From: Andy Kelly <rivermon@live.com>  
Subject: Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!  
To: jimb@waverlymedia.com  
Date: Friday, June 15, 2012, 2:18 PM

It sure does!!!

Please call me for # (more please) and placement of signs... 386.804.1021.

I am sending my wife's, Missy's under separate email in just a minute... Thank you Jim!!!

Honesty! Integrity! Trust!



I Believe!  
Andy

**From:** Jim Brown  
**Sent:** Wednesday, June 13, 2012 6:25 PM  
**To:** wmailto:mc/compose?to=rivermon@live.com  
**Subject:** Fw: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!

Please see proof attached. This looks great!!!!!!!!!!!!!!!!!!!!!!

--- On Wed, 6/13/12, Steve Faulkner <restoart@yahoo.com> wrote:

From: Steve Faulkner <restoart@yahoo.com>  
Subject: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!  
To: "jimb@waverlymedia.com" <jimb@waverlymedia.com>, "kimby15@aol.com" <kimby15@aol.com>  
Date: Wednesday

**Gold Rush Signs**  
**719-648-3058**  
**Pikes Peak, CO**

---

**From:** Jim Brown <jimb@waverlymedia.com>  
**To:** Steve <restoart@yahoo.com>  
**Sent:** Wednesday, June 13, 2012 12:42 PM  
**Subject:** Fw: RE: bench artwork size  
Please make Andy's bench look like the jpeg attached....similar as possible anyway.

--- On Wed, 6/13/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>  
Subject: RE: bench artwork size  
To: "Jim Brown" <jimb@waverlymedia.com>  
Cc: kimby15@aol.com, "Andy Kelly" <rivermon@live.com>  
Date: Wednesday, June 13, 2012, 11:38 AM

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that line may? have to be quoted but it needs shortening (somehow).

Thank you!!! Honesty! Integrity! Trust! I Believe! Andy

Date: Wed, 13 Jun 2012 07:00:16 -0700 From: jimb@waverlymedia.com

Subject: bench artwork size To: rivermon@live.com CC:

kimby15@aol.com

Hi Andy,

Bench artwork trim size is: 71.75" W x 23.75" H. I would keep any lettering .50" inside that, but a photo can bleed past the edges. Thanks!!

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Sincerely,

Jim Brown

Waverly Media, LLC

## **Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!**

From: **Andy Kelly** (rivermon@live.com) You moved this message to its current location.  
Sent: Wed 6/20/12 1:54 PM  
To: jimb@waverlymedia.com (jimb@waverlymedia.com)

Wow, Thank you, Thank You! And, of course, Ramara and Jim!!!!

Honesty! Integrity! Trust!

I Believe!  
Andy

Political Advertisement Paid for and Approved by Andy Kelly for Supervisor of Elections, Volusia County

On Jun 15, 2012, at 6:47 PM, Jim Brown <jimb@waverlymedia.com> wrote:

---

Your price is "In-Kind." I'll order vinyls on Monday. We will do what we can for Missy as well.

--- On Fri, 6/15/12, Andy Kelly <rivermon@live.com> wrote:

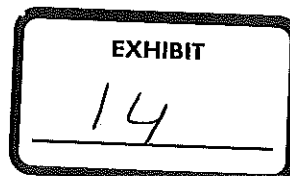
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Subject: Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added! for CLEANER ELECTIONS !!  
To: jimb@waverlymedia.com  
Date: Friday, June 15, 2012, 5:26 PM

Ok, Please call so we can discuss pricing. I need the coverage... and, hopefully, we can get a "few" (2 or 3?) for her. I definitely need high profile, maximum road coverage... and not in desolate areas. I know that you know that, but I can't believe how much wasted coverage the NJ is giving her (shows their colors). Thank You Jim!

Honesty! Integrity! Trust!

I Believe!  
Andy

**From:** Jim Brown  
**Sent:** Friday, June 15, 2012 3:31 PM



**To:** Andy Kelly

**Subject:** Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added!  
for CLEANER ELECTIONS !!

Hi Andy,

Placement will be best available. Currently we have only 36 benches open in the entire County. Some Municipalities do not even allow candidate advertising, such as New Smyrna Beach. So, at this point we are very limited, but will still be able to get you 20 to 30 signs on high traffic roads. Missy on the other hand will be very tight for bench placement...at least till after the primary. Once she gets through, then we will have a few more spots opening up. We Believe!

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Jim Brown

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From: Andy Kelly <[rivermon@live.com](mailto:rivermon@live.com)>

Subject: Re: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust ! Added!  
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To: [jimb@waverlymedia.com](mailto:jimb@waverlymedia.com)

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386.804.1021.

I am sending my wife's, Missy's under separate email in just a  
minute... Thank you Jim!!!

Honesty! Integrity! Trust!

I Believe!

Andy

**From:** Jim Brown

**Sent:** Wednesday, June 13, 2012 6:25 PM

**To:** [wmailto:mc/compose?to=rivermon@live.com](mailto:wmailto:mc/compose?to=rivermon@live.com)

**Subject:** Fw: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust !  
Added! for CLEANER ELECTIONS !!

Please see proof attached. This looks great!!!!!!!!!!!!!!!!!!!!!!

--- On Wed, 6/13/12, Steve Faulkner <[restoart@yahoo.com](mailto:restoart@yahoo.com)> wrote:

From: Steve Faulkner <[restoart@yahoo.com](mailto:restoart@yahoo.com)>

Subject: NEW! and IMPROVED!... with Integrity!, Honesty! & Trust !  
Added! for CLEANER ELECTIONS !!

To: "[jimb@waverlymedia.com](mailto:jimb@waverlymedia.com)" <[jimb@waverlymedia.com](mailto:jimb@waverlymedia.com)>,

"kimby15@aol.com" <kimby15@aol.com>

Date: Wednesday

**Gold Rush Signs**

**719-648-3058**

**Pikes Peak, CO**

---

From: Jim Brown <jimb@waverlymedia.com>

To: Steve <restoart@yahoo.com>

Sent: Wednesday, June 13, 2012 12:42 PM

Subject: Fw: RE: bench artwork size

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--- On Wed, 6/13/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>

Subject: RE: bench artwork size

To: "Jim Brown" <jimb@waverlymedia.com>

Cc: kimby15@aol.com, "Andy Kelly" <rivermon@live.com>

Date: Wednesday, June 13, 2012, 11:38 AM

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---

Date: Wed, 13 Jun 2012 07:00:16 -0700 From:

jimb@waverlymedia.com Subject: bench artwork size To: rivermon@live.com CC:

kimby15@aol.com

Hi Andy,

Bench artwork trim size is: 71.75" W x 23.75" H. I would keep any lettering .50" inside that, but a photo can bleed past the edges. Thanks!! What's the deal? Is someone going to send us new artwork for the benches, or are there changes to the proof Kim sent you? Let me know. We're a bit confused.

Sincerely,

Jim Brown  
Waverly Media, LLC

# In-Kind Campaign Contribution Report

From: **Jim Brown** (jim@waverlymedia.com) You moved this message to its current location.

Sent: Mon 7/09/12 4:38 PM

To: rivermon@live.com

Hello Andy,

Please see below In-Kind Contributions Report.

25 Bench Signs: Production & Placement - \$8,500.00

Total: \$8,500.00

In-Kind Contributors:

\$500.00

Ms. Marilyn Garrett

3131 S. Ridgewood Ave., #212

S. Daytona, FL 32118

Property Manager

\$500

Terry Was

2516 Unity Tree Dr.

Edgewater, FL 32141

Retired

\$500

William Stone

580 Brook Cir.

S. Daytona, FL 32119

Tradesman

\$500

Diane Was

2516 Unity Tree Dr

Edgewater, FL 32141

Retired

\$500

Ramara Garrett

EXHIBIT

15

15 Granville Ct.  
Daytona Beach, FL 32118  
Realtor

\$500  
Jim Brown  
72 Buschman Dr.  
Ponce Inlet, FL 32127  
General Manager

\$500  
Mr. Chuck Wales  
1865 Forough Cir.  
Port Orange, FL 32128  
Retired

\$500.00  
Mr. Wm. Hill  
4021 Oriole Ave.  
Wilbur By The Sea, FL 32127  
Retired

---

\$500  
Marge Hill  
4021 Oriole Ave.  
Wilbur By The Sea, FL 32127  
Retired

\$500  
Ms. Kim Was  
1865 Forough Cir.  
Port Orange, FL 32128  
Office Manager

\$500  
Mr. Frank Rigler  
4017 Oriole Ave.  
Wilbur By The Sea, FL 32127  
Self-Employed

\$500  
Michael Kiepert  
3254 Wild Pepper Ct  
Deltona, FL 32725

Sales Manager

\$500

Susan Kiepert

3254 Wild Pepper Ct.

Deltona, Fl 32725

Department Manager

\$500

Angela Kiepert

3254 Wild Pepper Ct

Deltona, Fl 32725

Student / Part-time labor

---

\$500

Ms. Kateryna K. Brown

72 Buschman Dr.

Ponce Inlet, FL 32127

Housewife

\$500

Waverly Media, LLC

4188 Dairy Ct., Ste. D

Port Orange, FL 32127

Business

\$500

Mr. Ron Rigg

2828 N. Atlantic Ave., #2001

Daytona Beach, FL 32118

Lawyer

Thank you,

Jim

---

## Please amend Campaign report

From: **info@waverlymedia.com** You moved this message to its current location.

Sent: Fri 10/05/12 11:27 AM

To: rivermon@live.com

Dear Mr. Kelly:

We kindly request that you amend your July campaign report to reflect three changes due to promised In-Kind contributors not following through on their promised donation of time, goods and/or services for your campaign. Unfortunately, their non-donation resulted in fewer bench signs being produced and placed, thus reducing In-Kind contributions by \$1500.

Please amend your report by **removing** the following:

\$500

Mr. William Hill  
4021 Oriole Ave.  
Wilbur By The Sea, FL 32127

\$500

Marge Hill  
4021 Oriole Ave.  
Wilbur By The Sea, FL 32127

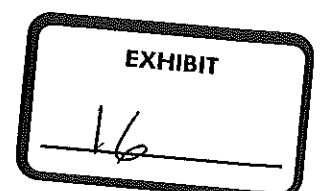
\$500

Mr. Frank Rigler  
4017 Oriole Ave.  
Wilbur By The Sea, FL 32127

Thank you for your prompt attention to this.

Sincerely,

Waverly Media, LLC  
(386)322-3600



## Re: Ramara asked for me to send you this...

From: **Jim Brown** (jimb@waverlymedia.com) You moved this message to its current location.

Sent: Sat 7/14/12 3:05 PM

To: rgarrett@vanguardnimedia.com; Andy Kelly (rivermon@live.com)

Hi Andy,

Not sure what you and Ramara spoke about. I can give you pricing on these, but we're still looking at close to a 10 day lead time, because to get the artwork resized, then product ordered and delivered it takes awhile. The quote is also only for the printing, as we do not have the facility to do the framing and woodwork construction on the signs. Minimum order is 50 and trim size of full color digital vinyl is 47" x 23".

Thus costing works out to be \$695.00 for 50 units produced full color, one sided, on 4mm Coroplast.

I trust you received the campaign contribution in-kind report I sent you Monday showing the \$8,500. in contributions covering the benches through the primary. We are maxed out in that respect, so we would have to invoice you on this new order. If you approve the cost and are happy with what I can order, then I will get it done asap.

Sincerely,

Jim

--- On Sat, 7/14/12, Andy Kelly <rivermon@live.com> wrote:

From: Andy Kelly <rivermon@live.com>

Subject: Ramara asked for me to send you this...

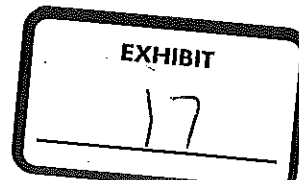
To: rgarrett@vanguardnimedia.com, "Jim Brown" <jimb@waverlymedia.com>

Date: Saturday, July 14, 2012, 2:39 PM

Hey Ramara and Jim B.,

Per our conversation last Thursday... 24" x 48" double sided sign talk...

There are two choices, one is your "bench" sign. I am sending you a "banner sign" that is not quite as wide (s/b 54") as the bench one, so it may be easier to skew. It does differ a little from the bench... but not by much. I sure hope so! Both wouyld compjiment the benches that are out there... people would "see" the same image and it should stick! Anyway, like everything, I do need these ASAP. I should have had signs up last week but have gotten the run around (even on my yard sized ones.) It would be great if this



works, because the benches are sharp and crisp and these matching signs would be a great match and blend everything together!

Thank you for helping me with this... You are the Best!!!