

Volusia County Council
Volusia County
123 W. Indiana Avenue
DeLand, Florida 32720

Re: Final Report on Investigation of "Waverly Matter"
Pursuant to Ordinance 2014-01

Honorable Members of the County Council:

On November 21, 2013, you adopted a motion to retain me as "special counsel to independently advise the County Council on a process and procedure in order to make investigation into the affairs of county governmental operations relating to the Waverly matter." On December 11, 2013, as directed by your motion, I submitted a report expressing my opinion that you have authority to conduct the investigation and my recommendation concerning the procedures to be followed in the investigation. Consistent with these recommendations, you adopted Ordinance 2014-01 on January 9, 2014.

The Ordinance appointed me and Noah C. McKinnon, Jr. as special counsel¹ and directed us to:

conduct an investigation to discover whether Waverly Media, LLC, its affiliates, officers, employees, and associated persons had a plan or scheme to obtain influence over county government for its business purposes by various means, including support of candidates for public office, and to use bus benches provided under a business relationship with the county or its agents and located on rights-of-way owned or regulated by the county to effect that plan. (The "Waverly Matter")²

The Ordinance authorized us as special counsel "to issue subpoenas for sworn testimony and evidence production to such persons as special counsel shall determine necessary; and to enforce such subpoenas by legal action." It required us

¹On July 31, 2014, Mr. McKinnon withdrew because an attorney for Waverly Media, LLC had asserted to a news reporter that Waverly would move to disqualify him alleging that he had a conflict of interest because he had previously represented Waverly. To avoid the expense and delay of litigating the issue, Mr. McKinnon withdrew. However, he does not concede that his previous representation of this company on an unrelated matter raised a conflict here. While he served, Mr. McKinnon provided valuable advice and guidance drawn from his long experience as a civil litigator and criminal prosecutor. He performed these services *pro bono*.

²In this report, the term "Waverly," standing alone, refers to Waverly Media, LLC.

to submit a final report by March 14, 2014 “unless unable to do so for noncompliance with a subpoena.” In fact, the report was delayed because several witnesses refused to comply with subpoenas.

The Course of the Investigation

In conducting the investigation, I reviewed all relevant documents that were available to my inspection, including campaign finance reports filed by the subjects of the investigation as well as the documents, transcripts, and evidence gathered by the State Attorney in his investigation of this same matter. In addition, between February 5 and June 30, 2014, I conducted sworn interviews with 24 witnesses as follows:

Kathleen Blackman	Taken 02/25/2014
Lois Bollenback	Taken 02/14/2014
Manuel Bornia	Taken 06/30/2014
James Brown	Taken 02/27/2014
Frank Bruno	Taken 02/26/2014
Fred Costello	Taken 02/17/2014
Joyce Cusack	Taken 02/10/2014
Doug Daniels	Taken 02/11/2014
Jason Davis	Taken 02/21/2014
Timothy Davis	Taken 03/03/2014
Deborah Denys	Taken 02/12/2014
James Dineen	Taken 03/17/2014
Daniel Eckert	Taken 03/07/2014
Kenneth Fischer	Taken 02/12/2014
Michael Hullett	Taken 02/05/2014
Andy Kelly	Taken 02/13/2014
Michael Kiepert	Taken 03/04/2014
Charles Lydecker	Taken 03/19/2014
Ann McFall	Taken 02/11/2014
Patricia Northey	Taken 02/13/2014
Pat Patterson	Taken 02/10/2014
Carl Persis	Taken 02/17/2014
Josh Wagner	Taken 02/24/2014
PJ Warner	Taken 02/25/2014

Transcripts of these interviews together with their exhibits in electronic format have been filed with the County’s records. In addition, I have filed with the

Council the complete records in electronic format of the State Attorney investigation.³

Ten witnesses readily complied with my subpoena and provided sworn testimony. Of these, nine subpoenas were served by the Sheriff, and one was accepted without service. Fourteen witnesses appeared and testified voluntarily.

I attempted to serve subpoenas on Waverly and five additional witnesses, all of whom avoided service or refused to comply after being served.

The Sheriff served Waverly's manager, Kimberly Was, with a subpoena duces tecum on February 11, 2014 for a recorded interview on February 24, 2014. On February 20, 2014, Attorney Douglas Gartenlaub emailed me a copy of a letter to County Manager James Dineen transmitting a Motion for Protective Order, Motion to Quash and Objection to Subpoena Duces Tecum by Waverly Media, LLC and Kimberly Was. Was did not appear for her interview. However, she did submit to a deposition by Assistant County Attorney Fran Carroll in the County's suit against Waverly seeking an accounting for fees due under its contract but avoided by the device of in-kind contributions. This deposition included some testimony of interest to this investigation.

The Sheriff served Justin Kennedy, who was a candidate for Council in 2012, with a subpoena duces tecum January 30, 2014 for a recorded interview on February 26, 2014. Kennedy did not communicate with me regarding the subpoena and did not appear for his interview.

The Sheriff served Ted Doran with a subpoena duces tecum on February 24, 2014 for a recorded interview February 28, 2014. Doran's office emailed me a letter on February 27, 2014, stating in part, "I respectfully decline to attend." I then cancelled the appointment with the court reporter on February 27, 2014.

I issued a subpoena to Ramara Garrett for a recorded interview on March 31, 2014. This subpoena duces tecum was returned non-served on March 28, 2014. Ms. Susan Winkler in the Sheriff's Office informed my office that the Sheriff attempted service multiple times. We cancelled the court reporter.

I issued a subpoena duces tecum to Jim Sotolongo for a recorded interview on March 31, 2014. The subpoena was returned non-served on March 28, 2014. Ms. Winkler informed my office that the Sheriff attempted service multiple

³When I refer to the evidence I considered in this investigation, I refer to the records of my investigation together with the records of the State Attorney's investigation, all of which have been filed with the County prior to the submission of this report.

times. On March 19, 2014, the Deputy Sheriff spoke with Sotolongo, who advised the deputy that he would stop by the sheriff's office to pick up the subpoena. That did not take place. We cancelled the court reporter.

I issued a Subpoena Duces Tecum Without Deposition (records mail-in only) to Waverly. On February 10, 2014, the subpoena was served on Kimberly Was in her capacity as manager of the LLC. The records were not produced. On February 20, 2014, Mr. Gartenlaub emailed me a copy of his letter to County Manager James Dineen enclosing a Motion for Protective Order, Motion to Quash and Objection to Subpoena Duces Tecum by Waverly Media, LLC and Kimberly Was.

In addition, I attended and audited depositions of Jim Brown and Kimberly Was taken by Assistant County Attorney Fran Carroll in the County's suit for accounting against Waverly.

As authorized by the Ordinance, I filed a petition to enforce these subpoenas. Because the petition did not involve money, I filed it in the County Court. Doran answered and counterclaimed for a declaration that the Ordinance is unconstitutional and damages for violation of his civil rights. He succeeded in removing the case to Circuit Court on the ground that the damages sought by his counterclaim exceeded the jurisdiction of the County Court. In July 2014, after he had completed his investigation, State Attorney R. J. Larizza made the records of his investigation available for review in his office by my team. This cooperation was invaluable. Subsequently, when Mr. Larizza released the results of his investigation, I determined there was no likelihood that the witnesses I wanted to depose would testify to me any differently than they had testified to the State Attorney. Therefore, I concluded that the evidence I was seeking through the subpoenas was no longer sufficiently important to justify further litigation expense. With the permission of Judge Zambrano, I dismissed with prejudice the petition to enforce the contested subpoenas. Judge Zambrano then ruled that the counterclaims challenging your authority to employ these subpoenas were moot because a ruling on the question would have no actual effect. Mr. Doran has objected that he desires to litigate the validity of the Ordinance.

Standard for Conclusions

This is a legislative investigation. The Ordinance states that its purpose is to "assist in informing the council whether legislation concerning purchasing, campaign finance, ethical standards for public officials, or other matters of county government is warranted to maintain the integrity of county government and the trust of the public." It is not a criminal investigation. Nor does it concern potential

civil penalties. It is a fact-finding legislative investigation intended to inform the Council of the facts of this Waverly Matter. As a fact-finder, I have considered the evidence and testimony in light of all of the circumstances. The opinions, findings, and conclusions in this report are based on the more-likely-than-not standard as reflected in the evidence adduced in my investigation and gathered by the State Attorney, all of which is in the public records of the Council.

Whether Waverly had a "Scheme"

There was an unprecedented number of in-kind contributions to candidates for the County Council during the 2012 elections. McFall Interview at page 6, lines 15-21. At the time the State Attorney opened the investigation in August of 2012, records showing a total of \$23,100 in reported in-kind contributions were attributed to the following candidates:

Candidate	Value	Type	Donor	Nature
Dennis Mulder	\$500	In-Kind	Waverly	Advertising
	\$500	In-Kind	R. Garrett	Advertising
	\$500	In-Kind	Jim Brown	Advertising
	\$500	In-Kind	Chuck Wales	Advertising
Jim Hathaway	\$500	In-Kind	Jim Brown	Advertising
	\$500	In-Kind	Chuck Wales	Advertising
	\$500	In-Kind	Kim Wales	Advertising
	\$500*	In-Kind	William Hill	Advertising
	\$500*	In-Kind	Marge Hill	Advertising
	\$500 *Deleted	In-Kind	William Stone	Advertising
Justin Kennedy	\$500	In-Kind	Waverly	Advertising
	\$500	In-Kind	Chuck Wales	Advertising
	\$500	In-Kind	William Hill	Advertising
	\$450	In-Kind	M. Garrett	Advertising
	\$500	In-Kind	Kim Was	Advertising
	\$500	In-Kind	Michael Kiepert	Advertising
	\$500	In-Kind	Susan Kiepert	Advertising
	\$500	In-Kind	Angela Kiepert	Advertising
	\$500	In-Kind	Kateryna Brown	Advertising
	\$500	In-Kind	Ron Rigg	Advertising
	\$500	In-Kind	Johnny Hatten	Advertising
	\$ 50	In-Kind	Kevin Smith	Advertising

Andy Kelly	\$500	In-Kind	Waverly	Advertising
	\$500	In-Kind	R. Garrett	Advertising
	\$500	In-Kind	Jim Brown	Advertising
	\$500	In-Kind	Chuck Wales	Advertising
	\$500	In-Kind	William Hill	Advertising
	\$500	In-Kind	Marge Hill	Advertising
	\$500	In-Kind	William Stone	Advertising
	\$500	In-Kind	M. Garrett	Advertising
	\$500	In-Kind	Kim Was	Advertising
	\$500	In-Kind	Michael Kiepert	Advertising
	\$500	In-Kind	Susan Kiepert	Advertising
	\$500	In-Kind	Angela Kiepert	Advertising
	\$500	In-Kind	Kateryna Brown	Advertising
	\$500	In-Kind	Ron Rigg	Advertising
	\$500	In-Kind	Terry Was	Advertising
	\$500	In-Kind	Diane Was	Advertising
	\$500	In-Kind	Frank Rigler	Advertising
Derrick Henry	\$350	In-Kind	Waverly	Signs
	\$500	In-Kind	R. Garret	Signs
	\$500	In-Kind	Jim Brown	Signs
	\$500	In-Kind	William Stone	Signs
	\$500	In-Kind	M. Garrett	Signs
	\$500	In-Kind	Kateryna Brown	Signs
Ruth Trager	\$250	In-Kind	Waverly	Signs
	\$500	In-Kind	R. Garrett	Signs
	\$500	In-Kind	Jim Brown	Signs

In December of 2012, the investigator updated the in-kind contributions to include the following:

Candidate	Value	Type	Donor	Nature
Joshua Wager	\$500	In-Kind	Waverly	Marketing
	\$500	In-Kind	Jim Brown	Marketing
	\$500	In-Kind	Chuck Wales	Marketing
	\$500	In-Kind	Kim Was	Marketing
	\$500*	In-Kind	William Hill	Marketing
	\$500*	In-Kind	Marge Hill	Marketing

	\$500 \$500 \$500 \$500 \$500 \$500 \$500*	In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind	William Stone M. Garrett Michael Kiepert Susan Kiepert Angela Kiepert Terry Was Diane Was Frank Rigler	Marketing Marketing Marketing Marketing Marketing Marketing Marketing
	*Deleted			
Missy Kelly	\$500 \$500 \$500	In-Kind In-Kind In-Kind	J. Sotolongo Jim Brown M. Garrett	Signs Signs Signs
Jeff Allebach	\$500 \$500 \$500 \$500	In-Kind In-Kind In-Kind In-Kind	Waverly Jim Brown William Stone Kateryna Brown	Signs Signs Signs Banners
Joyce Cusack	\$500 \$500 \$500 \$500 \$500 \$500 \$500 \$500 \$500 \$500 \$500 \$500 \$500	In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind In-Kind	Waverly Waverly Waverly Property Waverly Property On Time Signs On Time Signs R. Garrett J. Sotolongo Jim Brown Jim Brown Kateryna Brown Kateryna Brown Tim Davis	Advertising Advertising Advertising Office space Advertising Advertising Advertising Advertising Advertising Advertising Advertising Advertising Advertising
George Trovato	\$500 \$500 \$500 \$500 \$500	In-Kind In-Kind In-Kind In-Kind In-Kind	On Time Signs Jim Brown Kateryna Brown Tim Davis Laura Davis	Signs Signs Signs Signs Signs

A large portion of these contributions were attributable in some way to Waverly and appeared to involve the use of resources of Waverly in the form of signage on bus benches and other campaign materials.

In response to certain complaints, the State Attorney opened an investigation. McFall Interview at page 7, line 21 through page 8, line 22. The investigation resulted in charges against James Heflin Brown III, (Jim Brown), the manager of Waverly who admitted that he had provided in-kind support for candidates in excess of the statutory limitation and had improperly reported the contributions in the names of several straw parties. In August of 2013, he pleaded nolo contendere to two felonies and one misdemeanor and was sentenced to five years probation.⁴ However, as of January of 2014, the State Attorney had not reported further action regarding this matter, and the Council was not aware of the extent to which the investigation was continuing.

In light of these circumstances, the Council adopted Ordinance 2014-01. It requires the special counsel to determine:

whether Waverly Media, LLC, its affiliates, officers, employees, and associated persons had a plan or scheme to obtain influence over county government for its business purposes by various means, including support of candidates for public office, and to use bus benches provided under a business relationship with the county or its agents and located on rights-of-way owned or regulated by the county to effect that plan.

On the basis of the evidence gathered in this investigation and that of the State Attorney and filed in the records of the Council, I have concluded that Waverly had such a plan or scheme that was made and implemented by its controlling parties: Jimmy Sotolongo, Ramara Garrett and Jim Brown. In addition, I have concluded that Kimberly Was, an employee of Waverly, who is presently its manager, knowingly acted pursuant to this scheme.

These conclusions are clear from the findings of the State Attorney that were reported in the Charging Affidavit and its Narrative Supplement dated April 17, 2013, charging Jim Brown with two felonies and one misdemeanor for exceeding limitations on campaign contributions. The affidavit narrates results of the State Attorney's Office ("SAO") investigation as of that date. For convenient reference, I have attached the affidavit as Exhibit A to this report.

⁴ Mr. Brown died of cancer earlier this year.

My investigation confirmed the facts narrated in the affidavit and revealed no contrary facts. Pursuant to the scheme, which is outlined in the affidavit and discussed in my interview of Brown the Waverly principals, Sotolongo, Garrett, and Brown schemed to provide in-kind support from the resources of Waverly to candidates favored by Sotolongo and/or Garrett. They then directed Brown to provide the candidate with bus bench signs, yard signs or other campaign materials and to provide the candidate with straw party names to be reported as contributors. See, e.g., Brown, page 11, line 21 through page 17, line 2.

Whether Candidates Were Aware of the Scheme During the Election Campaign

The troubling question is whether during the elections of 2012, any candidate who benefited from these contributions was aware the contributions were unlawful or unlawfully reported. In his final report on the investigation, State Attorney R.J. Larizza stated he had had found “no compelling evidence” that the candidates were so aware. He later repeated to the press his conclusion that “the investigation did not reveal” unlawful behavior by candidates. Daytona Beach News-Journal, September 1, 2014, p. 1.

Previously, I reported to you that I concurred with that conclusion. Mr. Larizza’s office conducted a thorough investigation, which is fully reported in the documents he disclosed at the conclusion of the investigation. In fact, after members of the Council expressed skepticism about the investigation, Mr. Larizza went back and interviewed 39 witnesses, including some he had previously interviewed. It was a thorough investigation.

My investigation revealed no evidence that candidates were aware of the illegality of the in-kind contributions from Waverly, and I do not disagree with Mr. Larizza’s conclusion and support his decision to bring no charges.

Correlatively, I found no compelling evidence that all recipients of the unlawful contributions were entirely innocent of knowledge of the nature of these contributions. In my opinion, the evidence gathered in both investigations supports the conclusion that some candidates receiving in-kind contributions should have known that these contributions were not lawful. Yet they made no reasonable effort to verify the reports. A reasonable investigation would have revealed the straw party scheme. The candidates to which this finding applies are: Josh Wagner, Andy

Kelly, Justin Kennedy, Jim Hathaway, Dennis Mulder and Joyce Cusack.⁵ This conclusion is relevant to your desire for information that may assist in informing you concerning legislative reforms.

Mr. Brown testified to the State Attorney that Mr. Wagner and Ms. Cusack knew the in-kind contributions were not lawful. In Mr. Brown's recorded interview dated December 13, 2013, at page 171, line 6 through Page 172, line 6, he states: "Well, I mean, I'm quite certain there has to be a couple of candidates that know a lot more than they're letting on, you know. Obviously two of those candidates are dear friends of theirs, and they both sit on county council right now. But whether they would talk to you, I don't know, but I'm sure they have heard Jim and Ramara say all sorts of things." Investigator Bisland asks: "You're referring to Joyce Cusack and Josh Wagner?" Mr. Brown states: "Yes."

I asked Mr. Wagner if was aware of the straw party contributions to his campaign. In his response to this question Mr. Wagner answered with an argument rather than a forthright answer. He answered by arguing that this was not likely because he had sent thank-you notes to his donors. "I don't know the people so it would be kind of hard for me to mastermind, you know – put these people down and I don't even know who they are. . . . Why would I send a thank you note?" Wagner at page 55, lines 16-21. When Mr. Brown was asked the same question, he gave a very similar answer, referring to the thank-you notes as evidence that Mr. Wagner did not know the donors were made of straw.

Mr. Sotolongo provided a former used car lot on ISB to Ms. Cusack for use as a campaign headquarters along with a large sign advertising her campaign headquarters. She reported the fair rental value of the headquarters as \$250 per month. This figure neatly comes to \$500 for the two months or so that the campaign lasted. The rental value was provided by Mr. Sotolongo. There is no evidence that Ms. Cusack sought to independently determine the fair rental value. Like many people in this story, she misplaced her trust in Mr. Sotolongo.

Andy Kelly was the biggest beneficiary of Waverly in-kind support, and he did not independently consider the value to be assigned to the materials donated by Waverly. Mr. Kelly implied to Carl Persis that these were free or nearly so. In his

⁵ State Attorney Recorded Interview of Josh Wagner dated April 1, 2014 at page 40, line 15 through page 43, line 11; Recorded Interview of Andy Kelly taken February 13, 2014 at page 28, line 21 through page 29, line 1; State Attorney Recorded Interview of Justin Kennedy dated March 7, 2013 at page 15, line 13 through page 16, line 12 and page 21, line 14 through page 23, line 4; State Attorney Recorded Interview of Jim Hathaway taken March 7, 2013 at page 22, line 11 through page 25, line 9; Sate Attorney Recorded Interview of Dennis Mulder taken March 8, 2013 at page 10, lines 5-19 and page 19, line 8 through page 20, line 24; and Recorded Interview of Joyce Cusack taken February 10, 2014 at page 8, line 18 through page 9, line 25.

Recorded Interview dated February 17, 2014, Carl Persis states: "I talked with Andy Kelly . . . I said, well, I found out it's -- it's like, 200 a month or something. And he kind of winked at me, like, oh, yeah, well, you'll get -- you'll get more than that," page 11, lines 14 through 22. Mr. Persis added, "I never heard anyone say that other than -- other than that innuendo, I guess, I perceived getting from Andy Kelly," page 12, lines 18-20.

Justin Kennedy received in-kind support from Waverly and its political allies. According to SAO Report Number 36 -- January 24, 2013, Kimberly Was testified that she gave a \$500 in-kind contribution to Kennedy's campaign by helping coordinate various tasks and artwork for his campaign, but she did not put a dollar amount on it. She does not know who reported her name with the in-kind contributions. She assumed it was Mr. Brown.

According to SAO Reports, Numbers 51 and 119, Mr. Kennedy did not know the value of the in-kind support he received from Waverly. He depended largely on information received from Brown or made his own guess.

Michael Kiepert is a politically active person who publishes an internet newsletter or blog. He was credited as the contributor of in-kind advertising to Mr. Kennedy and Mr. Kelly. His wife and daughter also were credited with in-kind contributions. Mr. Kiepert testified that he traded advertising space on his website for the benches his family then contributed to these candidates. He said he made the decision to contribute to these candidates and not Mr. Brown. But he said that Mr. Brown determined what value to assign to the contributed benches. He did not know the value of the benches or of the advertising space he traded for the benches. Kiepert Interview, pages 4-9.

The reporting of in-kind contributions in this election was inadequate to allow transparency in the process. Whereas contributions of cash leave a trail that would allow one to "follow the money," there is no corresponding trail of evidence concerning in-kind contributions. In these cases, Mr. Brown provided the candidate with an email listing names and amounts that carefully adhering to the five hundred dollar boundary. He did not disclose any basis for determining the market value of the in-kind contribution. The candidates I named above reported these names and amounts on their campaign finance reports and submitted the information to the Supervisor of Elections based on nothing more than the email from Mr. Brown.

This does not comport with the purpose of the financial disclosure law. The applicable statute provides that "[t]he candidate and his or her campaign treasurer . . . shall certify as to the correctness of each report; and each person so certifying

shall bear the responsibility for the accuracy and veracity of each report.” Florida Statutes, § 106.07(5). When the candidate does not know whether the information being reported is accurate and has done no diligence to determine its veracity, there is not an adequate basis for the candidate to “certify as to the correctness of [the] report.” Yet the statute punishes only the filing of a statement the candidate or treasurer knows to be inaccurate or false.

A candidate should use reasonable diligence to verify the accuracy of his or her campaign finance report. This was the strong opinion expressed by Supervisor of Elections Ann McFall. She said that a candidate is responsible for the accuracy of the report and should not file a report based solely on a generalized statement from a vendor. McFall at page 16, line 8 through page 17, line 21. This view was shared by Pat Northey, at page 25, lines 3-9, Pat Patterson at page 9, lines 5-11, Deb Denys, at page 11, lines 4-25 and Doug Daniels, at page 21, line 1 through page 22, line 4. The evidence suggests that reasonable diligence on the part of the candidates who took in-kind contributions from Waverly would have revealed the true nature of the contribution reports. These candidates did not share the view that they were under a duty to ascertain the accuracy of their certifications.

For instance, Mr. Wagner testified that the candidate has no duty to inquire behind the vendor’s representation as to the in-kind contribution. “When you’re in a campaign and someone who has the company is saying, hey, here’s the campaign contributions, I think your duty stops there.” Wagner, page 18, lines 11-14. He stated that there was “no way to know everyone and everything during a campaign. It has to follow some sort of guidelines, and those are the ones I was following. Wagner, page 18, lines 2-5. So far as I could determine, his guideline was the email from Mr. Brown.

Aside from the lack of diligence in reporting the in-kind contributions, there is evidence that some candidates may have been aware of the true nature of the in-kind contributions. Mr. Wagner testified that he believed that it was Mr. Brown who decided who benefited from Waverly’s in-kind contributions. I asked if he was asserting that Mr. Sotolongo would allow an employee the discretion to expend funds of the company on unlawful political contributions. In a roundabout answer, he implied that Mr. Sotolongo had a role in this decision. Wagner page 56, line 19 through page 58, line 8.

However, in their interviews with me, four Council members expressed the opinion that Mr. Wagner was the person who decided which candidates received Waverly’s support. Pat Patterson stated, “The rumor I kept getting, and I really – it’s all secondhand, was that Josh Wagner was the one directing it I had

always heard that he had a very friendly relationship with Jim Sotolongo, Ramara Garrett and Jim Brown.” Patterson Interview at page 6. Doug Daniels expressed the belief that Wagner was in charge of Waverly’s in-kind contributions. “Back during the 2013 campaign, the un-kept secret was that – you know, you could get bus benches for free, or very nearly free, and that the gatekeeper to that was Josh.” Daniels Interview at page 10. As did others on the Council, Pat Northey testified that Wagner was rumored to be the person who decided where Waverly’s support was applied, but she is unsure how she came across the information. “The rumor was Josh Wagner was the ringleader of it all. That Josh was the guy that kept the list. That there was a list, an approved list of people who would get free advertising, and Josh was the one who determined who that was.” Northey Interview at page 11. When I asked if the rumor was common knowledge and if this information was credible, Northey responded “yes” due to his relationship with Ramara Garrett and their business endeavors at Waverly Media. Northey Interview at page 13.

These Council members believe the evidence supports their belief even though it does not conclusively proved that Mr. Wagner controlled the allocations of Waverly in-kind contributions. These members believe that Mr. Wagner was interested in adding a friendly member to the Council in order to gain a four member majority of members who shared his political beliefs or agenda. They note that Mr. Wagner had strong business and personal ties with Mr. Sotolongo and Ms. Garrett, that he tried to control Council members, has acted unilaterally on matters related to the Waverly Media RFP, and is at a distinct disadvantage in having only three votes reliably sharing his philosophy and positions within the Council.

Mr. Wagner admitted that he actively supports candidates for the Council who he believes share his views and hopes to build a supportive majority. Wagner Interview at page 46. He testified that he is a member of the campaign committee for the county Democratic party, and as such, he supports certain Democrats running for the Council. Wagner Interview at pages 52, 53. Ms. Northey explained that it is normal for a Council member to try to surround himself or herself with like-minded individuals, stating that; “any good politician is going to try to stack the deck in their favor with colleagues who will vote for them, or vote with them. He didn’t have four members of the council.” Northey Interview at page 14. According to Ms. Northey, whenever Wagner does not get his way he begins to get aggressive and “bullies members of the county council.” She recalled a situation in which Wagner came across a table at her after a comment she made such that Wagner had to be restrained by the manager. *Id.*

Deb Denys testified that she called the telephone number that appears on the bus benches and asked about prices and availability of bus benches for her political advertisements. She spoke to a lady who answered the phone but did not identify herself. This lady quoted a price of \$250 per month per bench plus additional \$125 for artwork and setup per bench. This lady then asked who she was and who she was running against, and when Ms. Denys identified herself and her opponent, the lady stated that all benches were committed. At that time, Ms. Denys was running against Mr. Kennedy and Jim Hathaway, but she made this inquiry before any political advertising went up. Denys Interview at page 4. Mr. Kennedy received significant in-kind support from Waverly. See SAO Report Numbers 51 and 119.

Ms. Denys stated that Mr. Wagner was openly supporting Mr. Kennedy. She testified:

Well, it was known . . . Josh was supporting Justin . . . and that that was pretty much determining . . . who got the benches. . . . it was known that Josh was calling the shots on who would receive or not receive the benches and [Waverly's] support, which is why [Waverly] had . . . the media contract. That was clear. Denys at page 7, lines 14-20.

Ms. Northey testified that she learned that Michael Kiepert had a role with Waverly regarding access to bus bench advertising. She contacted him to obtain information about renting benches. In her conversation, she understood that Mr. Kiepert was offering the benches free of charge. She testified, "So he . . . says, well, we can give you bus benches, and it's about six of them. . . . I cut him off, and I said, no, Michael, I don't want you to give me anything. I am telling you I will pay for some . . . bus bench advertising, but I need know what the rate is. You need to tell me how much they are. He said, well, I'll have to get back with you, and he never got back with me." Northey Interview at page 6, line 20 through page 7, line 3.

I have not determined the evidence establishes that it is more likely than not that Mr. Wagner controlled the dispensation of Waverly in-kind support. Against the evidence mentioned to support that view, there is the denial by Mr. Wagner and Mr. Brown. At times, Mr. Wagner's testimony seemed to lay sole responsibility for the allocation of in-kind support directly on Mr. Brown. At other times, he implied that Mr. Sotolongo and Ms. Garrett played a role together with Mr. Brown. Wagner Interview at page 58, line 19. However, whereas Mr. Brown was direct in stating that he received direction in this matter from Mr. Sotolongo and Ms. Garrett, Mr. Wagner was not so direct. He stated that this would only be an

assumption. *Id.* line 15. He also agrees that he made recommendations to Mr. Sotolongo and Ms. Garrett concerning support for candidates. *Id.* p 56, lines 11-18. Mr. Wagner emphatically states that he actively supports candidates who he believes share his views and wants to build a majority who support his views.

In conclusion, the evidence is not sufficient to establish that it is more likely than not that Wagner determined who would receive this support.

Whether Josh Wagner Properly Accounted for Discounts Received in Connection With an Event at Crabby Joe's Restaurant

The State Attorney investigation devoted significant attention to a campaign event held by Mr. Wagner at Crabby Joe's Restaurant. We have prepared a summary of the SAO investigative report and incorporate the summary at the end of this report as Exhibit B.

We summarized the report because it tells a long and involved story. It is significant to this report because it involves what is, at best, an abuse of the in-kind contribution practice. The SAO report suggests that Mr. Wagner availed of the in-kind contribution device as a means to avoid campaign finance limitations. He received a substantial discount from the restaurant but did not report the discount as an in-kind contribution. Mr. Wagner could defend his reporting by arguing that he had an agreement with the proprietor to stage the event for a fixed price that fell within the applicable limit of \$500. The excess would be the proprietor's loss on the fixed price agreement, a bad business deal but not a contribution. Nevertheless, the report shows how the in-kind contribution is the residual sump into which campaign finance excesses are swept. It is a problematic use of the in-kind device.

Whether Ted Doran Received Unlawful Contributions From Waverly

This issue involves a memorandum on Waverly Media stationary. It is to "Jim" and signed with an illegible scrawl. The text of the memorandum states "Please order materials for invoiced Doran benches—total 60!! Big order. Process ASAP. Need to be up in a few days. Keep off books!! Only bill 10k. Rest in trade." The scrawled signature is a forgery of Jimmy Sotolongo's signature.

Manny Bornia testified that he concocted this memorandum and forged Mr. Sotolongo's signature. However, he also testified that he had heard Mr. Sotolongo make statements similar to those in the memorandum. Thus he says the

memorandum accurately exemplifies the way that Mr. Sotolongo was doing business. He prepared the faux memorandum for the express purpose of embarrassing Mr. Sotolongo because he was unhappy with his job situation and his relationship with Mr. Sotolongo. The memorandum was publicized through a telephone call to Marc Bernier's radio program, with the caller darkly alluding to the existence of such a document.

This story can be summarized with a timeline, as follows:

July 7, 2012: Mr. Bornia creates the faux fax regarding "Doran Benches"

July 11, 2012: Waverly Invoice #7663 for \$22,450. When the State Attorney Investigator showed Mr. Doran this invoice, Mr. Doran told the investigator it was "fabricated." He produced an invoice with the same identification number for \$10,500. [see immediately below]

July 11, 2012: Waverly invoice #7663 for \$10,500.

July 20, 2012: Ted Doran Campaign Fund Check #1029 for \$10,500.

August 9, 2012: Mr. Doran interviewed Cierra Osborn, an employee of Manny Bornia at Floridian View Magazine, regarding the faux fax dated July 7, 2012. The interview was recorded in Mr. Doran's office and later transcribed by the State Attorney's Office. In the interview, Mr. Doran led Ms. Osborn extensively, and she confirmed that the memorandum was a fake. During the interview, Ms. Osborn referred to a conversation regarding this matter that she had "last night" with Mr. Sotolongo, but Mr. Doran did not inquire about this conversation. At the end of the interview, Mr. Doran thanked Ms. Osborn for volunteering to come to his office for the interview. In her statement to the SAO, however, Osborn says that Mr. Doran asked her to come by his office and give a statement.

Ms. Osborn testified in the SAO investigation that she did not believe that Mr. Doran actually paid for the signs. SAO Report Number 17 states, "She did not honestly know if there was any truth to the fax. She felt like it was true, she did not believe he (Doran) paid for it."

Mr. Brown testified that Mr. Sotolongo and Ms. Garrett delivered to him a check from Mr. Doran for \$10,500 as payment for the invoice in that amount. At the same time, he said, Mr. Sotolongo directed him to draw a check from Waverly to Ms. Garrett for \$5,000, which he said would fund a payment to Mr. Doran to be

called "prepaid legal expenses." He testified that he then cut the check and handed it to Ms. Garrett.

The SAO did not pursue this question. I was advised that they judged that there were many ways such a check could be explained away.

It is difficult to determine the truth. Mr. Doran successfully avoided complying with his subpoena. If he had testified, I could have asked him for his version of this story. Even now, if he wished to present his side of this story by voluntarily appearing for a sworn interview, I would be happy to conduct the interview. In a conversation during a break in the hearing in Judge Zambrano's court on August 15, 2014, I told Mr. Doran that Mr. Brown had testified to the SAO that he had cut the check for prepaid legal fees. I wondered what his story was, but he said only that Mr. Brown was not credible.

Apparently, the relationship between Mr. Doran and Mr. Brown was not a good one. In his interview with SAO investigators, Mr. Brown said the investigators should talk to Mr. Doran because, "I'm sure there was under handed dealings between Ted and them with the election stuff. And they have intentionally over donated to Ted." State Attorney Office Recorded Interview of James Brown dated December 23, 2013, at page 172, lines 12-15. Mr. Brown told the investigators, "And I confronted Ted even about the five and a half thousand dollar . . ." The investigator cut him off and asked, "What did he say?" Brown replied, "He said of course not." *Id.* at page 173, lines 1-4.

Mr. Doran has repeatedly claimed in court filings and news interviews that he volunteered to answer my questions at any time, provided that the interview was not sworn, but Mr. Doran made no such offer. In his letter declining to comply with my subpoena, he offered to share his thoughts on the "policy" issues implicated in this investigation, which he believes to be contrary to the Charter. A copy of his letter is attached to this report as Exhibit C. I did not accept this offer for two reasons: (i) the policy decision is for the Council to make, and Mr. Doran's differing view is immaterial; and (ii) his unsworn testimony would not be useful for this investigation. Therefore I continued to seek a court order enforcing the subpoena.

Whether Mr. Wagner was asked by Waverly to Intervene in the Matter of the RFP for Bus Benches

I examined the question raised by an email dated September 2, 2010 which Mr. Wagner sent to Ken Fischer, the director of VOTRAN. In the email, Mr.

Wagner reviewed and proposed changes in a draft RFP intended to be used to solicit proposals for a new contract for the services then provided by Waverly. See Exhibit 1 to Recorded Interview of Kenneth Fischer taken February 12, 2014. Mr. Wagner did not inform the manager or his fellow Council members that he was involving himself in this RFP even though it bore directly on Waverly.

When this email came to light in 2013, Mr. Wagner was criticized by colleagues and the press. He defended his action, saying that his review and comment on the RFP was a normal part of his duty as a member of the Council. Other Council members reject that claim. They say that a Council member should approach the staff through the manager or, at a minimum, inform the manager of such actions. In her interview, Ms. Northey stated: "Never have I known any council member who ever engaged on an RFP in that part of the process . . . it was never done behind the scenes . . . no department head has ever sent me an e-mail saying, what do you think?" page 18, lines 14-21. Ms. Denys, in her interview stated: "I'm not sure that it's the counsel's (sic) responsibility to set perimeters for an RFP, especially as individual council members, and especially if you have a possible financial interest or gain in the outcome of the contract. Not just a financial gain, but a political gain." page 13, lines 10-14. Mr. Patterson, when asked in his interview about Mr. Wagner's e-mail to Mr. Fischer making suggestions about the draft RFP, stated: "If . . . it's just directly to that staff person . . . it's not appropriate." Page 11, lines 23-35. County Manager James Dineen, in his interview, stated: "It's not the norm." page 9, lines 7-8.

Mr. Wagner sought to excuse his failure to inform colleagues, the manager, or the public. He said he was unable to confer with his colleagues because to do so would have violated the Sunshine Law. That is not credible. I very much doubt that Mr. Wagner believes he was barred by the Sunshine Law from disclosing his intervention to Council members. Wagner Interview, page 35, lines 13-18. ("Its not like I can go talk to a Council member.") It is true that a private conversation regarding the RFP with one or more of his colleagues would have violated the Sunshine Law, but that does not excuse his failure to disclose what he was doing to the manager or the Council. He lawfully could have informed the manager that he was involving himself in a matter being handled by the manager's staff; he lawfully could have informed the Council and the public by disclosing what he was doing during a public Council meeting; and he lawfully could have delivered a unilateral memorandum or email to the Council members advising of his involvement. None of this would have violated the Sunshine Law.

I asked Mr. Wagner if anyone from Waverly had asked him to review the RFP, and he replied, "No, I don't believe so." Wagner Interview, page, 43 line 19.

In the continuing discussion, I asked him two more times: "So Jimmy didn't ask you to look at it?" He answered no. *Id.* page 44, lines 5-6. Then, referring to Jim Brown, I asked "Did he ever ask you to go over the RFP? He said, "I don't believe so." *Id.*, lines 15-16.

Jim Brown did in fact ask Wagner to review the RFP. On March 20, 2013, Brown sent a text message to Wagner stating in pertinent part, "PLEASE read the proposed RFP. It is riddled with error and is totally ridiculous." Wagner replied on March 25, 2013 "I will check it out." See Brown Interview, Exhibit 2. This exchange was part of a series of messages between Brown and Wagner about the RFP, which started on November 9, 2012 and seems to have concluded on April 4, 2013, when Brown texted, "Just wanted to say thanks! Noted that both the RFP and RFQ have been pulled." *Id.* There is no record of any reply from Wagner.

I conclude that Wagner intervened in the RFP at the behest of Waverly and in their interest.

Whether the Administration of the Bus Bench Contract was Influenced by Waverly

Council members had questions about the staff's administration of the Waverly contract by the staff. The contract was renewed without review for many years. In the tense atmosphere of late 2013 when this investigation was authorized, some Council members wanted to know if the administration of the Waverly contract was attributable to undue influence by or on behalf of Waverly. This curiosity was intensified by the disclosure of the previously undisclosed memorandum from Wagner, which came to light in the midst of this controversy

I have looked closely at this issue. I conclude that any delays in the administration of the contract were not attributable to undue influence or interference by or on behalf of Waverly. The email from Mr. Wagner to Mr. Fischer contributed to this delay but that overlapped with delays caused by other reasons. The delays in handling the Waverly contract were attributable to changes in the law, distraction of the VOTRAN staff by the commuter rail project, and other reasons of administration of a complex bureaucracy. This conclusion is based on my interviews with Ken Fischer, Lois Bollenback, Dan Eckert and Jim Dinneen.

Whether the County Attorney's Nondisclosure of the Waverly Investigation to Council Members was Attributable to Undue Influence

To examine this issue, I interviewed Ms. McFall, Ms. Northey and Mr. Daniels regarding their concerns with Mr. Eckert's handling of the question of when and how to disclose to the Council that the Waverly investigation was under way. I also interviewed Ken Fischer and Lois Bollenback. I then interviewed Mr. Eckert at length on this subject.

I conclude that there was no improper reason for his handling of this issue. Mr. Eckert exercised his independent judgment in good faith in dealing with this issue. In part, the Council members' dissatisfaction with his handling stems from the structure of the Charter government, which requires that there be a single county attorney in charge of a unified legal department. In that arrangement, the County Attorney sometimes finds himself subject to conflicting demands on his loyalty from various parts of the county government.

This appears to be the inescapable result of one of the great reforms effected by the Charter. Before the Charter was adopted, each officer and agency of the county government could retain separate private counsel in addition to the County Attorney. The authors of the Charter viewed that system as wasteful and inefficient, and so they drafted the Charter with a strong mandate that there be a single attorney for the unified county government administrative branch.

In his interview, Mr. Eckert discussed the basis for his decision to refrain from advising the Council at the outset of the advent of the State Attorney investigation. It is possible to disagree with his approach, and some Council members expressed such disagreement in their interviews. However, it is not possible to discredit Mr. Eckert's good faith and professional decisions in this matter. There was no outside influence.

False Accusations

As I previously stated in my brief report, I thoroughly investigated and disproved a claim that County Manager Jim Dinneen received improper remuneration from Mr. Sotolongo. There was absolutely no truth to this pernicious slander.

STATE OF FLORIDA

vs.

JAMES HEPLIN BROWN, III
W/M; DOB: 09/20/1954 SS#

CLASSIFICATION: FELONY

IN THE CIRCUIT COURT OF THE SEVENTH
JUDICIAL CIRCUIT, IN AND FOR VOLUSIA
COUNTY, FLORIDA, IN THE YEAR TWO
THOUSAND THIRTEEN

CASE NO: 2013 302056 CJD/B

AGENCY: SAO 02/120801001

INFORMATION

CHARGE(S):

- I) EXCEEDING CAMPAIGN CONT, 106.08(7)(b)
- II) EXCEEDING CAMPAIGN CONT, 106.08(7)(b)
- III) EXCEEDING CAMPAIGN CONT, 106.08(7)(a)

R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of the State of Florida and as such prosecuting attorney for this Court, in the name of and by the authority of the State of Florida charges that:

COUNT I: JAMES HEPLIN BROWN, III on or between April 23rd 2012 through October 7th, 2012, in the County of Volusia and State of Florida, did commit the offense of Exceeding Campaign Contribution Limits by knowingly and willfully make two or more contributions in the form of financial or in-kind contributions during the 2012 election season in excess of the political contributions limit of \$500.00 per person by using straw persons whose names were either written on money orders in place of his own, or who were reimbursed for financial contributions, or whose names were falsely reported to candidates or treasurers, in violation of Florida Statute 106.08(7)(b) (3rd DEG FELONY).

COUNT II: In that JAMES HEPLIN BROWN, III on or between April 23rd 2012 through October 7th, 2012, in the County of Volusia and State of Florida, did commit the offense of Exceeding Campaign Contribution Limits by knowingly and willfully make two or more contributions in the form of financial or in-kind contributions during the 2012 election season in excess of the political contributions limit of \$500.00 per person by using straw persons whose names were either written on money orders in place of his own, or who were reimbursed for financial contributions, or whose names were falsely reported to candidates or treasurers, in violation of Florida Statute 106.08(7)(b) (3rd DEG FELONY).

COUNT III: In that JAMES HEPLIN BROWN, III on or between April 23rd 2012 through October 7th, 2012, in the County of Volusia and State of Florida, did commit the offense of Exceeding Campaign Contribution Limits by knowingly and willfully make one contribution in the form of financial or in-kind contribution during the 2012 election season in excess of the political contribution limit of \$500.00 per person by using a straw person whose name was either written on money orders in place of his own, or

**EXHIBIT
A**To Final Report on
Waverly Matter

who was reimbursed for a total contribution, or whose name was falsely reported to a candidate or treasurer, in violation of Florida Statute 106.08(7)(b) (1st DEGREE MISDEMEANOR).

FOR THE STATE ATTORNEY

JAMES R DISINGER
ASSISTANT STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF THE
STATE OF FLORIDA
BAR NUMBER: 0543454

COUNTY OF VOLUSIA

STATE OF FLORIDA

Personally appeared before me JAMES R DISINGER, Assistant State Attorney, for the Seventh Judicial Circuit of the State of Florida, known to me to be the foregoing prosecuting officer, who being duly sworn, says that the allegations set forth in the foregoing information are based upon facts that have been sworn to as true, and which, if true, would constitute the offense therein charged. Subscribed in good faith. Said facts based on testimony of material witnesses.

SWORN to and subscribed before me this 13th day of May, 2013.

Submitted to the Clerk of the CIRCUIT
Court, Seventh Judicial Circuit, in and
For VOLUSIA County, Florida, on the
13th day of May, 2013.

Teresa Tucker Nelson
NOTARY PUBLIC AT LARGE
STATE OF FLORIDA



7th. Judicial Circuit 707
Charging Affidavit - Volusia

Arrest # _____

Bk # _____

Pg 1 of 2

ARREST <input type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input checked="" type="checkbox"/> C.C. <input type="checkbox"/>		ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>		Court Case Number	
(ORI) FL: 0 6 4 0 1 5 A		Agency Name: Office of the State Attorney		Agency Case Number: 8A1-DB-120801001	
PCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBT#		Date Arrested	
ADDRESS OF ARREST		Arrested By: A.K.A. Jim Brown		Time of Arrest	
DEFENDANT Name (L.P.N.): Brown, James Heflin, III		A.K.A. Jim Brown		Sex: Male Race: White	
DOB: 09/20/1954 Age: 58		Driver's Lic. ID No.		Arrest FL: 2018 S.E.N.	
Height: 6'0" Weight: 200 Hair: White Eyes: Blue		DOB (City, St, Country): Kentucky		Statement: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Sex: Male, Tan (Skin)		Business & Occupation: Waverly Media, LLC		Citizenship: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Probation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		English: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Address - (Mailing/Permanent) (ATTN: Apt. Number)		City		State	
Address - Local (Street, Apt. Number)		City		State	
Address - Other (Employer/School)		City		State	
CHARGES: DOMESTIC VIOLENCE? YES <input type="checkbox"/>		All charges are Affidavits <input type="checkbox"/> Statements <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infractions <input type="checkbox"/> DUI <input type="checkbox"/>		Trial Charge: 3	
#1 Charge: Exceeding Campaign Contribution Limitations (Felony 3rd Degree)		FAC <input type="checkbox"/> MISB <input type="checkbox"/> ORB <input type="checkbox"/> P/ORD: 106.08(7)(b)		Citation No.	
#2 Charge: Exceeding Campaign Contribution Limitations (Felony 3rd Degree)		FAC <input type="checkbox"/> MISB <input type="checkbox"/> ORB <input type="checkbox"/> P/ORD: 106.08(7)(b)		Citation No.	
#3 Charge: Exceeding Campaign Contribution Limitations (Felony 3rd Degree)		FAC <input type="checkbox"/> MISB <input type="checkbox"/> ORB <input type="checkbox"/> P/ORD: 106.08(7)(b)		Citation No.	
CO-DEFENDANT: Co-Def. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Trif <input type="checkbox"/> Onl <input type="checkbox"/> NTA <input type="checkbox"/>		Co-Def. P. Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Trif <input type="checkbox"/> Onl <input type="checkbox"/> NTA <input type="checkbox"/>			
UL NAME (L.P.N.):		Last		First	
UL NAME (L.P.N.):		Last		First	
NARRATIVE: The undersigned certifies and swears that there is probable cause to believe the above named defendant, on or about the 18th day of June, 2012 through the 7th day of October, 2012, at unknown time(s) at Waverly Media located at 415 Oak Street, Port Orange, FL 32127 within Volusia County, violated the law and did then and there:					
<p>Knowingly and willfully make two or more contributions in the form of financial and/or in-kind contributions during the 2012 election season in excess of the political contribution limit of \$500 per person by using "straw" persons whose names were either written on Money Orders in place of his own, or who were reimbursed for financial contributions or whose names were falsely reported to candidates and/or treasurers as having provided in-kind financial contributions on behalf of various political campaigns to cover the costs of advertising expenses provided by Waverly Media when they did not in fact make said contributions in violation of FSB 106.08(7)(b) and FSB 106.08(7)(n).</p> <p>Justin Kennedy, 2012 candidate for Volusia County Council District 3 (Council)</p> <p>According to the treasurer's report filed with the Volusia County Supervisor of Elections for Justin Kennedy, candidate for Volusia County Council District 3, financial contributions were reported on 06/26/12 in the amount of \$500 each in the form of Money Orders from D. Was, T. Was and W. Stone. According to records produced by Justin Kennedy, Money Order 19938421396 (exhibit 1A) in the amount of \$500 made payable to Justin Kennedy Campaign Fund from Diana Was, Money Order 19938421407 (exhibit 1C) in the amount of \$500 made payable to Justin Kennedy</p>					
INFORMED OF RIGHTS: MANDATORY APPEARANCE <input type="checkbox"/>		YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>		FINE AND COSTS AMOUNT	
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED, I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.					
SIGNATURE OF DEFENDANT		SIGNATURE OF JUVENILE PARENT OR CUSTODIAN		CITATION No.	
DATE		RELATIONSHIP TO JUVENILE			
Sworn to and subscribed before me this 17th day of July, 2013		I swear to the above information as correct and true.		My Thumb	
Notary Public <input type="checkbox"/> Law Enforcement or Courtroom Officer <input checked="" type="checkbox"/> Juror/Notary <input type="checkbox"/> Professional Identification <input type="checkbox"/> Other <input type="checkbox"/>		OFFICER'S/COMPLAINANT'S SIGNATURE			
Name: C. L. Mc...		NAME (PRINTED)		ID NUMBER	
		Michael K. Taylor		711	
OFFICIAL USE ONLY		Inmate Number & Facility			

707 - COURT COPY

Narrative 707-B Supplement

☐ Arrest
☐ Affidavit
☐ Notice to Appear

☐ Audio
☐ Juvenile

Court Case
Number

Page 12 of 3

Defendant Name Brown, James Heflin, III		Agency Case Number SAI-DB-120801001	
CHARGES	DOMESTIC VIOLENCE <input type="checkbox"/> YES <input type="checkbox"/>	Attach: Affidavit <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges <input type="checkbox"/>
#	Charge	REL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PERIOD: <input type="checkbox"/> Citation No: <input type="checkbox"/> Bond: <input type="checkbox"/>
U	Charge	REL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PERIOD: <input type="checkbox"/> Citation No: <input type="checkbox"/> Bond: <input type="checkbox"/>
#	Charge	REL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PERIOD: <input type="checkbox"/> Citation No: <input type="checkbox"/> Bond: <input type="checkbox"/>

Justin Kennedy, 2012 candidate for Volusia County Council District 3 (Cont'd)

Campaign Fund from Terry Was and Money Order 19958421385 (exhibit 1B) in the amount of \$500 made payable to Justin Kennedy Campaign Fund from William Stone were received and deposited into his campaign account. However, in sworn statements provided by D. Was, T. Was and W. Stone they did not make financial contributions via Money Order to the campaign of Justin Kennedy. W. Stone said Jim Brown asked if Brown could make the contribution via Money Order in the amount of \$500 in Stone's name. Also, in a sworn statement Kim Was said Jim Brown asked her to check with her parents Terry and Diana Was and use their names on Money Order contributions Jim Brown made to the Justin Kennedy Campaign. However, the investigation did not reveal Kennedy had any knowledge of Brown's campaign contribution violations.

According to the treasurer's report filed with the Volusia County Supervisor of Elections for Justin Kennedy, candidate for Volusia County Council District 3, in-kind contributions were reported on 03/01/12 in the amount of \$100 each from Chuck Wales, Kim Was, William Hill, Margo Hill, Michael Klepert, Susan Klepert, Angela Klepert, Kateryna Brown and Ron Rigg; additionally an in-kind contribution was made on 04/01/12 in the amount of \$450 from Marilyn Garrett all for advertising provided by Waverly Media. However, in sworn statements provided by C. Wales, K. Was, W. Hill, M. Hill they stated they did not make any in-kind contributions for goods and/or services to Waverly Media on behalf of the Justin Kennedy campaign. In sworn statements from M. Klepert, S. Klepert and A. Klepert they could not explain what goods or services were provided to Waverly Media with a value of \$1,500 on behalf of the Justin Kennedy campaign. In a sworn statement Justin Kennedy said Jim Brown provided his campaign with the list of in-kind contributions made through Waverly Media. However, the investigation did not reveal J. Kennedy had any knowledge of Brown's campaign contribution violations.

Jeff Allebach, 2012 candidate for Volusia County Council District 1 (Count 2)

According to the treasurer's report filed with the Volusia County Supervisor of Elections for Jeff Allebach, candidate for Volusia County Council District 1, check contributions were reported on 4/23/12 in the amount of \$500 each from Charles Wales and Kim Was. However, in sworn statements C. Wales and K. Was said they did not make any financial contributions to Jeff Allebach's campaign. According to Was, Jim Brown provided her with Money Orders and requested she complete them with hers and C. Wales's names, which she did and returned the Money Orders to Brown. According to records produced by TD Bank pursuant to a subpoena duces tecum, US Postal Money Order #20161119071 (exhibit 2A) in the amount of \$500 from Kimberly Was dated 04/23/12 and US Postal Money Order #20161119061 (exhibit 2B) in the amount of \$500 from Chuck Wales dated 04/23/12 were deposited into the Jeff Allebach campaign account on 04/25/12.

Also, according to the treasurer's report filed with the Volusia County Supervisor of Elections for Jeff Allebach, candidate for Volusia County Council District 1, in-kind contributions were reported on 07/05/12 in the amount of \$500 from William Stone, on 07/24/12 in the amount of \$500 from Kateryna Brown, on 09/18/12 in the amount of \$500 from Waverly Media and Jim Brown for advertising expenses provided by Waverly Media. However, in a sworn statement provided by W. Stone he said he did not make any financial and/or in-kind contributions for goods and/or services to Waverly Media on behalf of the Jeff Allebach campaign. In a sworn statement Jeff Allebach said Jim Brown provided his campaign with the list of in-kind contributions made through Waverly Media. However, the investigation did not reveal J. Allebach had any knowledge of Brown's campaign contribution violations.

Darrick Henry, 2012 candidate and present Daytona Beach Mayor (Count 3)

According to the treasurer's report filed with the Volusia County Supervisor of Elections for Darrick Henry, candidate for Daytona Beach Mayor, a financial contribution was reported on 08/01/12 in the amount of \$500 in the form of a check from Kim Was. According to bank account records and sworn testimony provided by Kimberly Was, check #1087 (exhibit 3A) in the amount of \$500 made payable to Darrick Henry Campaign from Kimberly Was was received and deposited into the Darrick Henry Campaign Account. However, K. Was stated she was reimbursed on 08/01/12 for the contribution made in her name with a check #1610 (exhibit 3B) from Waverly Media, LLC in the amount of \$1,050, which was signed by James Brown.

Sworn to and subscribed before me, the undersigned, this <u>11</u> day of <u>April</u> , 2013.	I swear/affirm the above statements are correct and true.		Notary Public
Name: <u>[Signature]</u>	<u>[Signature]</u>		OFFICER'S/COMPLAINANT'S SIGNATURE
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>	NAME (PRINTED) <u>Michael E Taylor</u>		ID NUMBER <u>711</u>
Type of Identification			

707-B - COURT COPY

D

Narrative 707-B Supplement

☐ Arrest
☒ Misdemeanor
☐ Misdemeanor

☐ Adult
☐ Juvenile

 Court Case
 Number

Page # 3 of 3

Defendant Name Brown, James Hefflin, III		Agency Case Number SAI-DB-120801001	
CHARGES	DOMESTIC VIOLENCE	YES <input type="checkbox"/>	Attachment Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>
II	Charge	PUL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD: <input type="checkbox"/> Citation Not <input type="checkbox"/> Bond: <input type="checkbox"/>
II	Charge	PUL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD: <input type="checkbox"/> Citation Not <input type="checkbox"/> Bond: <input type="checkbox"/>
II	Charge	PUL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD: <input type="checkbox"/> Citation Not <input type="checkbox"/> Bond: <input type="checkbox"/>

Derriek Henry, 2012 candidate and present Daytona Beach Mayor (Cont'd)

According to the treasurer's report filed with the Volusia County Supervisor of Elections for Derriek Henry, candidate for Daytona Beach Mayor, in-kind contributions were reported on 06/23/12 all in the amount of \$500 each from Ramona Garrett, Jim Brown, William Stone, Marilyn Garrett, and Katerina Brown; also reported on 06/23/12 was an in-kind contribution in the amount of \$350 from Waverly Media for advertising provided by Waverly Media. However, in a sworn statement provided by W. Stone he did not make any financial and/or in-kind contributions for goods and/or services to Waverly Media on behalf of the Derriek Henry campaign. Marilyn Garrett has refused to comply with a subpoena issued for her to appear before the prosecutor and provide a sworn statement pertaining to this matter.

Also according to the treasurer's report filed with the Volusia County Supervisor of Elections for Derriek Henry, candidate for Daytona Beach Mayor in-kind contributions were reported on 08/10/12 all in the amount of \$500 each from Chuck Wale, Kim Wae, Terry Wae and Diana Wae; also reported on 08/10/12 was an in-kind contribution in the amount of \$150 from Waverly Media for advertising provided by Waverly Media. However, in sworn statements provided by C. Wale, K. Wae, T. Wae and Diane Wae they said they did not make any financial and/or in-kind contributions for goods and/or services to Waverly Media on behalf of the Derriek Henry campaign. In a sworn statement Derriek Henry said Jim Brown provided his campaign with the list of in-kind contributions made through Waverly Media. However, the investigation did not reveal D. Henry had any knowledge of Brown's campaign contribution violations.

 Sworn to and subscribed before me, the undersigned
 this 14 day of April, 2014

 Name: [Signature]

 Notary Public ☐ Law Enforcement Officer ☐
 Permitted Person ☐ Provided Identification ☐

Type of Identification:

I have affirmed the above statements are correct and true.

[Signature]

OFFICER'S/COMPLAINANT'S SIGNATURE

NAME (PRINTED)

Michael R Taylor

ID NUMBER

111

Notary Seal

707-B - COURT COPY

D

CHECK NO. 150000
DATE 09/03/2014
AMOUNT \$150000
PAY TO THE ORDER OF JLEMON
ORANGE CITY - VOLUNTARY
TOTAL \$150000

ACCOUNT 0000000000
AMOUNT \$150000
POSTAL 2010000000
TRAIL 0000000000
CHECK NO. 150000
DATE 09/03/2014
RECEIVED BY JLEMON
RECEIVED BY NAME JLEMON

CHECK NO. 000
DATE 09/03/2014
AMOUNT \$000
PAY TO THE ORDER OF JLEMON
ORANGE CITY - VOLUNTARY
TOTAL \$000

ACCOUNT 0000000000
AMOUNT \$000
POSTAL 2010000000
TRAIL 0000000000
CHECK NO. 000
DATE 09/03/2014
RECEIVED BY JLEMON
RECEIVED BY NAME JLEMON


CHECK NO. 150000
DATE 09/03/2014
AMOUNT \$150000
PAY TO THE ORDER OF JLEMON
ORANGE CITY - VOLUNTARY
TOTAL \$150000

ACCOUNT 0000000000
AMOUNT \$150000
POSTAL 2010000000
TRAIL 0000000000
CHECK NO. 150000
DATE 09/03/2014
RECEIVED BY JLEMON
RECEIVED BY NAME JLEMON

CHECK NO. 000
DATE 09/03/2014
AMOUNT \$000
PAY TO THE ORDER OF JLEMON
ORANGE CITY - VOLUNTARY
TOTAL \$000

ACCOUNT 0000000000
AMOUNT \$000
POSTAL 2010000000
TRAIL 0000000000
CHECK NO. 000
DATE 09/03/2014
RECEIVED BY JLEMON
RECEIVED BY NAME JLEMON

Postcode: 04511818
 Transaction Date: 08022012
 Description: Check #1087
 Credit: 5300.00
 Disbursement: 1087

1087	
8-1-12	1087
Deeick Henry Campaign	
Five hundred	500.00
	

Deeick Henry
 Campaign

EXHIBIT "3"

D

D

Capture Date	Sequence Number	Check Number	Amount	Posting Date	Posting Account
20120808	26028700	0	1050.00	20120808	60120000

Electronic Deposit Image

ATM Check Card Deposit
Date/Time: 2012-08-02 14:17:21
ATM Terminal ID: 1804
ATM Transaction Sequence: 005495

\$1,050.00

EXHIBIT 12

D

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers, and/or its stockholders violated campaign finance laws through multiple In-Kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document my interview with witness Tim Davis.

On February 7, 2013 at approximately 2:24pm, State Attorney Investigator Gina Baker and I made contact with witness Tim Davis at 709 Sams Avenue, Port Orange, FL at which time T. Davis provided a sworn statement.

Timothy James Davis 01/06/1964
406 Virginia Avenue
Port Orange, FL
(386) 451-8551

T. Davis substantively stated that:

- He is self-employed as a graphic and web designer.
- He has lived in Florida since November 2008.
- He is a registered voter.
- He does not consider himself politically active.
- He did not vote the last [election].
- He has never been active in a political campaign.
- He has donated his time to a political campaign, but not money.
- He donated time to the political campaign for Joyce Cusack on the weekends when he was not being paid [by his employer] during the 2010 election.
- He did not know what office Joyce Cusack was seeking.
- He was working for Waverly Media and had installed vinyl lettering on several vehicles [for her campaign].
- J. Cusack told him that she was setting up her campaign headquarters and asked if he could install some [lettering] on her windows.
- While he was at the campaign headquarters installing the lettering, J. Cusack asked if he could come by the following Saturday and answer phones for 4 hours and he agreed.
- This is the only political volunteering he had ever done.
- As far as he knew, the company for which he worked was paid by the campaign for his work.
- He designed the lettering for the campaign headquarters from his work while he was on the clock.
- He was not on the clock while he installed the lettering [on the campaign headquarters].
- This is the only thing he had ever done to help a political candidate.

Case Number: SAI-DB-120801001	Serial # 43
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- When he moved to the area in 2009, he worked for one-hour printing for a couple months.
- He had been corresponding with the owner of the business for a month or so before moving to the area.
- The owner was going to open a second store in Palm Coast.
- A family member of the owner got into legal trouble and was in jail in Pennsylvania.
- The owner traveled to Pennsylvania to pick up his step-son and brought him back to Florida.
- The owner then hired his step-son and his step-son's girlfriend and they ran out of money and could no longer afford to pay him.
- He then found a graphic design job with Waverly Media.
- He started with Waverly Media around March 2010.
- He was interviewed and hired by Jimmy Sotolongo, Ramara Garrett and Jim Brown.
- He was interviewed by all three parties, but his understanding was Ramara Garrett had the final say as to whether he got the job.
- He understood all three parties owned the business, but he reported directly to Jim Brown on a day to day basis.
- He did not really know the difference between a cash and an in-kind contribution.
- (After learning the definition of an in-kind contribution), he did not know about and did not make an in-kind contribution in the amount of \$500 on 10/7/12 to the campaign of Ruth Trager.
- He knows Ruth Trager, but did not make any contribution to any campaign in 2012.
- He did not know about and did not make an in-kind contribution in the amount of \$500 on 09/24/10 to the campaign of Joyce Cusack.
- He made decals for windows for Joyce Cusack while he worked and was being paid by Waverly Media.
- He was paid and did not suffer any reduction in pay to make up for any contributions.
- As far as he knew, Joyce Cusack campaign paid Waverly Media for the decals.
- He was not responsible for the day to day taking orders, receiving money and sending out invoices.
- A heavy-set blonde in the main office was responsible for the billing.
- He did not know about and did not make an in-kind contribution in the amount of \$500 on 09/28/10 to the campaign of George Trovato.
- No one has ever asked for his permission to make a financial or in-kind contribution to a political campaign on his behalf.
- He did not make any of the three political contributions discussed.
- The first time he was made aware of the contributions was following the 2010 election when a customer came to the shop and said they could not believe he supported one of the candidates in 2010.

Case Number: SAI-DB-120801001	Serial # 43
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- When he questioned the customer, he learned his and his wife's names were recorded as having given contributions.
- When things got bad at Waverly, he told his wife they should look into the matter further.
- He spoke with Ann McFall the supervisor of elections around January 2011.
- At first he did not feel like she thought it was a big deal.
- He later received letter from her, but has not had any further conversation with her.
- He has not had any additional conversations outside of law enforcement besides the customer [he previously referenced].
- He first became aware of the 2012 contribution to the campaign of Ruth Trager was when an investigator came to see him.
- Jimmy Sotolongo partnered with Manny Bornia.
- M. Bornia came to the shop and spoke with him and another employee Harry about how they could run the shop better.
- M. Bornia then told J. Sotolongo we were bad mouthing him.
- M. Bornia and J. Sotolongo returned and made several "threatening" remarks.
- J. Sotolongo introduced M. Bornia by saying if he killed someone, M. Bornia would bury the body.
- J. Sotolongo said M. Bornia told him T. Davis had been badmouthing Sotolongo by saying Sotolongo did not pay his bills and Sotolongo was probably not the best partner.
- He confirmed he did make both statements and said a year from then they would both be biting each other in the back because they are both crooks.
- He felt like that pretty much ended his employment.
- He showed up the next day and his key no longer worked.
- He assumed from the conversation he was to get his things and leave.
- January 6, 2011 was his last day.
- He never had conversations with Jim Brown about supporting political candidates or contributions.
- But, he had several conversations with Jim Brown about political signs needed for Joyce Cusack (like 500 signs) or Josh Wagner (5 vehicle signs).
- As far as he knew, all of the vehicle decals and signs were paid for by someone to Waverly Media.
- He never collected money for orders.
- However, for walk-ins he may collect a check and walk it over to the office.
- They did not make the small yard signs in house.
- The small yard signs were made by a printing company in Eustis.
- He did not know how much Waverly would have paid for the signs.
- He did not recall doing small signs for Josh Wagner, just benches and vehicle windows.

Case Number: SAI-DB-120801001	Serial # 43
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- He did 25 benches for a candidate running for a bigger office in Deltona or Deland for whom he did 25 benches.
- He was a white-haired gentlemen and might be the one for whom his name was on the contribution list.
- He knew Jim Brown had quoted as low as \$150 per month and as much as \$250 per month for bench ads.
- Vehicle back windows ran \$100.
- He installed approximately 25 rear windows; 1/3 for Joyce Cusack, 9 – 11 for Josh Wagner, a couple for a local guy who did not win.
- He does not know if these decals were paid for.
- No one knew about his meeting with investigators for an interview.

The following items will be maintained as Related Items to this Investigative Report:

1. CD-Rom which contains a digital recording of Tim Davis's sworn statement.

Case Number: SAI-DB-120801001	Serial # 43
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple in-kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document my interview with witness Laura Davis.

On February 7, 2013 at approximately 2:00pm, State Attorney Investigator Gina Baker and I made contact with witness Laura Davis at 709 Sams Avenue, Port Orange, FL at which time L. Davis provided a sworn statement.

Laura Marie Davis 10/20/1974
406 Virginia Avenue
Port Orange, FL
(386) 631-3288

L. Davis substantively stated that:

- She graduated from High School in Ohio and is now attending the University of Phoenix.
- She has lived in Florida going on 3 years.
- She is employed by Four Seasons Lawn Care in Port Orange.
- She has been a registered voter in Volusia County since approximately 2009.
- She has never been actively involved in any political campaigns; she hates politics.
- She normally votes.
- She has never given money to any political campaigns.
- A financial contribution is when you give money; an in-kind contribution is when you give products instead of money.
- She did not know anything about and did not give an in-kind contribution in the amount of \$500 to the campaign of George Trovato that was recorded on 09/28/2010.
- She did not know who George Trovato was.
- She did not recall anyone asking her if they could make the contribution on her behalf.
- She did not recall anyone ever asking if they could make a political contribution on her behalf.
- She knew Jim Brown from when she worked for Waverly Property Group where she worked as a secretary.
- She also knew Jim Brown from her husband's work for Waverly Media.
- She was not exactly sure what Jim Brown did, except walk around on the phone all day.
- She thought Jim Brown was affiliated with Waverly Media.

Case Number: SAI-DB-120801001	Serial # 42
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- Her husband, Tim Davis, did all of the graphic design and production of the bus bench backs when he was there.
- She knew Jimmy Sotolongo was her employer's boyfriend and put on concerts.
- She knew Jimmy Sotolongo made financial decisions for the company, but was not certain of his role in the company.
- Jimmy Sotolongo gave instructions to a bookkeeper named Michelle and a dark haired girl who worked for a bar.
- She knew Ramara Garrett as her employer and broker.
- She knew Ramara Garrett was also affiliated with Waverly Media with Jimmy Sotolongo and Jim Brown through working with her husband at the office.
- She knew Stephanie Musselwhite as the closing title abstractor; she met her a couple times and worked with her on a couple of transactions.
- Stephanie Musselwhite was not affiliated with Waverly Media to her knowledge.
- None of these persons spoke about politics with her, but spoke around her.
- Their conversations usually were specific to who they wanted in office.
- She did not recall anyone ever speaking about their motivations.
- She believed they wanted certain people in office for their influence for the Pier Restaurant deal, the river front condo deal and other business in general.
- The river condo is the condo where Ramara's mother lives.
- She knew they did not maintain the proper insurance on the condominium.
- She knew they gave away a lot of bus benches and gave away a lot of printed materials to candidates.
- She knew they gave away the bus advertising because of what she heard.
- Had [Waverly] sold the advertisements, they would have been paid on time.
- She did not know how many advertisements were given away, but thought all of Joyce Cusack's ads were given away because she participated in producing the ads with her husband.
- [Waverly] had a hand in Josh Wagner's campaign and a lady in Ponce Inlet who she could not remember.
- She and her husband moved to the area November 2009 and started working for Waverly Property Group around October 2010.
- She worked with Waverly Property Group until the early part of January 2011.
- She thought her name was obtained [for use on political contributions] through her husband's employment with Waverly.
- When she referred to hearing "them" speak about giving away advertising she was referring to Jim Brown, Ramara Garrett and Jimmy Sotolongo.
- No one asked her to use her name for the campaign of George Trovato in 2010.
- Other than her name and her husband's name being used on political campaign contributions that they did not make, she did not know of anyone else's name being used.
- Her primary duties with Waverly were as a secretary.

Case Number: SAI-DB-120801001	Serial # 42
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- As her employment with Waverly was coming to an end, they were working her into a bookkeeping role, which she is glad did not happen.
- She answered the phone and dealt with walk-ins.
- She had a real estate background from West Virginia, so she had a baseline knowledge of what needed; title abstractor, closing agent, etc.
- She was a little more help than a telephone answerer.
- Her husband had a meeting with Manny LNU and Jimmy Sotolongo that did not go well.
- She heard Jimmy Sotolongo tell Kim Was (the property manager of Waverly Property Group) to find someone to change the locks.
- She called her husband and told him what she heard.
- Jimmy [Sotolongo] had the locks changed so [my husband] could not get back in.
- She was fearful of Jimmy.
- FPL turned off their electricity and Jimmy was able to make them turn it back on.
- She was never officially terminated, but she was afraid there would be a "blow up" or confrontation had she gone back the next day.
- She later spoke with Kim Was who told her all of the locks had been changed.
- Prior to the locks being changed, her husband had a key to the media building and she had a key to the property building.
- She knew they were underhanded.
- She knew they were not ethical because of her real estate background.
- At one point when they were putting on concerts, Jimmy wanted him to create fake bank checks to pay the bands.
- Her husband refused and that was the start of the demise of their relationship.
- There were not too many real estate dealings that she observed because R. Garrett's real estate practice was dwindling down.
- The majority of the work was property management.
- There was a guy buying a condo at riverfront but he needed a copy of the insurance policy on the condo to make the purchase and she was told they did not have it.

The following items will be maintained as Related Items to this Investigative Report:

1. CD-Rom which contains a digital recording of Laura Davis's sworn statement.

Case Number: SAI-DB-120801001	Serial # 42
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple in-kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document my interview with witness William Stone.

On February 6, 2013 at approximately 11:15am, State Attorney Investigator Gina Baker and I made contact with witness William Stone in the Lowe's Parking lot located on State Road 44 East in New Smyrna Beach, FL at which time W. Stone provided a sworn statement.

William John Stone 05/08/1968
580 Brook Circle
South Daytona, FL
(386) 405-4716

W. Stone substantively stated that:

- He has been employed by Waverly Media for the past two years.
- He has lived at 580 Brook Circle for about 10 years.
- Jim Brown is his boss.
- He builds and installs benches for Waverly Media in Deltona, Deland, New Smyrna, Edgewater, Oakhill, Ormond, Holly Hill...
- There are about 500 benches.
- Kim LNU is the secretary for Waverly Media.
- Eddie LNU also works part time.
- The artwork for the benches is made at a sign shop "Signasaurus".
- He installs the artwork on the benches.
- He is not a registered voter, he is a convicted felon.
- He was convicted of vehicular homicide resulting from a car accident in 1992 where his friend/passenger died.
- He initially served 10 ½ months and an additional 21 months in prison for violating probation.
- He was released from prison in 1997.
- Jim asked for permission to donate \$500 on his behalf for a political campaign.
- He told J. Brown that was fine as long as the money did not come from his check.
- He believed the money went to the campaign of Josh Wagner.
- He did not pay any money to Jim Brown.
- He does not know if the money was cash, check or money order.
- He did not know about any additional contributions.
- He did not know what an in-kind contribution was.

Case Number: SAI-DB-120801001	Serial # 40
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/06/13	Activity End Date: 02/06/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- [After learning what constitutes an in-kind contribution] He has never given an in-kind contribution to a political campaign.
- He has never given anything of value cash or in-kind contribution to a political campaign, other than the \$500 J. Brown asked to contribute in his name.
- He did not know about and did not make an in-kind contribution recorded on 5/24/12 in the amount of \$500 to the campaign of Jim Hathaway.
- He did not know about and did not make a money order contribution recorded on 6/26/12 in the amount of \$500 to the campaign of Justin Kennedy.
- He did not know about and did not make an in-kind contribution recorded on 8/09/12 in the amount of \$500 to the campaign of Josh Wagner.
- He did not know about and did not make an in-kind contribution recorded on 7/05/12 in the amount of \$500 to the campaign of Andy Kelly.
- He did not know about and did not make an in-kind contribution recorded on 6/23/12 in the amount of \$500 to the campaign of Derrick Henry.
- He did not know about and did not make an in-kind contribution recorded on 7/05/12 in the amount of \$500 to the campaign of Jeff Allebach.
- He did put up signs on benches for all of these candidates as part of his employment with Waverly Media.
- He assumed he would have to pay the \$500 back, but has never been asked for it.
- He asked [Jim Brown] if he would have to pay back the \$500 with his paycheck and he was told no.
- Prior to Detectives contacting him he did not know anything about these campaign contributions beyond the one \$500 contribution Jim Brown asked to contribute in his name.
- He has not had any conversation with Jim Brown or anyone else to discuss how he would answer questions about these contributions if he were ever asked.
- He knows Ramara Garrett as one of the main owners of Waverly Media.
- He knows Jimmy [Sotolongo] as the other owner of Waverly Media.
- They [Jimmy and R. Garrett] are a couple.
- Ramara Garrett and Jimmy [Sotolongo] had no conversations with him about making campaign contributions in his name.
- He has never heard the name Stephanie Musselwhite.
- The only conversation he ever had with anyone about contributing money to a political campaign in his name was one time with Jim Brown regarding a cash contribution he thought was being contributed to the campaign of Josh Wagner.

The following items will be maintained as Related Items to this Investigative Report:

1. CD-Rom which contains a digital recording of William Stone's sworn statement.

Case Number: SAI-DB-120801001	Serial # 40
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/06/13	Activity End Date: 02/06/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple In-Kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document the SAI interview with witness Terry Was.

On January 18, 2013, I obtained a State Attorney Investigative subpoena for Terry Was and Shirley Diane Was to appear before Assistant State Attorney James Disinger on Thursday January 24, 2013 and provide sworn statements pertaining to this investigation.

On January 23, 2013, State Attorney Investigator Gina Baker and I made contact with Shirley Was at her residence located at 2516 Unity Tree Drive, Edgewater, FL 32141. S. Was indicated her husband was not at home at the time. Therefore, I served both subpoenas upon S. Was.

On January 23, 2013, I learned attorney Michael Lambert contacted ASA Disinger and notified ASA Disinger the Was's had a previous commitment to attend the races at the Daytona Speedway with friends and requested the Was's be permitted to provide their sworn statements at a later date.

On January 28, 2013, I made contact with S. Was via telephone, at which time I confirmed she and her husband would appear before ASA Disinger on January 31, 2013 at 11:00am. S. Was agreed and confirmed she would notify her husband.

On January 31, 2013, Mr. Terry Was appeared at the Office of the State Attorney, located at 101 North Alabama Avenue, Deland, FL 32724, at which time he provided a sworn statement. Terry Was was sworn in as a witness by ASA Disinger. T. Was was then interviewed by ASA Disinger and SAI Baker.

Terrance Was
2516 Unity Tree Drive
Edgewater, FL 32141
(386) 424-1424

T. Was substantively stated that:

- He is employed part time working at a marina.
- He is a registered voter and has been since he was 18.
- He has not lived in Volusia county all his life.
- He previously lived in Ohio.
- He has donated to political campaigns in the past, when in Ohio.
- He has not donated to political campaigns since coming to Florida.

Case Number: SAI-DB-120801001	Serial # 39
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/18/13	Activity End Date: 01/31/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- He has lived in Florida 8 years in April; since 2005.
- Since moving to Florida he has not made any political campaigns.
- He is not aware of what the limits are on campaign contributions.
- He is not surprised to hear his name was used on a \$500 donation to the campaign of Justin Kennedy.
- It would surprise him to hear his name was used on \$500 In-Kind contributions to the campaigns of Andy Kelly and Joshua Wagner.
- He agreed they could use his name as a donor to the Justin Kennedy campaign.
- His daughter Kim called him and asked if she could use his name on a donation to Justin Kennedy's campaign.
- As long as he did not have to pay the money, he was okay with it.
- He knew of Kennedy's family and knew he was an Edgewater resident.
- He was not given any more details regarding the donation.
- His only [concern] was the donation was in his name and he did not have to give any money himself.
- He does not know Justin Kennedy personally.
- He has never met any of the other candidates.
- He knows Jim Brown, Kim works for or with him.
- He has met Jim, but they are not friends.
- He has met Jim at work functions for his daughter.
- He has met Ramara Garrett from work functions with her daughter.
- He does not know Jimmy Sotolongo by name, but he knows there are Jimmy's at the business.
- He does not know Stephanie Musselwhite.
- Kim told him her duties at Waverly were taking care of property rentals and answering the phone.
- He does not know the company name now, but his daughter sells advertising and answers the phone.
- He never physically saw the money order.
- He received a phone call from his daughter.
- He does not know who completed the money order or purchased it, he just gave permission to use his name.
- He was previously interviewed by SAI Jack Bisland.
- During his previous interview he was not entirely truthful because he was worried about his daughter getting into trouble.
- Everything he stated in this interview is entirely truthful.
- He does not know Andy Kelly or Josh Wagner.
- He never donated an In-Kind contribution to either campaign and was never asked if his name could be used in their campaigns.
- He never wrote a check to any other company on behalf of their campaigns.
- Until he was asked by investigators, he did not have any knowledge of his name being used in their campaigns.

Case Number: SAI-DB-120801001	Serial # 39
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/18/13	Activity End Date: 01/31/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

The following items will be maintained as Related Items to this Investigative Report:

1. Copy of the Subpoena served upon Terry Was.
2. CD-Rom which contains a digital recording of Terry Was's sworn statement.

Case Number: SAI-DB-120801001	Serial # 39
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/18/13	Activity End Date: 01/31/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple In-Kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document the SAI interview with witness Shirley Diane Was.

On January 18, 2013, I obtained a State Attorney Investigative subpoena for Terry Was and Shirley Diane Was to appear before Assistant State Attorney James Disinger on Thursday January 24, 2013 and provide sworn statements pertaining to this investigation.

On January 23, 2013, State Attorney Investigator Gina Baker and I made contact with Shirley Was at her residence located at 2516 Unity Tree Drive, Edgewater, FL 32141. S. Was indicated her husband was not at home at the time. Therefore, I served both subpoenas upon S. Was.

On January 23, 2013, I learned attorney Michael Lambert contacted ASA Disinger and notified ASA Disinger the Was's had a previous commitment to attend the races at the Daytona Speedway with friends and requested the Was's be permitted to provide their sworn statements at a later date.

On January 28, 2013, I made contact with S. Was via telephone, at which time I confirmed she and her husband would appear before ASA Disinger on January 31, 2013 at 11:00am. S. Was agreed and confirmed she would notify her husband.

On January 31, 2013, Ms. Shirley Diane Was appeared at the Office of the State Attorney, located at 101 North Alabama Avenue, Deland, FL 32724, at which time she provided a sworn statement. Shirley Diane Was was sworn in as a witness by ASA Disinger. S. Was was then interviewed by ASA Disinger and SAI Baker.

Shirley Diane Was
2516 Unity Tree Drive
Edgewater, FL 32141

S. Was substantively stated that:

- She previously provided a statement on October 30, 2012 that a woman called to ask if her name could be used in political campaigns and did not know who it was.
- The woman on the phone was her daughter Kim.
- She was not truthful (during the October 30, 2012 interview) because she did not know what the problem was and she did not want to bring Kim into it.

Case Number: SAI-DB-120801001	Serial # 38
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/18/13	Activity End Date: 01/31/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

- Kim asked her if her name could be used for campaign donations and she told Kim that she did not know; Kim would have to ask her father.
- Her husband was not at home, Kim had to call him.
- She never received any check from Kim or any other company for using her name.
- She did not hear of this again until it was brought up later [during the investigation].
- Kim never gave her any explanation as to why she wanted to use her name.
- Kim had never previously asked her to do anything like that.
- It seemed strange, but she did not think there was anything wrong with it.
- It did not cost her anything and she did not get any money back for it.
- She rode around on her way to the store looking for locations to put advertisements; benches or political, but she did not take any notes.
- She just knows there is a Jimmy and a Ramara at the office and she thinks Jim Brown is her boss now.

The following items will be maintained as Related Items to this Investigative Report:

1. Copy of the Subpoena served upon Shirley Diane Was.
2. CD-Rom which contains a digital recording of Shirley Was's sworn statement.

Case Number: SAI-DB-120801001	Serial # 38
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/18/13	Activity End Date: 01/31/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple In-Kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document my interview with witness Kimberly Was pursuant to an SAI Investigative Subpoena.

On January 23, 2013 at approximately 11:30am, State Attorney Investigator Gina Baker and I met with Jim Brown at Waverly Media, LLC, located at 4188 Dairy Court, Suite D, Port Orange, FL 32129. J. Brown was leaving the office as we met in the parking lot. We inquired as to whether or not Kimberly Was was working. J. Brown indicated K. Was was not at the office, but she should arrive sometime later in the day. We thanked J. Brown for his time and left. J. Brown also left in what appeared to be a white Toyota Sequoia. As we left, I observed a taupe Cadillac parked in the parking lot.

At approximately 12:00pm, SAI Baker and I returned to Waverly Media, LLC, at which time we discovered there was no one at the office. The door was locked and the lights were off. Both the white Toyota and the taupe Cadillac were not in the parking lot.

At approximately 1:15pm, SAI Baker and I returned to Waverly Media, LLC, at which time we observed the white Toyota was parked in the parking lot. The Cadillac was not present. We made contact with J. Brown at the front door to his office. Brown indicated K. Was was not at work and told us K. Was left the office to meet with Attorney Michael Lambert as a result of our previous visit. I advised J. Brown we had a State Attorney Investigative Subpoena for K. Was and asked J. Brown if he would be kind enough to contact K. Was and/or Mr. Lambert and request a time and location where we could meet to serve the subpoena. J. Brown indicated he would do so.

At approximately 2:35pm, SAI Baker and I returned to Waverly Media, LLC, at which time we observed both the white Toyota and Taupe Cadillac parked in the parking lot. Upon knocking on the door, we were greeted by both J. Brown and K. Was, at which time I served K. Was with the subpoena and explained to her the requirements of the subpoena. K. Was indicated she understood.

On January 24, 2013 at approximately 3:29pm, Assistant State Attorney James Disinger, SAI Baker and I met with K. Was at the Office of the State Attorney, located at 101 North Alabama Avenue, Deland, FL 32724 pursuant to the SAI Subpoena.

ASA Disinger swore Kimberly Was in as a witness in this investigation, after which K. Was provided a recorded sworn statement.

Kimberly Sue Was, 11/11/1980
3320 Gallia Street
New Smyrna Beach, FL 32168

Case Number: SAI-DB-120801001	Serial # 36
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/23/13	Activity End Date: 01/24/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

(386) 405-6199

K. Was substantively stated that:

- She is employed as an independent contractor with Waverly Media since April or May 2012.
- As an independent contractor she conducts the office duties, sells advertising.
- When Waverly Property Group closed, she was moved into a position with Waverly Media.
- She started work with Waverly Property Group in July 2007.
- Her duties changed over the years.
- Initially she worked as an office manager.
- She later handled property management and vacation rentals.
- She was hired by Ramara Garrett (who she positively identified by Florida Driver's License photograph), who was the owner/broker (of Waverly Property Group).
- Jim Sotolongo was also involved with Waverly Property Group, but she did not know his exact involvement.
- J. Sotolongo was a signer on the bank account.
- They [J. Sotolongo and Ramara Garrett] were boyfriend/girlfriend and lived together.
- They [J. Sotolongo and Ramara Garrett] had their own homes; one in Tampa and the other in Orlando, but they lived together [at each other's homes].
- J. Sotolongo gave guidance, directions and suggestions about what could be done to make business better.
- There were approximately 10 realtors that worked for Waverly Property Group over time.
- As far as she is aware, Waverly Property Group is closed.
- Waverly Media was purchased in 2008 and became part of our [Waverly Property Group] and was located in the same building.
- Ramara Garrett and James Sotolongo (who she positively identified by Florida Driver's License photograph) were the only owners of Waverly Property Group.
- Taking messages for Jim Brown with Waverly Media was the extent of her involvement.
- Her role transitioned to Waverly Media in 2012.
- Jim Sotolongo and Ramara Garrett were the owners of Waverly Media as far as she knew.
- They [Jim Sotolongo and Ramara Garrett] hired Jim Brown.
- She later heard Stephanie Musselwhite may be involved.
- Stephanie Musselwhite came to business meetings with Jim Sotolongo, Ramara Garrett and Jim Brown.
- As her role transitioned to working for Waverly Media, Jim Brown handled the day to day operations.
- Waverly Media is in the bus bench advertising business.

Case Number: SAI-DB-120801001	Serial # 36
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/23/13	Activity End Date: 01/24/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
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- She handles the day to day bookkeeping in Quickbooks [account software].
- Waverly Media does not have any sales persons other than herself and Jim Brown.
- Sadly, until October 2012 when she drove around and wrote down every bench the company had placed, all information was in Jim [Brown's] head.
- They do not keep track of how many are sold.
- There are about 700 benches countywide.
- All benches are located in Volusia County.
- Benches are located in Edgewater, Holly Hill, Deland, Deltona, New Smyrna Beach, Port Orange and the unincorporated Volusia County.
- There number of benches located in each area are approximately:
 - Edgewater 40 – 75 benches
 - Holly Hill 40 – 75 benches
 - Deland 40 – 75 benches
 - Deltona 100 – 150 benches
 - New Smyrna Beach 40 – 75 benches
 - Port Orange 100 – 150 benches
 - Unincorporated Volusia county 100 benches
- There is approximately \$30,000 in gross revenue generated on a bad month and as much as \$60,000 in gross revenue generated on a good month.
- They attract customers to place bench advertisements from the existing benches placed.
- Initially she did cold calling, however Jim Brown relies on bench advertising already there and it seems to work.
- She recognized Jim Brown (who she positively identified by Florida Driver's License photograph).
- The company typically does not receive cash.
- Either she or Jim Brown goes to the P.O. Box and picks up the mail.
- She typically entered the deposits into QuickBooks and prepared the bank deposit and Jim Brown usually took the deposit to the bank, however she sometimes took the deposit to the bank too.
- Waverly Media did sell advertisements to Political candidates.
- Political advertisements went up and down with the political season.
- She was only aware of political advertisements that were paid for if she was directly involved in placing the ad or handling the payment.
- She did not know whether all political advertisements were paid.
- She was not personally involved in any of the political [advertisements].
- As an example, Carl Pursis had a lot of benches.
- He [Carl Pursis] would call, I would refer him to Jim Brown.
- After Carl Pursis spoke with Jim, I would prepare the invoice in QuickBooks and send it out.
- She used the invoice feature of QuickBooks to enable her to be able to pull reports on any invoice created.

Case Number: SAI-DB-120801001	Serial # 36
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/23/13	Activity End Date: 01/24/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
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- Everyone had access to QuickBooks, but she did not think anyone would touch it.
- She does not know that anyone knows the password besides herself and Jim Brown.
- The QuickBooks [program and files] are saved on the desktop computer she uses on her desk.
- There were advertisements that were placed for which no invoices generated.
- Her knowledge was minimal with advertisements she did not invoice.
- They did not invoice all political advertisers.
- She knew they were donating advertising to several candidates.
- They invoiced some political candidates, but not all.
- She was unsure who made the decisions as to which political candidates were invoiced.
- Jim Brown would be the person who told her to generate invoices, if one was generated.
- All signs were not made at the same location.
- As a company and as individuals they donated [to political candidates].
- She knows some advertising was produced for political candidates that was not invoiced as she heard Jim Brown, Ramara Garrett and Jim Sotolongo speak.
- She is a registered voter in Florida since 2007 when she moved here.
- She has given money to political campaigns.
- She has only given money to political candidates in 2012.
- She gave money to 4 political candidates.
- She also gave in-kind contributions.
- She gave \$500.00 to Frank Bruno, Jeff Allebach, and Derek Henry.
- She makes a base salary of \$650 per week.
- She made close to \$40,000 during 2012.
- Her understanding of an in-kind contribution is volunteering her time, energy or whatever she decides to give to someone.
- Her understanding [of an in-kind contribution] was picked up in the office.
- The information of in-kind contributions was reported to a particular candidate.
- She did not specifically report anything to any candidate.
- It would have been someone from the office [Waverly Media] who would have made the report.
- She knows campaign contributions are limited to \$500.
- For the in-kind contributions made in her name to 4 different candidates, she never paid Waverly Media for each of the advertising expenses; she never worked for free or reduced wages to pay for the expenses.
- She worked outside of her business hours for which she was not compensated.
- The work she performed outside of her normal business hours was for Waverly Media for a campaign.
- At no point did she put a value on anything she did.

Case Number: SAI-DB-120801001	Serial # 36
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/23/13	Activity End Date: 01/24/13

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SEVENTH JUDICIAL CIRCUIT OF FLORIDA
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INVESTIGATIVE REPORT

- She performed duties and helped, but she did not determine the value.
- She made phone calls in regards to artwork.
- She met candidates so they could pick up yard signs.
- She works for salary so her work varied.
- She never wrote a check to cover \$2,000 worth of signs.
- She gave a \$500 in-kind contribution to Justin Kennedy's campaign by helping coordinate various tasks and artwork for his campaign.
- These efforts [for Justin Kennedy] were not part of her specific duties with Waverly Media.
- It was often stated in the office by Jim Sotolongo that we needed to help certain people.
- Most likely she the work she performed was during office hours.
- She is confused over whether or not her donation of time was an in-kind contribution.
- She did tasks that helped Justin Kennedy or other candidate's campaigns, but she did not put a dollar amount on it.
- She did not pay \$500 to anyone for an in-kind contribution to any of the 4 contributions reported [in her name].
- She does not know who reported her name with the in-kind contributions but she assumed it was the person who runs day to day operations, Jim Brown.
- She wrote a \$500 money order to Jeff Allebach's campaign.
- Jim Brown brought the money order to the office and she filled it out at Jim Brown's request.
- She did not spend \$500 from her pocket to pay for the money order.
- She did not know where the money order was purchased.
- Jim Brown told her the money would be sent to Jeff Allebach's campaign.
- Jim Brown told me that Jimmy Sotolongo called and told Jim Brown they needed to get some money together for this candidate.
- With regards to the \$500 contributions to Frank Bruno and Derick Henry, [and one other candidate] she wrote checks from her personal bank account, however she was reimbursed.
- She gave \$500 to Frank Bruno in January 2012, but did not remember how she was reimbursed.
- Jimmy Sotolongo came to the office and told her to write a check to Roy Johnson, and Derick Henry, then to cut herself a check from the Waverly Media company account to reimburse herself, which Jim Brown signed.
- [In previous interviews given by her parents] She knew her parents said they did not know who called them, but they said that to protect her.
- Jim Brown asked her if she thought her parents would mind donating.
- She called her mom who told her to call her father.
- She called her father who agreed.
- She knew the contributions through her parents were for Justin Kennedy.

Case Number: SAI-DB-120801001	Serial # 36
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/23/13	Activity End Date: 01/24/13

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- She did not donate cash to Justin Kennedy.
- She gave money to Jeff Allebach.
- Jim Brown purchased the money orders and provided them to her to complete after asking her if she thought her parents would mind.
- She filled out \$500 money orders for each of her parents, which were sent to Justin Kennedy's campaign.
- Jim Brown asked her if Chuck Wales would mind allowing his name to be used.
- Jim Brown purchased a money order and provided it to her to complete after asking her if she thought Chuck Wales would mind.
- She also filled out a \$500 money order for Chuck Wales, which was sent to Jeff Allebach's campaign.
- She gave the money orders back to Jim Brown.
- She assumed because she and Chuck had donated [to campaigns] and lived at the same address [with Chuck Wales] and because their names were two letters apart someone [connected with a campaign] "corrected" her name [to WALES and not WAS] for the report.
- She never reported any contribution in the name Kim Wales.
- Chuck Wales is her boyfriend.

The following items will be maintained as Related Items to this Investigative Report:

1. Copy of the SAI Subpoena served upon Kimberly S. Was.
2. CD-ROM which contains the digital recording of Kimberly S. Was's sworn statement.

Case Number: SAI-DB-120801001	Serial # 36
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 01/23/13	Activity End Date: 01/24/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple In-Kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document the arrest of James Brown in connection with these allegations.

On or about April 17, 2013, I prepared a complaint affidavit which I presented to the Honorable Circuit Court Judge Randall Rowe who signed and authorized a warrant for the arrest of James Heflin Brown, III, w/m, 09/20/1954 for the following criminal charges pertaining to this investigation:

1. Exceeding Campaign Contribution Limitations (Felony 3rd Degree) in violation of FSS 106.08(7)(b).
2. Exceeding Campaign Contribution Limitations (Felony 3rd Degree) in violation of FSS 106.08(7)(b).
3. Exceeding Campaign Contribution Limitations (Misdemeanor 1st Degree) in violation of FSS 106.08(7)(a).

Following the issuance of the warrant, Assistant State Attorney James Disinger made contact with attorney Michael Lambert, counsel for the Defendant/Brown, at which time Disinger and Lambert made arrangements for Brown to turn himself in to me at the Volusia County Jail the next morning.

On or about April 18, 2013 at approximately 10:30am, State Attorney Investigator Robert O'Connor, FDLE Special Agents Scott Peterka and Tim Craft and I made contact with J. Brown at the Volusia County Jail at which time, upon confirming the warrant had been entered into the Sheriff's Office system, Brown was booked by the responding Volusia County Deputy Sheriff without incident.

The following items have been attached to this investigative report as Related Items

1. Copy of the Warrant number 2013-125564 and Probable Cause Affidavit.

Case Number: SAI-DB-120801001	Serial # 70
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 04/18/13	Activity End Date: 04/19/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
VOLUSIA, FLAGLER, PUTNAM & ST. JOHNS COUNTIES
INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple In-Kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document my interview with witness Margie Hill.

On February 7, 2013 at approximately 3:08pm, State Attorney Investigator Gina Baker and I made contact with witness Margie Hill at 4021 Oriole Avenue, Wilbur by the Sea, FL at which time M. Hill provided a sworn statement.

Margie Ann Hill 05/01/1941
4021 Oriole Avenue
Wilbur by the Sea, FL
(386) 767-9056

M. Hill substantively stated that:

- She is unemployed.
- She resides at 4021 Oriole Avenue, Wilbur by the Sea and has done so for approximately 10 years.
- She is a registered voter.
- She does not consider herself politically active.
- She has never given any money to a political campaign.
- She has never donated time or volunteered for a political campaign.
- [After being explained and understanding the definition of a monetary vs. In-kind contribution] she has never given a financial contribution to a political campaign.
- She has never given an In-kind contribution to a political campaign.
- She did not know about and did not make an In-kind contribution in the amount of \$500 to the campaign of Jim Hathaway on 05/24/12.
- She did not know about and did not make an In-kind contribution in the amount of \$500 to the campaign of Josh Wagner on 08/09/12.
- She did not know about and did not make an In-kind contribution in the amount of \$500 to the campaign of Andy Kelly on 07/05/12.
- The first time she became aware of these three contributions was when two investigators previously met with her.
- She also remembered receiving thank you letters from the campaign of Wagner and another [candidate] but she could not remember who.
- No one had ever asked for her permission to use her name on a political contribution.
- She knew Jim Brown; he used to live next door to her.
- The Brown's moved 3 or 4 years ago.
- She was friendly with the Browns.

Case Number: SAI-DB-120801001	Serial # 44
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
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INVESTIGATIVE REPORT

- Jim Brown never asked for her permission to use her name on these political contributions.
- She did not know exactly in what business Jim Brown was involved.
- She did not know any of these political candidates.
- She did not know anyone who may be affiliated with the candidates.
- She did not know Ramara Garrett or Jimmy Sololongo except for a newspaper article she recently read.

The following items will be maintained as Related Items to this Investigative Report:

1. CD-Rom which contains a digital recording of Margie Hill's sworn statement.

Case Number: SAI-DB-120801001	Serial # 44
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
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INVESTIGATIVE REPORT

This investigation involves allegations Waverly Media, LLC and/or its owners, officers and/or its stockholders violated campaign finance laws through multiple In-Kind campaign contributions made to several political candidates during the 2010 and 2012 elections contrary to Florida State Statute 106.08. This report will document my interview with witness William Hill.

On February 7, 2013 at approximately 3:17pm, State Attorney Investigator Gina Baker and I made contact with witness William Hill at 4021 Oriole Avenue, Wilbur by the Sea, FL at which time W. Hill provided a sworn statement.

William Vincent Hill, Sr. 11/19/1938
4021 Oriole Avenue
Wilbur by the Sea, FL 32127
(386) 767-9056

W. Hill substantively stated that:

- He is not employed.
- He has been retired for 10 years.
- He has resided in at his residence since 2003.
- He does not consider himself politically active.
- He is a registered voter.
- He thinks he made a donation of \$25.00 to the Republican Party over the telephone.
- He believed a financial contributions was money and an In-kind contribution was working for a [campaign] by rendering a service.
- [After learning the definition of an in-kind contribution], he did not know about and did not make an in-kind contribution in the amount of \$500 to the campaign of Jim Hathaway on 05/24/12.
- He did not know who Mr. Hathaway is.
- He did not know about and did not make an In-kind contribution in the amount of \$500 to the campaign of Justin Kennedy on 05/01/12.
- He does not know who Mr. Kennedy is.
- He did not know about and did not make an in-kind contribution in the amount of \$500 to the campaign of Joshua Wagner on 08/09/12.
- He did not know about and did not make an in-kind contribution in the amount of \$500 to the campaign of Andy Kelly on 07/05/12.
- He did not make any political contributions to the 2012 campaigns of Jim Hathaway, Justin Kennedy, Joshua Wagner and Andy Kelly.
- No one had ever asked him for permission to use his name to make financial or In-kind contributions to any of these campaigns.

Case Number: SAI-DB-120801001	Serial # 45
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

OFFICE OF THE STATE ATTORNEY
SEVENTH JUDICIAL CIRCUIT OF FLORIDA
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- The first time he became aware his name was used on any of these campaigns was when a couple of gentlemen came by and asked similar questions.
- He reported the same thing [he did not make the contributions].
- He used to have a neighbor by the name of Jim Brown.
- He had lived in the area since 2003.
- Another man lived in the home next door who he thought may have been Jim Brown's brother, who lived there for about a year.
- Jim Brown arrived by himself around 2005 and remained until he bought a house in Ponce Inlet.
- He never had any conversations with Jim Brown about politics.
- He may have come in contact with Jim Brown once a week.
- He knows nothing about the local [politics]; his focus is on national [issues].
- He thought Jim Brown was in the real estate business, a magazine kind of thing and benches at bus stops.
- He did not know if any politicians advertised on the benches.
- Jim Brown never spoke with him about the business.
- Jim Brown never asked for permission to use his name for any political contributions for purchasing benches or helping out any political campaigns.
- He did not know the name Jimmy Sotolongo until a recent article in the newspaper.
- He did not know the name Ramara Garrett until a recent article in the newspaper.

The following items will be maintained as Related Items to this Investigative Report:

1. CD-Rom which contains a digital recording of William Hill's sworn statement.

Case Number: SAI-DB-120801001	Serial # 45
Author: SAI Michael K. Taylor	Office: St. Johns
Activity Start Date: 02/07/13	Activity End Date: 02/07/13

SUMMARY OF SAO INVESTIGATIVE REPORT ON THE EVENT AT CRABBY JOE'S RESTAURANT

On October 25, 2012 Mr. Wagner hosted an event at Crabby Joe's ("CJ") on the Sunglow Pier for his campaign for County Council. Mr. Wagner had used Crabby Joe's in the past for campaign events and fundraisers; one as recent as August during the primary season. He stated that the restaurant is close to his house and easily accessible to him. When asked by the SAO about the circumstances of the event Mr. Wagner advised that it was not a fundraiser but merely a get out the vote party to celebrate the election coming up with roughly 40 friends and family. Mr. Wagner advised that Luke Zona (General Manager at CJ) knew this was an "in-kind" event that would total \$300 since Crabby Joe's had previously donated \$200 for the general election. Wagner claimed he wanted to replicate the first event, which cost him \$289; "The first event I had, like, 300 bucks. I paid for it. It came out of my campaign funds. When I called to do it, I said, can we do the exact same this but as an in-kind event? And they said, yes." Mr. Wagner repeated multiple times that Mr. Zona knew it was an in-kind event only to total \$300 and that it was not a fundraiser for his campaign. Mr. Wagner said he never asked Mr. Zona or any other staff member for discounted food and beverages. He claimed it was part of a catering package provided by the restaurant.

Dialogue between Taylor & Wagner

Taylor-"And did you have any arrangement about the cost of the food? You'd be paying menu prices but up to \$300?"

Wagner-"Well, they had a — it was up to 300 and they can put together assortments, is what they do for catering, like a catering."

Taylor-"But he didn't say, I'll give you half priced food or anything like that?"

Wagner-"No, no, no."

Taylor-"What about the second one? Did you have any — were you going to pay menu prices?"

Wagner-"No. It was just like the first one. It was the same thing. A person — a campaign event. They would put it together. I think what happened, in the reality of it, is I just think, you know, it was a long day. Luke wasn't there and it may have gotten messed up a little bit, obviously." P31

Mr. Zona painted a different picture of the events that transpired that evening. He was not in attendance at the party, and this, Mr. Wagner said, "complicated" things a bit, although he said everything was arranged beforehand. The SAO report stated, "Mr. Zona advised that Josh Wagner had asked him to help him organize a fund raiser for his campaign for re-election to the Volusia County Council at CJ's and Zona agreed." Mr. Wagner claimed it was not a fundraiser, yet told Mr. Zona it was a fundraiser and also received 13 separate donations to his campaign that same day. Mr. Zona stated that "Wagner asked for beer at a lower price and appetizers at a lower price stating he was going to invite a bunch of people in hopes of having them vote for him." The deal was to have beer and appetizers on a separate bill, which would all be half priced. All other alcohol would be on a separate tab at regular price. Mr. Zona stated that he assumed the restaurant would be getting paid for the event and said Mr. Wagner never mentioned it being an in-kind contribution or event. Investigator Bisland asked Mr. Zona if he ever advised Mr. Wagner that the event would be free of charge to which Mr. Zona replied he did not. Mr. Zona believed Wagner was negotiating these prices to make it cheaper for himself.

That night, Mr. Zona received a call from his floor manager explaining that the party was almost over and that the bill was nearly \$1,400. He told the employee to cut the bill in half and use the employee 50% discount. Fifteen minutes later Mr. Zona received another call from his employee advising that Mr. Wagner claimed the event was supposed to be free of charge as an "in-kind" contribution, to which Mr. Zona replied he "wasn't sure what that means." Although Mr. Wagner claimed he told Mr. Zona before the event that it was supposed to be an in-kind event totaling \$300, Mr. Zona said this was not the case and that he did not find out what an in-kind contribution was until Mr. Wagner called him 10 minutes after he spoke with his floor manager. While talking to Mr. Wagner, Mr. Zona mentioned the bill being \$700 and asked Mr. Wagner what he wanted to do about it. Mr. Zona then said he would cover the \$700 as an in-kind contribution and cover the tip as well.

Mr. Zona stated that his servers were upset that the tab was not being covered and were afraid they would not get a tip from Mr. Wagner and his friends. Mr. Zona said he would cover the whole tab and the tips for all of his employees that served that night. He said that he was in the business to make money and had not intended to cover the tab for that night. Mr. Bisland asked if Mr. Wagner or any other candidates for office who held events at the restaurant ever asked for an invoice or an email as verification to how much the in-kind contribution was to assist them in filing their campaign contribution reports. He said they had not. "Zona verified that if the described verifications were provided it would have been him who would have prepared them."

Joyce Shader was the floor manager the evening of the Wagner fundraiser. Mr. Zona identified Jeff Sewell as a server who worked the event that evening and as the person who actually handed Josh Wagner the bill. Mr. Zona said that Mr. Sewell represented that he handed the bill to Mr. Wagner and Mr. Wagner stated "Luke's going to take care of the bill." Sewell then took the bill back. Mr. Wagner told investigators he was never handed a physical copy of the bill.

Dialogue between Bisland and Wagner

Bisland-"Do you remember the amount of the bill that you were presented with that night?"

Wagner-"I don't think I was actually given the bill."

Bisland-"You weren't handed the tab or anything?"

Wagner-"I don't think I was actually given a physical bill." (p18)

Mr. Zona said that the bill Wagner received was for nearly \$700, assuming that Mr. Wagner knew at the beginning that would be the in-kind contribution (roughly \$700) yet Mr. Wagner wanted the whole tab covered.

An incident occurred in which a server was fired the night of the event and Mr. Wagner advised it was over a misunderstanding about who was part of his party. He told investigators that a belligerently drunk man had gotten into a disagreement which had upset a server which he found out another day had been fired.

Dialogue between Bisland and Wagner

Bisland- "Do you remember there being a controversy or issue about the tip?"

Wagner- "Yeah. The lady was fired for... I guess there was a drunk guy that wasn't really there for my event. That's what the problem was. When I brought up the issue of people being there but not there – I can tell you the bill shouldn't be that high. That's ridiculous." P26"

According to Mr. Zona and Ms. Hansen (the server who was terminated) this was not the case. Ms. Hansen followed Mr. Wagner to the parking lot and complained because he was not paying his tab or tipping the servers. Mr. Wagner then called Mr. Zona, and Mr. Zona ended by firing the server via speaker phone. Mr. Wagner claimed he found out about the termination at a later date via a Facebook post or conversation with Mr. Zona and that the termination was over a

misunderstanding about guests, none of which is true according to Mr. Zona, Ms. Hansen and other witnesses.

Mr. Sewell was the server who handed Mr. Wagner the bill the night of the fundraiser; the SAO report states, "Mr. Sewell presented Josh Wagner with the bill and Wagner advised Mr. Sewell that he didn't have enough money so he needed to get money from a different account." Mr. Sewell also stated that with the permission of Mr. Wagner the guests were placing their drink orders on the tab that was supposed to be discounted to half-price by the house.

The confrontation in the parking lot apparently was contentious. The SAO investigator reported that Mr. Sewell, Ms. Hansen, and Ms. Shader were very unhappy with Mr. Wagner's conduct that evening. Ms. Hansen was told to get all beer, wings and appetizers on a separate tab that would be discounted later in the night for Mr. Wagner.

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REPLY TO:
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February 27, 2014

VIA EMAIL & U.S. MAIL

Jonathan D. Kancy, Jr.
55 Seton Trail
Ormond Beach, Florida 32176

In Re: Document Entitled "Subpoena Duces Tecum"

Dear Mr. Kancy:

I have received a document entitled "Subpoena Duces Tecum" which appears to bear your signature. The document was served on me this past Tuesday for what it asserts to be an examination under oath to occur tomorrow morning, Friday, February 28, 2014, at 9:00 a.m.

I have concerns about your authority to command anyone to appear before you in the context of these purported proceedings. The implications of, the potential for, your lack of authority are far reaching. Accordingly, I respectfully decline to attend.

I am, however, very willing to discuss my thoughts related to the policy considerations outlined in the County Council's Ordinance 2014-01. I will do so voluntarily if you have an interest in my thoughts. I respect the County Council's interest in endeavoring to explore better ways to regulate our community. For that matter, I welcome a call from any County Council member who is interested in discussing any policy consideration.

Sincerely,

Theodore R. Doran

TRD:rjk

P.S. Attached is the original check delivered to me in the amount of \$5.24. By way of this correspondence, I am returning it to you.

**EXHIBIT
C**

To Final Report on
Waverly Matter



NOTE TO FILE

Date: September 4, 2014

Re: Waverly Matter – In-kinds listed within Final Report

Referenced in the Final Report on Investigation of the “Waverly Matter” were the lists of in-kind contributions within the State Attorney’s Office Investigation as follows:

Investigative Report No. 1, dated August 1, 2012 provided a list of six (6) candidates’ in-kind contributions.

Investigative Report No. 19, dated December 10, 2012 updated the list with five (5) additional candidates’ in-kind contributions.

There was one (1) candidate not listed within the State Attorney’s Office Investigation which should have been included in the Final Report on Investigation of the “Waverly Matter” as follows:

Candidate	Value	Type	Donor	Nature
Doug Daniels	\$250	In-Kind	R. Garrett	Food/Drink