

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Ben F. Johnson**

**Case No.: FEC 19-119**

**TO:** F.A. "Alex" Ford, Jr.  
Landis Graham French P.A.  
145 East Rich Avenue, Suite C  
DeLand, FL 32724

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**NOTICE OF HEARING (REVIEW PETITION FOR ATTORNEY'S FEES AND COSTS)**

A hearing will be held in this case before the Florida Elections Commission on, **August 13, 2019 at 8:30 am**, or as soon thereafter as the parties can be heard, at the following location: **Senate Office Building, 404 South Monroe Street, Room 110-S, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

**If you are the Respondent**, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

**If you are the Complainant**, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

**If you are an Appellant**, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

**See further instructions on the reverse side.**

***Tim Vaccaro***

Executive Director  
Florida Elections Commission  
July 29, 2019

This **Motion or Petition for Attorney's Fees** will be conducted pursuant to Section 106.265(6), Florida Statutes, and Chapter 28 and Commission Rule 2B-1.0045, Florida Administrative Code. The Commission will determine whether the petition contains sufficient facts to support a claim for costs and attorney's fees and, if so, the Commission will order a hearing involving disputed issues of material fact (formal hearing) before the Commission, a Commissioner or Commissioners designated by the Commission, or the Division of Administrative Hearings.

If the Commission determines that there are not sufficient facts to support a claim, the motion or petition will be denied or dismissed.



FEC CASE NO.: 19-119; Respondent: Ben F. Johnson - Reply to Complainant's Response to Petition for Attorney Fees and Costs and to Additional Complaint Information  
to: Florida Elections Commission 07/26/2019 02:58 PM  
Cc: "Alex Ford", "Diane Harney"  
From: "Diane Harney" <dharney@landispa.com>  
To: "Florida Elections Commission" <fec@myfloridalegal.com>  
Cc: "Alex Ford" <aford@landispa.com>, "Diane Harney" <dharney@landispa.com>

1 Attachment



2019.07.26 Respondent Reply to Complainant Response to Petition for Attorney Fees.pdf

Good Afternoon:

Attached please find our Reply to Complainant's Response to Petition for Attorney Fees and Costs and to Additional Complaint Information regarding the above-referenced F,E,C, Case. Please advise if you need additional information. Please confirm receipt.

Thank you,

Diane Harney, Legal Secretary  
to F.A. (Alex) Ford, Jr., Esquire  
to Kathrine E. Conroy, Esquire  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, Florida 32724  
Phone: 386-734-3451  
Fax: 386-736-1350  
[dharney@landispa.com](mailto:dharney@landispa.com)



FLORIDA ELECTIONS COMMISSION  
107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
[fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Case No.: FEC 19-119  
and Case No.: FEC 19-105

BEN F. JOHNSON,

Respondent.

---

**RESPONDENT'S REPLY TO COMPLAINANT'S RESPONSE TO PETITION FOR ATTORNEYS FEES AND COSTS and to ADDITIONAL COMPLAINT INFORMATION**

The Respondent, BEN F. JOHNSON, by and through his undersigned counsel, files this Reply to Complainant's Response to Petition for Attorney's Fees and Costs and to Complainant's Additional Complaint Information ("Reply"), as follows:

**I. Background.**

1. The Respondent, Mr. Johnson, is the former Sheriff of Volusia County and currently serves on the Volusia County Council as the "at large" representative. The Complainant was a write-in candidate for County Council and lost to Mr. Johnson.
2. Respondent brought this and a companion F.E.C. complaint against Respondent, both of which were dismissed by the F.E.C.
3. Respondent filed a petition for attorneys' fees and costs (the "Petition") against Complainant after this case and the companion F.E.C. case were dismissed.
4. The Complainant, Mr. Casaburro, replied to the Petition with a handwritten cover letter dated June 4, 2019 and typed response dated June 3, 2019, hereinafter collectively referred to as his "Response."
5. Mr. Casaburro also filed a document titled "Additional Complaint Information" which was dated June 17, 2019, and which is hereinafter referred to as his "Additional Information."
6. This Reply is directed to both of the above-referenced filings by Complainant. Respondent will address both filings in the order of the points presented in them.
7. For purposes of this Reply, Respondent incorporates his Petition as a part hereof.

## II. Complainant's Response

### a. **There was no agreement to forego pursuit of attorneys' fees and costs in this cause.**

8. As his first point, Complainant asserts there was an agreement between undersigned counsel and his attorney, basically asserting the agreement was that Respondent would not pursue fees against Complainant regarding the F.E.C. cases.
9. As further background, the Complainant had brought a Circuit Court action (Casaburro v. Frederick, etc., Case No.: 2019-10091-CIDL, in Circuit Court of the Seventh Judicial Circuit), in addition to the Florida Elections Commission complaints. The Complainant was not originally represented by counsel in any of these matters.
10. There was no agreement between undersigned counsel and Mr. Trovato regarding the F.E.C. cases, as was falsely stated by the Complainant. After Mr. Casaburro was served with a Section 57.105 motion, Mr. Trovato contacted undersigned counsel and inquired whether Mr. Johnson would pursue attorneys' fees if the Complainant voluntarily dismissed the Circuit Court case. Mr. Trovato was advised undersigned counsel would get back with him after discussing the matter with Mr. Johnson.
11. After discussing the matter with Mr. Johnson, undersigned counsel transmitted an email to Mr. Trovato on April 11, 2019, a copy of which is attached as Exhibit A. The email is very specific that Mr. Johnson would not pursue attorneys' fees against the Complainant in the Circuit Court action. Undersigned counsel did not give any sort of assurance to Mr. Trovato in regard to the F.E.C. No fees were pursued in the Circuit Court case, as was agreed.
12. At the time of the discussions between counsel, the F.E.C. cases were still in a confidential status and were not mentioned to Mr. Trovato. However, undersigned counsel did tell Mr. Trovato there were other pending matters and advised that he should discuss them with the Complainant if he wanted to resolve all outstanding matters.
13. To the best recollection of undersigned counsel, no other communications took place with Mr. Trovato regarding this issue before the Notice of Voluntary Dismissal was filed on behalf of the Complainant in the Circuit Court case. After the Notice of Voluntary Dismissal was filed in Circuit Court case and after the Petitions for attorneys' fees were filed in the F.E.C. cases, Mr. Trovato advised undersigned counsel that he and the Complainant had discussed the F.E.C. complaints and Complainant had (incorrectly) told him the F.E.C. cases were no

longer active. Unfortunately, Mr. Trovato apparently took the Complainant at his word and did not advise undersigned counsel of their discussion.

14. In fact, the F.E.C. cases were still pending.
15. Perhaps, if the Complainant had given his attorney accurate information, the attorney would have sought a global resolution including the F.E.C. cases. That would have been the likely outcome of such a call, in the opinion of undersigned counsel. But that conversation never took place.
16. The Complainant never offered to withdraw the F.E.C. cases, through Mr. Trovato or otherwise, and the cases continued to be pending until the F.E.C. took its final actions in the respective cases.
17. Final action in both cases occurred shortly after the Circuit Court case was voluntarily dismissed, and after the April 11, 2019, email from undersigned counsel. One of the cases was closed because the Complainant failed to submit additional information; a fact unknown to Respondent until the dismissal was received. (See F.E.C. letter dated April 30, 2019). The other case was closed after the Complainant had submitted additional information to amend his F.E.C. Complaint and his amended complaint was deemed insufficient. (See F.E.C. letter dated April 15, 2019). See F.E.C. initial letters of dismissal and final determinations, on Case nos. 19-105 and 19-119, which are all enclosed as Exhibit B.

**b. Complainant's Response Contains Allegations Which Are False, Slanderous, Malicious and Irrelevant To The Issues At Hand, Which Further Demonstrates His Malicious Intent.**

18. In the cover letter portion of his Response, Complainant stated he was "forced to defend [him]self and enter evidence about Johnson's sexual misconduct, homicide concerning race, F.B.I. and Justice Dept. findings & more."
19. None of the allegations Complainant makes against Respondent are true. While this is not the forum for adjudicating the falsity of these slanderous allegations, evidence of their falsity is material for adjudication of the issue of malice in determining an award of attorneys' fees. Should it be determined sufficient cause has been shown to conduct a hearing on the Respondent's request to be awarded fees and costs, Respondent should be given the opportunity to rebut these allegations.
20. Moreover, and also of great significance to the issue of Complainant's malice, none of these allegations are even slightly relevant to the question of attorneys' fees and costs, which is the remaining issue at hand.

21. Since Complainant's gratuitous statements impugning Respondent's character are false, besides having nothing to do with this matter, Respondent asserts they were published for no legitimate reason other than to further disparage Respondent, and serve as evidence of his continuing malicious intent with regard to this proceeding.

**c. Mr. Casaburro's "Reply to 19-119"**

22. Mr. Casaburro's disparaging remarks against Mr. Frederick, are false and not relevant to the issue of attorneys' fees and costs.

**d. Johnson's Notice of Additional Facts**

23. Complainant's assertion there was a "Lawyer to Lawyer gentleman's agreement" not to pursue fees and costs in this action is false. This point has been addressed above.
24. Complainant did file a Bar grievance against undersigned counsel, as suggested in his Response. The Bar complaint, undersigned counsel's response, and the Bar's disposition of the matter are attached as Exhibit C.
25. Undersigned counsel did not file the voluntary dismissal of the Circuit Court case, Mr. Trovato (Mr. Casaburro's attorney) did. See Exhibit D.

**e. Mr. Casaburro's Reply to Johnson's Summary for Basis of Legal Fees**

26. Again, Complainant continues to intentionally repeat falsehoods about Respondent which are irrelevant to the question of attorneys' fees and costs.
27. Further, he makes gratuitous attacks on Mr. Fredricks, who is not a party to this matter.
28. By continuing to repeat falsehoods about Mr. Johnson and make gratuitous attacks on Mr. Frederick, Complainant is simply continuing to show the malice which motivated his now-dismissed Complaint. See Section b., above.
29. Also, at the bottom of page 2 please note the Complainant's pretense of protecting an anonymous "busy single mom" who was purportedly "afraid of Johnson's retaliation methods" and the reference to her supposed "attached fax and preliminary signed statement #9 and #10."
30. The supposed fax and signed statement are in handwriting suspiciously similar to the written statement filed herein by Complainant, and the scratched-out address appears to be 111 Kendra Ave., DeLand, FL., which is Complainant's address.

31. Complainant asserts various personal reasons fees and costs should not be imposed against him. Having availed himself of a procedure which provides for an award of attorneys' fees against him, Complainant cannot now be heard to complain he is not able pay.

### III. Complainant's Additional Information.

32. In his Additional Information, Mr. Casaburro purports to provide additional information to correct the grounds of legal insufficiency of both of his complaints.
33. However, both of the complaints have been dismissed without further leave to amend. Accordingly, there is no basis for him supplement them. Therefore, the Additional Information will be treated as a supplemental response to Respondent's Petition.
34. Respondent freely admits that certain documents and police records were provided to Mr. Frederick.
35. However, the question under the pertinent statute, F.S. Section 104.271(2), was not whether information was provided to Mr. Frederick. The question was whether the information provided was false and if it was provided or caused to be provided with actual malice.
36. Respondent's statement, an excerpt of which was attached to the Additional Information, clearly stated he knew of no false information provided to Frederick. It listed certain documentary items that were provided to Mr. Frederick including police reports, public records, published news stories (from the New York Times, Associated Press) and emails from other persons complaining to Respondent and his campaign about Mr. Casaburro's smear tactics.
37. None of the items provided to Mr. Frederick were, to Respondent's knowledge, false. In fact, given the sources of the items, it is believed they are all true and correct to the extent of what they actually say versus what Complainant has incorrectly represented them to say.
38. Complainant states Mr. Frederick never interviewed him for the article he wrote, that his reporting was flawed, and he was neglectful in doing his research by relying solely on information provided by Respondent. While Mr. Frederick's actions or inactions are not the issue, it should be noted he has stated he tried to interview Complainant and Complainant did not respond.
39. Complainant's charges against Mr. Frederick and undersigned counsel are not pertinent to the Petition and, moreover, are false.

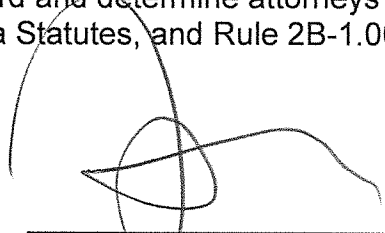


#### IV. Conclusion

40. As previously noted in the Petition, Mr. Casaburro had malicious intent and knowledge of falsity or reckless disregard regarding the truthfulness of his Complaint.
41. His Response further demonstrates his malice by bringing infurther slanderous falsehoods, irrelevant to replying to the Petition, and not only against Respondent but also against third parties.
42. Where a party with malicious intent to injure another's reputation by filing a complaint with knowledge that it contains one or more false allegations, or with reckless disregard for the truth of the allegations contained in the complaint, and charges another with violations of the Florida Elections Code, then that person shall be liable to pay the reasonable attorney's fees and costs of the person who has been wrongfully or recklessly hailed before the Commission. See Florida Statutes §106.265(6).

NOW, THEREFORE, for the foregoing reasons outlined in Petition, it is respectfully requested that this Commission consolidate Case Nos. 19-005 and 19-119, determine the Petition contains sufficient facts and grounds to support the claim for attorneys' fees and costs, and order a hearing to award and determine attorneys' fees and costs pursuant to Section 106.265(6), Florida Statutes, and Rule 2B-1.0045.

Dated this 26<sup>th</sup> day of July 2019.



---

**F. A. (Alex) Ford, Jr., Esquire**  
Florida Bar No. 0381845  
**Landis Graham French, P.A.**  
145 E. Rich Ave., Suite C  
DeLand, FL 32724  
Tel: (386) 734-3451  
Fax: (386) 736-1350  
primary email: [aford@landispa.com](mailto:aford@landispa.com)  
secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)  
*Attorney for Respondent, BEN F. JOHNSON*

## Diane Harney

---

**From:** Alex Ford  
**Sent:** Thursday, April 11, 2019 3:48 PM  
**To:** Principle Legal Offices, P.A.  
**Cc:** Diane Harney  
**Subject:** Casaburro v. Johnson (circuit court case)

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

George,

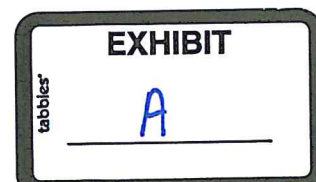
Good speaking with you.

After our call I spoke with Ben and explained this situation to him, i.e. - we have no taxable costs and our only basis for claiming fees is under 57.105. That statute clearly allows your client to dismiss the case and avoid imposition of fees. Long story short, he agrees you are entitled to dismiss this case within the 21 days and, if you do, we can't pursue fees/costs.

In light of our conversation I am ceasing all further efforts on this case for the present time. However, if it runs past the 21 days and the case is not dismissed, my instructions are to aggressively proceed to defend the case, including filing and pursuit of the sanctions motion.

Thanks,

F. A. (Alex) Ford, Jr.  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, FL 32724  
(386) 734 3451





**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street,  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
(850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 30, 2019

F.A. "Alex" Ford, Jr.  
Attorney for Ben F. Johnson  
145 East Rich Avenue, Suite C  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

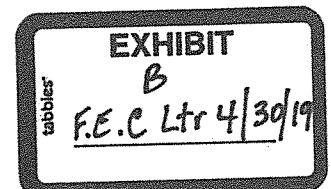
Dear Mr. Ford:

On April 3, 2019, the Florida Elections Commission notified John Casaburro that the complaint he filed on February 19, 2019 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, this case is closed.

Please let me know if you have any questions.

Sincerely,  
*Tim Vaccaro*  
Executive Director  
Florida Elections Commission

TV/med





**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 15, 2019

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-105; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission has received your amended complaint, including any additional information you provided, alleging violations of Florida's election laws. I have reviewed your amended complaint and still find it to be legally insufficient.

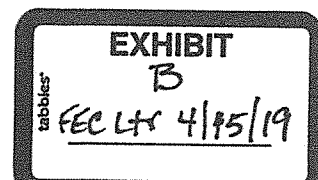
Complainant's initial complaint alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an opposing candidate which is false. Such statements must be made with actual malice.

Complainant originally alleged that Respondent hired Henry Frederick, an internet reporter/publisher, to make false statements against Complainant during the campaign for the Volusia County Council At Large seat. Complainant pointed to an expenditure item on one of Respondent's campaign treasurer's reports disclosing a \$1,000 expenditure to "Headline Surfer" for "Advertising" on July 23, 2018. Complainant claimed no advertising was provided. Rather, Complainant alleged the article at issue was written by Mr. Frederick on a news website called *Headline Surfer* in which false statements were made against Complainant.

However, Complainant provided no evidence to support his allegation that Respondent paid Mr. Frederick to make the statements in his news article, and the Florida Elections Commission determined that the complaint was legally insufficient.

In his amended complaint, Complainant focused much of his narrative on describing his attempt to have Mr. Frederick's pleadings struck in the ongoing civil action for defamation and slander relative to the same article at issue in this complaint. The related documents provided by Complainant fail to include any evidence supporting Complainant's allegations regarding Respondent.

Complainant also referred to an ad showing no date, presumably referring to an attachment to his amended complaint showing an undated email titled "Ben Johnson Digital ads." It



John Casaburro  
April 12, 2019  
Page 2  
FEC 19-105

appears Complainant provided the email in an attempt to show that no ads were printed in exchange for Respondent's reported payment of \$1,000 to *Headline Surfer* for advertising. However, as noted in the review of FEC 19-119, Respondent provided a weblink to the *Headline Surfer* website showing that a video advertisement in support of Respondent was inserted under the headline for an article posted on August 27, 2018. The video ends with a disclaimer noting it is a political advertisement paid for by Respondent. In his Motion to Dismiss Amended Complaint, Respondent provided the same link.

In his amended complaint narrative, Complainant asserted that Mr. Frederick has a reputation for slander and "trashing people" with malice for money and provided names of local candidates who were "witness to his offers." However, that allegation appears to be directed toward Mr. Frederick and is not based upon personal information or information other than hearsay.

Complainant also alleges that Respondent "co-authored" the article at issue. His basis for this allegation appears to be that in his answers to interrogatories in the civil action, Respondent acknowledged that he provided Mr. Frederick with certain records and documents pertaining to Complainant. However, providing records to a journalist is not the same as co-authoring an article written by that journalist, especially when Respondent was interviewed and quoted by Mr. Frederick for the article, which was about a campaign involving both Complainant and Respondent.

In his Motion to Dismiss, Respondent argued that Complainant failed to allege he had personal knowledge or information other than hearsay that Respondent hired *Headline Surfer* to make false statements against him.

Based upon the foregoing, Complainant has not provided evidence based on personal information or information other than hearsay that Respondent wrote the article or paid Mr. Frederick to write the article.

This case is now closed. If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,



Tim Vaccaro  
Executive Director

TV/dm  
cc: F.A. "Alex" Ford, Jr., Attorney for Respondent



## The Florida Bar

651 East Jefferson Street  
Tallahassee, FL 32399-2300

Joshua E. Doyle  
Executive Director

850/561-5600  
www.FLORIDABAR.org

June 11, 2019

Mr. Frank Alexander Ford Jr.  
Landis Graham French, PA  
PO Box 48  
Deland, FL 32721-0048

Re: Complaint by John Casaburro against Frank Alexander Ford Jr.  
The Florida Bar File No. 2019-30,882 (7A)

Dear Mr. Ford:

Enclosed is a copy of an inquiry/complaint and any supporting documents submitted by the above referenced complainant(s). Your response to this complaint is required under the provisions of Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, and is due in our office by **June 26, 2019**. **Responses should not exceed 25 pages** and may refer to any additional documents or exhibits that are available on request. Failure to provide a written response to this complaint is in itself a violation of Rule 4-8.4(g). Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material. **You are further required to furnish the complainant with a complete copy of your written response, including any documents submitted therewith.**

Pursuant to Rule 3-7.1(f), Rules of Discipline, you are further required to complete and return the enclosed Certificate of Disclosure form.

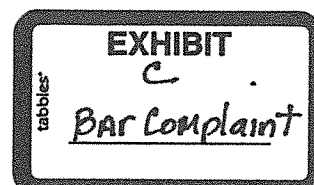
Finally, the filing of this complaint does not preclude communication between the attorney and the complainant(s). Please review the enclosed Notice for information on submitting your response.

Sincerely,

Jack Franklin Wise, III, Bar Counsel  
Attorney Consumer Assistance Program  
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. John Casaburro



Pursuant to Rule 3-7.1(f), Rules of Discipline, you must execute the appropriate disclosure paragraph below and return the form to this office by **June 26, 2019**. The rule provides that the nature of the charges be stated in the notice to your firm; however, we suggest that you attach a copy of the complaint.

### CERTIFICATE OF DISCLOSURE

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, a true copy of the foregoing disclosure was furnished to \_\_\_\_\_, a member of my present law firm of \_\_\_\_\_, and, if different, to \_\_\_\_\_, a member of the law firm of \_\_\_\_\_, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-30,882 (7A).

\_\_\_\_\_  
Frank Alexander Ford Jr.

### CERTIFICATE OF DISCLOSURE (Corporate/Government Employment)

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, a true copy of the foregoing disclosure was furnished to \_\_\_\_\_, my supervisor at \_\_\_\_\_ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-30,882 (7A).

\_\_\_\_\_  
Frank Alexander Ford Jr.

### CERTIFICATE OF NON-LAW FIRM AFFILIATION (Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-30,882 (7A).

\_\_\_\_\_  
Frank Alexander Ford Jr.

## NOTICE OF GRIEVANCE PROCEDURES

1. The enclosed letter is an official inquiry by bar counsel. Your response is required under Rule 4-8.4(g) of the Rules Regulating The Florida Bar. Rule 4-8.4(g)(1) and (2) require that a lawyer submit a written response within 15 days to an initial inquiry and within 10 days to any follow-up inquiry made by bar counsel, the grievance committee or the board of governors during the course of an investigation of the lawyer's conduct. If you do not respond, the matter will be forwarded to the grievance committee for disposition in accordance with Rule 3-7.3. Failure to respond may also be a matter of contempt and processed in accordance with Rule 3-7.11(f).
2. Many inquiries considered first by staff counsel are not forwarded to a grievance committee, as they do not involve violations of the Rules of Professional Conduct justifying disciplinary action.
3. Pursuant to Rule 3-7.1, any reports, correspondence, papers, recordings and/or transcripts of hearings submitted by you in this matter shall become accessible to the public upon dismissal or a decision by the grievance committee. Please advise Bar Counsel if you believe any material provided to The Florida Bar is confidential under applicable law and identify the basis of your claim that the material is confidential. Please note that The Florida Bar is required to acknowledge the status of proceedings during the pendency of an investigation, if a specific inquiry is made and the matter is deemed to be in the public domain.
4. The grievance committee is the Bar's "grand jury." Proceedings before the grievance committee are non-adversarial in nature. The grievance committee's function and procedures are set forth in Rule 3-7.4.
5. If the grievance committee finds probable cause, formal adversarial proceedings before the Supreme Court of Florida will be initiated pursuant to Rule 3-7.6. A referee will make a recommendation as to guilt and discipline to The Supreme Court of Florida, unless a plea is submitted pursuant to Rule 3-7.9.





## The Florida Bar

651 East Jefferson Street  
Tallahassee, FL 32399-2300

Joshua E. Doyle  
Executive Director

850/561-5600  
www.FLORIDABAR.org

June 11, 2019

Mr. John Casaburro  
111 Kendra Avenue  
Deland, FL 32724

Re: Frank Alexander Ford Jr.; The Florida Bar File No. 2019-30,882 (7A)

Dear Mr. Casaburro:

Enclosed is a copy of our letter to Mr. Ford which requires a response to your complaint.

Once you receive Mr. Ford's response, you have 10 days to file a rebuttal if you so desire. **If you decide to file a rebuttal, you must send a copy to Mr. Ford.** Rebuttals should not exceed 25 pages and may refer to any additional documents or exhibits that are available on request. Please address any and all correspondence to me. Please note that any correspondence must be sent through the U.S. mail; we cannot accept faxed material.

Please be advised that as an arm of the Supreme Court of Florida, The Florida Bar can investigate allegations of misconduct against attorneys, and where appropriate, request that the attorney be disciplined. The Florida Bar cannot render legal advice nor can The Florida Bar represent individuals or intervene on their behalf in any civil or criminal matter.

Please review the enclosed Notice on mailing instructions for information on submitting your rebuttal.

Sincerely,

Jack Franklin Wise, III, Bar Counsel  
Attorney Consumer Assistance Program  
ACAP Hotline 866-352-0707

Enclosures

cc: Mr. Frank Alexander Ford Jr.

## IMPORTANT NOTICE FOR COMPLAINANTS AND RESPONDENT-ATTORNEYS

### MAILING INSTRUCTIONS

#### Materials Received That Do Not Comply With These Instructions May Be Returned Or Not Otherwise Incorporated Into The File

The Florida Bar converts its disciplinary files to electronic media. All submissions are scanned into an electronic record and hard copies are discarded. To help ensure the timely processing of inquiries/complaints, responses and rebuttals, please review the following instructions prior to providing your submission.

1. Please limit your submission to **no more than 25 pages including exhibits**. If you have additional documents or material available, please make reference to those documents and/or materials in your written submission as available upon request. Should The Florida Bar need to obtain copies of any such documents and/or materials, a subsequent request will be sent to you.
2. **Please do not bind, staple, tab or index your documents. You may underline but do not highlight documents under any circumstances. Please do not submit materials in color.** When documents are scanned in our disciplinary files, highlighting and color will obscure the underlying text.
3. **Please do not attach media such as audio tapes, thumb/flash drives, CDs, or photographs.** We cannot process any media which cannot be scanned into the electronic record.
4. **Please do not submit your original documents.** All documents will be discarded after scanning and we will not be able to return any originals submitted to our office. The only original documents that should be provided to our office are the inquiry/complaint form, response and certificate of disclosure.
5. **Whether you are a complainant or a respondent-attorney, please do not submit confidential or privileged information.** Documents submitted to our office become public record. (Respondent-attorneys may wish to consult Rule 4-1.6 (e) of the Rules Regulating The Florida Bar.) Confidential/privileged information should be redacted. Such information includes, but is not limited to, bank account numbers, social security numbers, credit card account numbers, medical records, dependency matters, termination of parental rights, guardian ad litem records, child abuse records, adoption records, documents containing names of minor children, original birth and death certificates, biometric data such as fingerprints, Baker Act records, grand jury records, and juvenile delinquency records. If information of this nature is important to your submission, please describe the nature of the information and indicate that it is available upon request. Bar counsel will contact you to make appropriate arrangements for the protection of any such information (to the extent permitted by law) as part of the investigation of the complaint.
6. **Please provide your submission only one time. Do not submit duplicates via email, facsimile transmission or by any other means. Do not include these instructions. Respondent-attorneys do not need to include a copy of the complaint.**

**Please be aware that materials received that do not meet these instructions may be returned or not otherwise incorporated into the file. Thank you for your consideration in this respect.**

The Florida Bar  
Inquiry/Complaint Form

RECEIVED

JUN 06 2019

PART ONE (See Page 1, PART ONE – Complainant Information.): THE FLORIDA BAR - ACAP  
TALLAHASSEE, FLORIDA

Your Name: John Casaburro

Organization: N/A

Address: 111 Kendra ave.

City, State, Zip Code: DeLand, FL. 32724

Phone: 386-215-7327

Email: N/A I am Disabled, cannot use a computer. USMAIL ONLY

ACAP Reference No.: \_\_\_\_\_

Does this complaint pertain to a matter currently in litigation? Yes  No IF F.E.C. COMPLAINT  
For Fee's is considered that.

PART TWO (See Page 1, PART TWO – Attorney Information.):

Attorney's Name: F. A. (Alex) Ford, Jr. Florida Bar No. 0381845

Address: 145 E. Rich ave.

City, State, Zip Code: DeLand, FL. 32724

Telephone: 386-734-3451

PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheet).

PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: (attach additional sheet).

PART FIVE (See Page 1, PART FIVE – Signature.): Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

John Casaburro  
Print Name

John Casaburro  
Signature

June 4, 2019  
Date



Mr John E Casaburro  
111 Kendra Ave  
Deland, FL 32724



TO: A.C.A.P.

June 4, 2019

FL. Bar, 651 E. Jefferson St.

Tallahassee, FL. 32399

386-215-7327 Ph.

## NARRATIVE

complainant had been in litigation with Attorney F.A. (Alex) Ford, Jr. with his client Ben F. Johnson case no. 2019-10091 CIDL CIR. CT. Volusia, I am Pro-se. On 4-3-2019 Ford sent complainant a letter informing me that \$7,105 Legal Fee request will follow with a motion to court (Attachment #1). I forwarded a copy of letter to my advising Attorney George Trovato for his advice. Given my circumstances of living on \$1,500 per month pension and with a disability and medical bills, I should dismiss his client Johnson and proceed against the other defendants in a very contentious case.

Mr. Ford made a Lawyer to Lawyer Gentleman's agreement that 1- As a matter of a voluntary <sup>Law</sup> dismissal by me would ensure no further actions by Ford. 2- Ford assured Mr. Trovato that no further claims would be made, including the F.E.C. (Judgements would be worthless given my circumstances).

Also- On 4-3-19 The F.E.C. noticed me that

my complaint against Ford's client Johnson was legally insufficient (Att. 2) and that the combined case # 19-119 + 1905 would automatically dismiss itself after 14 days since I did not <sup>Re-</sup>reply. Trova to assured Ford verbally that the F.E.C. complaint by me was done.

On 4-12-19 Mr. Ford's office E-mailed a voluntary dismissal (Att. 3) to the court I do not send out E-mails & I rely on others for computer help and did not personally sign the dismissal. Most of my Pleadings are hand written, sent U.S. mail (check Docket).

On 5-23-2019 complainant received notice of Ford's Petition For F.E.C. Legal Fee's for combined cases 19-119 + 19-105. Mr. Ford Lied that Plaintiff dismissed his client voluntarily (as well as breaking his word with Trova) Att-4-a  
Att 4-b number 4 of Notice of Additional Facts.

In addition, Mr. Ford added a complaint about my Campaign Flyer being False which now compells me to expose as a defense his client's to Document's of Race related Homicide, Sexual misconduct, F.B.I., Justice dept. Findings etc. Mr. Ford harmed his own client, since I did not bring these items Public  
- Pg 2- or in court action

Prior. I believe the Fore going is gross misconduct, unethical Practice and perhaps even a scheme to defraud the court by Mr. Ford. I think he should be fined and his Law license be revoked for at least 6 months and what ever the Bar deem appropriate.

Thank you in advance for your consideration in this matter.

yours truly, John Casaburro  
John Casaburro

Witness - George Trovato, ESO.

386-626-9006 200 E. GRAVES Ave Orange  
City FL.

# LANDIS GRAHAM FRENCH

F.A. (ALEX) FORD, JR.  
BRITTANY G. GLOERSEN  
DAVID E. DISNEY  
EDWIN CHANNING COOLIDGE, JR.  
KATHRINE E. CONROY  
BASYLE TCHIVIDJIAN (OF COUNSEL)

ATTORNEYS AT LAW  
ESTABLISHED 1902  
A PROFESSIONAL ASSOCIATION

145 E. RICH AVENUE, SUITE C  
DELAND, FLORIDA 32724

TELEPHONE: (386) 734-3451  
FACSIMILE: (386) 736-1359

April 3, 2019

## VIA EMAIL AND US MAIL DELIVERY

John E. Casaburro  
111 Kendra Ave.,  
DeLand, Florida 32724

RE: John E. Casaburro v. Henry Frederick, AKA Headline Surfer (D.B.A.);  
and Ben F. Johnson  
Case No. 2019-10091-CIDL

Dear Mr. Casaburro:

This letter is written as notice pursuant to Section 57.105, *Florida Statutes*, to demand the Plaintiff withdraw or appropriately correct the *Complaint for Libel, Slander, Defamation and Breach of Contract*. Accordingly, please find enclosed a copy of *Defendant's Motion for Attorney's Fees and Costs Pursuant to Section 57.105, Florida Statutes* (the "Motion"), which may be filed after twenty-one days of this date, if the various issues specifically set forth below are not withdrawn or appropriately corrected.

As set forth in the attached Motion, Plaintiff knew or should have known that, at the time of filing the Complaint, it was not supported by the material facts necessary to establish Plaintiff's claims therein, or those claims would not be supported by the application existing law to the material facts. This is so for reasons including, without limitation: (1) Plaintiff's claims for defamation, slander, and libel are without legal or factual support for reasons including, without limitation, Johnson made none of the statements, Plaintiff has failed to allege the necessary allegations to state a cause of action thereunder, and all of the statements made by Frederick/Headline Surfer were true, protected speech, or both; (2) Plaintiff's claim for breach of contract is without legal and factual support for the same reasons, plus there is no enforceable contract to which Johnson was a party and the supposed contract did not prohibit the actions supposedly taken by any of the defendants; and (3) as otherwise set forth in the Motion.

Therefore, we demand that you withdraw or appropriately correct your Complaint within twenty-one days of this notice.

Att- #1

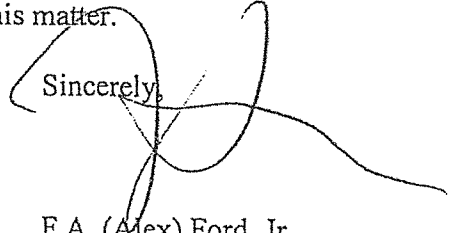
Over a Century of Service

- SINCE 1902 -

April 3, 2019  
John E. Casaburro  
Page 2

Thank you for your prompt attention to this matter.

Sincerely,



F.A. (Alex) Ford, Jr.

FJR/kec  
Enclosure





Att #2  
**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 - EXT-105  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 3, 2019

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws.

Complainant alleged that Respondent filed a campaign treasurers report that was false, incorrect, and misleading.

Complainant's allegation relates to a single expenditure item listed as \$1,000 on July 23, 2018, to "Headline Surfer" for "advertising." Complainant claimed that no ads for Respondent were placed in the online periodical in return for the expenditure, and he alleged that the \$1,000 payment was for reporter/publisher Henry Frederick to write an article containing false statements against Complainant. See FEC 19-105. As such, Complainant argued that Respondent's report was inaccurate when it described the purpose of the expenditure as "advertising."

However, as noted in the Florida Elections Commission's review of case FEC 19-105, Complainant provided no evidence to support his allegation that Respondent paid Mr. Frederick to make the statements in his news article. Furthermore, in the current complaint, Complainant did not provide any personal information or information other than hearsay to support his assertion that Respondent did not pay for and receive advertising.

Respondent denied the allegations of the complaint and included a weblink to the *Headline Surfer* website showing that a video advertisement in support of Respondent was inserted under the headline for an article posted on August 27, 2018. The video ends with a disclaimer noting it is a political advertisement paid for by Respondent.

A review of the *Headline Surfer* website also indicated that the most recently posted rates for advertising on the website for county candidates was \$1,000. The website also has a politics section in which Mr. Frederick routinely makes his opinions on candidates known, including endorsements.

Filing # 87931945 E-Filed 04/12/2019 04:56:56 PM

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

JOHN CASABURRO,  
Plaintiff,

vs

HENRY FREDERICK,  
ETC., ET AL,  
Defendant(s).

Case No: 2019 11091 CIDL

Division: 01

Judge: Randell H. Rowe III

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW Plaintiff, JOHN CASABURRO, hereby files this Notice of Voluntary Dismissal of his Complaint in the above-styled case as to Ben F. Johnson only.

*Att#3*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-Portal to Frank Alex Ford, Jr., Esquire at [aford@landispa.com](mailto:aford@landispa.com) and US mailed to Henry Frederick at 500 W Airport Blvd Apt 1307 Sanford, FL 32773 on April 12, 2019.

/s/John Casaburro  
JOHN CASABURRO  
111 Kendra Avenue  
Deland, FL 32724  
386-215-7327

Based upon the foregoing, it appears that the complaint is not based upon personal information or information other than hearsay. However, Respondent has provided evidence supporting his position that the \$1,000 expenditure was for advertising, as reported by Respondent in his campaign treasurers report.

For these reasons, I find the complaint to be Legally Insufficient.

~~If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If we do not receive additional information that corrects the stated grounds of insufficiency, this case will be closed. For your convenience, enclosed is a form for your use in submitting additional information. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.~~

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

If you have any questions concerning the complaint, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,



Tim Vaccaro  
Executive Director

TV/med

Enclosure: Additional Information Form

cc: F. A. "Alex" Ford Jr., Attorney for Respondent w/out Enclosure

EXT:  
105



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

May 23, 2019

**CERTIFIED MAIL # 92148969009997901628061920**

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission received a "Petition for Attorney's Fees and Costs" in this case. Pursuant to Rule 2B-1.0045, Florida Administrative Code, a copy of the Petition is enclosed for your review.

At its next regularly scheduled meeting, **currently set for August 13-14, 2019, in Tallahassee, Florida**, the Commission will review the Petition and determine whether it states "a prima facie case for costs and attorney's fees." A notice of hearing will be provided at the appropriate time.

If you have any questions concerning the Petition, please contact the Florida Elections Commission at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

Enclosure: Petition for Attorney's Fees and Costs  
cc: F.A. "Alex" Ford, Jr., Attorney for Respondent

# 4. a

L to C w pct for fees

FLORIDA ELECTIONS COMMISSION  
107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
[fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Case No.: **FEC 19-105**

ATT No. 4-b

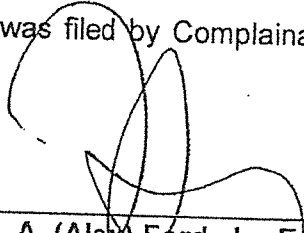
BEN F. JOHNSON,

Respondent.

NOTICE OF ADDITIONAL FACTS

1. In the complaint herein ("Complaint"), Complainant referred to the civil litigation matter he filed ("Circuit Court Case"). The Complaint was based on the Circuit Court Case and the complaint in that case was attached as an exhibit to the Complaint, herein.
2. The purpose of this filing is to put the Commission on notice that in the Circuit Court Case, Respondent, Johnson, served Complainant with a notice of intent to file a motion under Section 57.105, Fla. Stat. ("Statute") and, in response, Complainant voluntarily dismissed the Circuit Court Case within the twenty-one (21) day period as provided for under the Statute.
3. A copy of the Section 57.105 notice, as well as the accompanying motion which was served along with it, is attached hereto. As provided for in the statute, because the Circuit Court Case was voluntarily dismissed within the 21-day period, it was not filed in the Circuit Court Case.
- ✓ 4. The notice of voluntary dismissal was filed by Complainant in the Circuit Court Case, and a copy is attached.

Dated this 13<sup>th</sup> day of May, 2019.

  
\_\_\_\_\_  
F. A. (Alex) Ford, Jr., Esquire  
Florida Bar No. 0381845  
Landis Graham French, P.A.  
Post Office Box 48  
DeLand, FL 32721-0048  
Tel: (386) 734-3451  
Fax: (386) 736-1350  
primary email: [aford@landispa.com](mailto:aford@landispa.com)  
secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)  
Attorney for Respondent, BEN F. JOHNSON

# LANDIS GRAHAM FRENCH

F.A. (ALEX) FORD, JR.  
BRITTANY G. GLOERSEN  
DAVID E. DISNEY  
EDWIN CHANNING COOLIDGE, JR.  
KATHRINE E. CONROY  
BASYLE TCHIVIDJIAN (OF COUNSEL)

ATTORNEYS AT LAW  
ESTABLISHED 1902  
A PROFESSIONAL ASSOCIATION

145 E. RICH AVENUE, SUITE C  
DELAND, FLORIDA 32724  
TELEPHONE: (386) 734-3451  
FACSIMILE: (386) 736-1359

June 24, 2019

The Florida Bar  
651 East Jefferson Street  
Tallahassee, FL 32399-2300

Re: Complaint by John Casaburro against Frank Alexander Ford Jr.  
The Florida Bar File No. 2019-30,882 (7A)

As required by Rule 4-8.4(g), Rules of Professional Conduct of the Rules Regulating The Florida Bar, please accept this response to the above-referenced complaint. A complete copy of this response, including the documents submitted herewith, has been mailed to the Complainant. Also, enclosed is my completed Certificate of Disclosure form.

As background, the Complainant brought a Circuit Court action (*Casaburro v. Frederick, etc.*, Case No.: 2019-10091-CIDL, in Circuit Court of the Seventh Judicial Circuit) and a Florida Elections Commission complaint against my client, Ben F. Johnson. The Complainant was not originally represented by counsel in any of these matters. The F.E.C. case was bifurcated, and so will be referred to as the F.E.C. cases (plural). Mr. Johnson is the former Sheriff of Volusia County and currently serves on the Volusia County Council as the "at large" representative. The Complainant was a write-in candidate for County Council and lost to Mr. Johnson.

The Complainant's Bar Complaint is false in a number of respects including, but not limited to the following:

1. There was no "lawyer to lawyer gentlemen's agreement" with Mr. Trovato, as falsely stated by the Complainant. After I served his client with a Section 57.105 motion, the Complainant apparently consulted with Mr. Trovato. Mr. Trovato then reached out to me and inquired whether Mr. Johnson would pursue attorneys' fees if the Complainant voluntarily dismissed the Circuit Court case. I advised Mr. Trovato I would get back with him after discussing the matter with Mr. Johnson. After discussing the matter with Mr. Johnson, I transmitted an email to Mr. Trovato, a copy of which is enclosed. The email is very specific that Mr. Johnson would not pursue attorneys' fees against the Complainant in the Circuit Court action.

2. I did not give any sort of assurance to Mr. Trovato that "no further claims would be made, including [in regard to] the F.E.C." Nor did Mr. Trovato assure me the F.E.C. Complaint

---

Over a Century of Service  
- SINCE 1902 -



“was done.” At the time of our discussion the F.E.C. cases were, to my knowledge, still in a confidential status. Therefore, I intentionally did not mention them by name to Mr. Trovato. However, I did tell Mr. Trovato there were other pending matters and advised that he should discuss them with the Complainant if he wanted to resolve all outstanding matters. To the best of my recollection no other communications took place between me and Mr. Trovato regarding this issue before the Notice of Voluntary Dismissal was filed on behalf of the Complainant. After the Notice of Voluntary Dismissal was filed and after I filed the motions for attorneys’ fees in the F.E.C. cases, Mr. Trovato told me he and the Complainant had discussed the F.E.C. complaints. The Complainant had (incorrectly) told him the F.E.C. cases were no longer active. Unfortunately, Mr. Trovato apparently took the Complainant at his word and did not advise me of their discussion about the F.E.C. cases until after I had filed the motions for attorneys’ fees in the F.E.C. cases.

3. The April 3, 2019, F.E.C. finding was issued in F.E.C. Case No.: 19-119. It was not on both Case Nos.: 19-105 and 19-119, as falsely stated by the Complainant. See initial letter of dismissal in F.E.C. Case No.: 19-119, provided in its entirety. (Complainant only provided a partial copy). As noted below, Case 19-119 was still in active status at all pertinent times.

4. Perhaps, if the Complainant had given his attorney accurate information, the attorney would have called me to seek a global resolution. In fact, that would have been the likely outcome of such a call, in my opinion. But, Mr. Trovato and I never had that conversation. The Complainant never offered to withdraw the F.E.C. cases, through Mr. Trovato or otherwise, and the cases continued to be pending until the F.E.C. took its final actions in the respective cases. Final action in both cases occurred shortly after the Circuit Court case was voluntarily dismissed. One of the cases was closed because the Complainant failed to submit additional information; a fact unknown to us until we received the dismissal. (See F.E.C. letter dated April 30, 2019). The other case was closed after the Complainant had submitted additional information to amend his F.E.C. Complaint and his complaint was still deemed insufficient. (See F.E.C. letter dated April 15, 2019). See F.E.C. initial letters of dismissal and final determinations, on Case nos. 19-105 and 19-119, which are all enclosed.

5. My office did not “email a voluntary dismissal to the court” as falsely stated by the Complainant. Nor did I lie when I represented to the F.E.C. that he voluntarily dismissed his case. As shown by the Notice of Service of Court Documents and Notice of Voluntary Dismissal, copies of which are enclosed, the Notice of Voluntary Dismissal was filed by Mr. Trovato on behalf of the Complainant, and not by my office. Further, please note the Complainant acknowledged Mr. Trovato is his “advising attorney.” Mr. Trovato has also now appeared on behalf of the Complainant in the Circuit Court action. See enclosed Notice of Appearance.

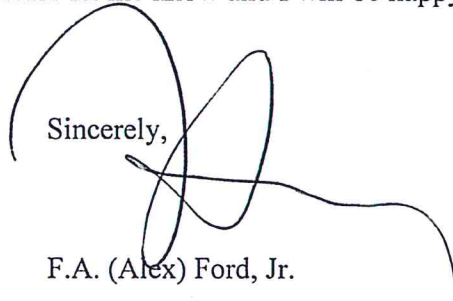
6. The Complainant’s gratuitous statements impugning my client’s character are also false, besides having nothing to do with this matter. Since they have nothing to do with this matter, they will not be addressed further in this letter.

The Florida Bar  
June 24, 2019  
Page 3

In summary, I acknowledged Mr. Johnson would not seek 57,105 fees in the Circuit Court action (if the case was voluntarily dismissed within the twenty-one (21) day period provided in that statute), I did not agree with Mr. Trovato to forego attorneys' fees in the F.E.C. cases, or to settle anything else with Mr. Trovato. Nor did I improperly file a notice of voluntary dismissal under the pretense of it being filed on behalf of the Complainant, or otherwise defraud the court.

If you need any further documentation, please let me know and I will be happy to provide copies in my possession upon your request.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

F.A. (Alex) Ford, Jr.

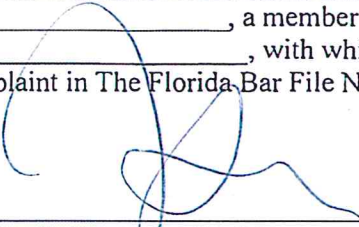
FJR/dh  
enclosures  
c: Complainant (with enclosures)



Pursuant to Rule 3-7.1(f), Rules of Discipline, you must execute the appropriate disclosure paragraph below and return the form to this office by **June 26, 2019**. The rule provides that the nature of the charges be stated in the notice to your firm; however, we suggest that you attach a copy of the complaint.

**CERTIFICATE OF DISCLOSURE**

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, a true copy of the foregoing disclosure was furnished to Brittany Gloersen, a member of my present law firm of Landis Graham French, P.A., and, if different, to N/A, a member of the law firm of N/A, with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-30,882 (7A).



\_\_\_\_\_  
Frank Alexander Ford Jr.

**CERTIFICATE OF DISCLOSURE**  
(Corporate/Government Employment)

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, a true copy of the foregoing disclosure was furnished to \_\_\_\_\_, my supervisor at \_\_\_\_\_ (name of agency), with which I was associated at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-30,882 (7A).

\_\_\_\_\_  
Frank Alexander Ford Jr.

**CERTIFICATE OF NON-LAW FIRM AFFILIATION**  
(Sole Practitioner)

I HEREBY CERTIFY to The Florida Bar on this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, that I am not presently affiliated with a law firm and was not affiliated with a law firm at the time of the act(s) giving rise to the complaint in The Florida Bar File No. 2019-30,882 (7A).

\_\_\_\_\_  
Frank Alexander Ford Jr.

## Diane Harney

---

**From:** Alex Ford  
**Sent:** Wednesday, June 19, 2019 1:57 PM  
**To:** Diane Harney  
**Subject:** FW: Casaburro v. Johnson (circuit court case)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This is the email referred ton in paragraph 1 of the bar response.

---

**From:** Alex Ford  
**Sent:** Thursday, April 11, 2019 3:48 PM  
**To:** Principle Legal Offices, P.A. <principlelegal@yahoo.com>  
**Cc:** Diane Harney <dharney@landispa.com>  
**Subject:** Casaburro v. Johnson (circuit court case)

George,

Good speaking with you.

After our call I spoke with Ben and explained this situation to him, i.e. - we have no taxable costs and our only basis for claiming fees is under 57.105. That statute clearly allows your client to dismiss the case and avoid imposition of fees. Long story short, he agrees you are entitled to dismiss this case within the 21 days and, if you do, we can't pursue fees/costs.

In light of our conversation I am ceasing all further efforts on this case for the present time. However, if it runs past the 21 days and the case is not dismissed, my instructions are to aggressively proceed to defend the case, including filing and pursuit of the sanctions motion.

Thanks,

F. A. (Alex) Ford, Jr.  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, FL 32724  
(386) 734 3451



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 3, 2019

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws.

Complainant alleged that Respondent filed a campaign treasurers report that was false, incorrect, and misleading.

Complainant's allegation relates to a single expenditure item listed as \$1,000 on July 23, 2018, to "Headline Surfer" for "advertising." Complainant claimed that no ads for Respondent were placed in the online periodical in return for the expenditure, and he alleged that the \$1,000 payment was for reporter/publisher Henry Frederick to write an article containing false statements against Complainant. *See* FEC 19-105. As such, Complainant argued that Respondent's report was inaccurate when it described the purpose of the expenditure as "advertising."

However, as noted in the Florida Elections Commission's review of case FEC 19-105, Complainant provided no evidence to support his allegation that Respondent paid Mr. Frederick to make the statements in his news article. Furthermore, in the current complaint, Complainant did not provide any personal information or information other than hearsay to support his assertion that Respondent did not pay for and receive advertising.

Respondent denied the allegations of the complaint and included a weblink to the *Headline Surfer* website showing that a video advertisement in support of Respondent was inserted under the headline for an article posted on August 27, 2018. The video ends with a disclaimer noting it is a political advertisement paid for by Respondent.

A review of the *Headline Surfer* website also indicated that the most recently posted rates for advertising on the website for county candidates was \$1,000. The website also has a politics section in which Mr. Frederick routinely makes his opinions on candidates known, including endorsements.

Based upon the foregoing, it appears that the complaint is not based upon personal information or information other than hearsay. However, Respondent has provided evidence supporting his position that the \$1,000 expenditure was for advertising, as reported by Respondent in his campaign treasurers report.

For these reasons, I find the complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If we do not receive additional information that corrects the stated grounds of insufficiency, this case will be closed. For your convenience, enclosed is a form for your use in submitting additional information. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

If you have any questions concerning the complaint, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,



Tim Vaccaro  
Executive Director

TV/med

Enclosure: Additional Information Form

cc: F. A. "Alex" Ford Jr., Attorney for Respondent w/out Enclosure



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street,  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
(850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 30, 2019

F.A. "Alex" Ford, Jr.  
Attorney for Ben F. Johnson  
145 East Rich Avenue, Suite C  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Ford:

On April 3, 2019, the Florida Elections Commission notified John Casaburro that the complaint he filed on February 19, 2019 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, this case is closed.

Please let me know if you have any questions.

Sincerely,  
*Tim Vaccaro*  
Executive Director  
Florida Elections Commission

TV/med



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 15, 2019

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-105; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission has received your amended complaint, including any additional information you provided, alleging violations of Florida's election laws. I have reviewed your amended complaint and still find it to be legally insufficient.

Complainant's initial complaint alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an opposing candidate which is false. Such statements must be made with actual malice.

Complainant originally alleged that Respondent hired Henry Frederick, an internet reporter/publisher, to make false statements against Complainant during the campaign for the Volusia County Council At Large seat. Complainant pointed to an expenditure item on one of Respondent's campaign treasurer's reports disclosing a \$1,000 expenditure to "Headline Surfer" for "Advertising" on July 23, 2018. Complainant claimed no advertising was provided. Rather, Complainant alleged the article at issue was written by Mr. Frederick on a news website called *Headline Surfer* in which false statements were made against Complainant.

However, Complainant provided no evidence to support his allegation that Respondent paid Mr. Frederick to make the statements in his news article, and the Florida Elections Commission determined that the complaint was legally insufficient.

In his amended complaint, Complainant focused much of his narrative on describing his attempt to have Mr. Frederick's pleadings struck in the ongoing civil action for defamation and slander relative to the same article at issue in this complaint. The related documents provided by Complainant fail to include any evidence supporting Complainant's allegations regarding Respondent.

Complainant also referred to an ad showing no date, presumably referring to an attachment to his amended complaint showing an undated email titled "Ben Johnson Digital ads." It

John Casaburro  
April 12, 2019  
Page 2  
FEC 19-105

appears Complainant provided the email in an attempt to show that no ads were printed in exchange for Respondent's reported payment of \$1,000 to *Headline Surfer* for advertising. However, as noted in the review of FEC 19-119, Respondent provided a weblink to the *Headline Surfer* website showing that a video advertisement in support of Respondent was inserted under the headline for an article posted on August 27, 2018. The video ends with a disclaimer noting it is a political advertisement paid for by Respondent. In his Motion to Dismiss Amended Complaint, Respondent provided the same link.

In his amended complaint narrative, Complainant asserted that Mr. Frederick has a reputation for slander and "trashing people" with malice for money and provided names of local candidates who were "witness to his offers." However, that allegation appears to be directed toward Mr. Frederick and is not based upon personal information or information other than hearsay.

Complainant also alleges that Respondent "co-authored" the article at issue. His basis for this allegation appears to be that in his answers to interrogatories in the civil action, Respondent acknowledged that he provided Mr. Frederick with certain records and documents pertaining to Complainant. However, providing records to a journalist is not the same as co-authoring an article written by that journalist, especially when Respondent was interviewed and quoted by Mr. Frederick for the article, which was about a campaign involving both Complainant and Respondent.

In his Motion to Dismiss, Respondent argued that Complainant failed to allege he had personal knowledge or information other than hearsay that Respondent hired *Headline Surfer* to make false statements against him.

Based upon the foregoing, Complainant has not provided evidence based on personal information or information other than hearsay that Respondent wrote the article or paid Mr. Frederick to write the article.

This case is now closed. If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,



Tim Vaccaro  
Executive Director

TV/dm  
cc: F.A. "Alex" Ford, Jr., Attorney for Respondent



**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street

Collins Building, Suite 224

Tallahassee, Florida 32399-1050

Telephone: (850) 922-4539

[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

March 14, 2019

**CERTIFIED MAIL 9214 8969 0099 9790 1626 6416 67**

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-105; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws.

Complainant essentially alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an opposing candidate which is false. Such statements must be made with actual malice.

Complainant alleged that Respondent hired Henry Frederick, an internet reporter/publisher, to make false statements against Complainant during the campaign for the Volusia County Council At Large seat. Complainant pointed to an expenditure item on one of Respondent's campaign treasurer's report disclosing a \$1,000 expenditure to "Headline Surfer" for "Advertising" on July 23, 2018. Complainant claimed no advertising was provided. Rather, the article at issue was written by Mr. Frederick on a news website called *Headline Surfer* in which false statements were made against Complainant.

However, Complainant provided no evidence to support his allegation that Respondent paid Mr. Frederick to make the statements in his news article. Complainant claimed that someone telephoned Mr. Frederick, who allegedly admitted that no ads were posted for Respondent, and Complainant claimed that an individual named Robert Moni searched the internet and was not able to find such ads.

Complainant provided a copy of his civil complaint for slander and defamation filed against Henry Frederick and Respondent in the 7th Judicial Circuit Court in and for Volusia County. The complaint referenced the article at issue. In response to the complaint, Respondent's attorney provided copies of answers filed by Respondent and Mr. Frederick to Complainant's civil complaint. A review of the answers reveals that neither party admitted that Respondent paid Mr. Frederick to write the article at issue or was somehow responsible for authoring its



content. Respondent denied such allegations, and both Respondent and Mr. Frederick asserted that the \$1,000 paid to Mr. Frederick by Respondent was for advertising.

Section 106.25(2), Florida Statutes, provides that sworn complaints filed with the Florida Elections Commission must be based upon personal information or information other than hearsay. It appears the complaint is not based upon personal information or information other than hearsay.

Further, Section 104.271(2), Florida Statutes, prohibits a candidate from making or causing to be made with actual malice any statement about an opposing candidate which is false. Complainant has provided no information, other than speculation, to indicate that the Respondent was responsible for authoring the content of Mr. Frederick's article.

For these reasons, I find the complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If we do not receive additional information that corrects the stated grounds of insufficiency, this case will be closed. For your convenience, enclosed is a form for your use in submitting additional information. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

If you have any questions concerning the complaint, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,  
  
Tim Vaccaro  
Executive Director

TV/enr

Enclosure: Additional Information Form

cc: F.A. "Alex" Ford, Jr., Attorney for Respondent w/out Enclosure

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

Case No.: 2019-10091-Cldl  
Division: 01  
Judge: Randell H. Rowe III

JOHN E. CASABURRO,  
Plaintiff,

and

HENRY FREDERICK, A.K.A.,  
Head Line Surfer, et,al  
Defendant.

FILED  
MAY -7 2019  
CLERK OF THE CIRCUIT  
& COUNTY OF VOLUSIA  
FL

**NOTICE OF APPEARANCE**

Petitioner, JOHN E. CASABURRO, hereby gives notice of the appearance of George Trovato, of the law office of Principle Legal Offices, P.A. as its counsel herein, and all pleadings should be directed thereto.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY, that a true and correct copy of the foregoing was sent by mail to Henry Frederick 500 Airport Blvd. West #1307, Sanford, FL 32773, on this 7th day of May, 2019.

\_\_\_\_\_  
GEORGE TROVATO, ESQ.  
Principle Legal Offices, P.A.  
Attorney for Defendant  
Florida Bar No. 0786241  
200 E. Graves Ave.  
Orange City, FL 32763  
(386) 626-9006  
Fax: (866) 399-3281

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

JOHN CASABURRO,  
Plaintiff,

vs

HENRY FREDERICK,  
ETC., ET AL,  
Defendant(s).

Case No: 2019 11091 CIDL

Division: 01

Judge: Randell H. Rowe III

**NOTICE OF VOLUNTARY DISMISSAL**

COMES NOW Plaintiff, JOHN CASABURRO, hereby files this Notice of Voluntary Dismissal of his Complaint in the above-styled case as to Ben F. Johnson only.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-Portal to Frank Alex Ford, Jr., Esquire at [aford@landispa.com](mailto:aford@landispa.com) and US mailed to Henry Frederick at 500 W Airport Blvd Apt 1307 Sanford, FL 32773 on April 12, 2019.

/s/John Casaburro  
JOHN CASABURRO  
111 Kendra Avenue  
Deland, FL 32724  
386-215-7327

**Diane Harney**

---

**From:** eservice@myflcourtaccess.com  
**Sent:** Friday, April 12, 2019 4:57 PM  
**Subject:** SERVICE OF COURT DOCUMENT CASE NUMBER 642019CA010091XXXXDL  
CASABURRO, JOHN E VS FREDERICK, HENRY  
**Attachments:** Voluntary Dismissal.pdf

**Notice of Service of Court Documents**

**Filing Information**

Filing #: 87931945  
Filing Time: 04/12/2019 04:56:56 PM ET  
Filer: George Trovato 386-626-9006  
Court: Seventh Judicial Circuit in and for Volusia County, Florida  
Case #: 642019CA010091XXXXDL  
Court Case #: 2019 10091 CIDL  
Case Style: CASABURRO, JOHN E VS FREDERICK, HENRY

**Documents**

Title	File
Voluntary Dismissal	Notice of Voluntary Dismissal.pdf

**E-service recipients selected for service:**

Name	Email Address
Frank A. Ford Jr.	<a href="mailto:aford@landispa.com">aford@landispa.com</a>
	<a href="mailto:dharney@landispa.com">dharney@landispa.com</a>
George Trovato	<a href="mailto:principlelegal@yahoo.com">principlelegal@yahoo.com</a>

**E-service recipients not selected for service:**

Name	Email Address
Kathrine Conroy	<a href="mailto:kconroy@landispa.com">kconroy@landispa.com</a>
	<a href="mailto:dharney@landispa.com">dharney@landispa.com</a>

This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Thank you,  
The Florida Courts E-Filing Portal

request\_id#:87931945;Audit#:296446065;UCN#:642019CA010091XXXXDL;



# The Florida Bar

651 East Jefferson Street  
Tallahassee, FL 32399-2300

Joshua E. Doyle  
Executive Director

850/561-5600  
www.FLORIDABAR.org

July 1, 2019

Mr. John Casaburro  
111 Kendra Avenue  
Deland, FL 32724

Re: Complaint by John Casaburro against Frank Alexander Ford Jr.  
The Florida Bar File No. 2019-30,882 (7A)

Dear Mr. Casaburro:

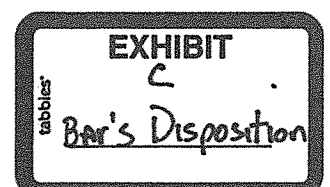
I have received and reviewed your letter withdrawing the complaint against the above-referenced attorney.

In light of the information contained in your letter, our file on this matter has been closed effective June 28, 2019. Pursuant to the Bar's records retention schedule, the computer record and file will be disposed of one year from the date of closing.

Sincerely,

Jack Franklin Wise, III, Bar Counsel  
Attorney Consumer Assistance Program  
ACAP Hotline 866-352-0707

cc: Mr. Frank Alexander Ford Jr. ✓



IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

JOHN CASABURRO,  
Plaintiff,

vs

HENRY FREDERICK,  
ETC., ET AL,  
Defendant(s).

Case No: 2019 11091 CIDL  
Division: 01  
Judge: Randell H. Rowe III

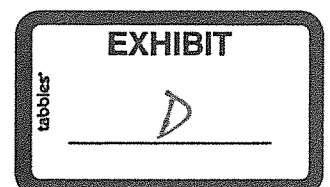
**NOTICE OF VOLUNTARY DISMISSAL**

COMES NOW Plaintiff, JOHN CASABURRO, hereby files this Notice of Voluntary Dismissal of his Complaint in the above-styled case as to Ben F. Johnson only.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-Portal to Frank Alex Ford, Jr., Esquire at [aford@landispa.com](mailto:aford@landispa.com) and US mailed to Henry Frederick at 500 W Airport Blvd Apt 1307 Sanford, FL 32773 on April 12, 2019.

/s/John Casaburro  
JOHN CASABURRO  
111 Kendra Avenue  
Deland, FL 32724  
386-215-7327



## Diane Harney

---

**From:** eservice@myflcourtaccess.com  
**Sent:** Friday, April 12, 2019 4:57 PM  
**Subject:** SERVICE OF COURT DOCUMENT CASE NUMBER 642019CA010091XXXXDL  
CASABURRO, JOHN E VS FREDERICK, HENRY  
**Attachments:** Voluntary Dismissal.pdf

### Notice of Service of Court Documents

#### Filing Information

**Filing #:** 87931945  
**Filing Time:** 04/12/2019 04:56:56 PM ET  
**Filer:** George Trovato 386-626-9006  
**Court:** Seventh Judicial Circuit in and for Volusia County, Florida  
**Case #:** 642019CA010091XXXXDL  
**Court Case #:** 2019 10091 CIDL  
**Case Style:** CASABURRO, JOHN E VS FREDERICK, HENRY

#### Documents

Title	File
Voluntary Dismissal	Notice of Voluntary Dismissal.pdf

#### E-service recipients selected for service:

Name	Email Address
Frank A. Ford Jr.	<a href="mailto:aford@landispa.com">aford@landispa.com</a>
	<a href="mailto:dharney@landispa.com">dharney@landispa.com</a>
George Trovato	<a href="mailto:principlelegal@yahoo.com">principlelegal@yahoo.com</a>

#### E-service recipients not selected for service:

Name	Email Address
Kathrine Conroy	<a href="mailto:kconroy@landispa.com">kconroy@landispa.com</a>
	<a href="mailto:dharney@landispa.com">dharney@landispa.com</a>



This is an automatic email message generated by the Florida Courts E-Filing Portal. This email address does not receive email.

Thank you,  
The Florida Courts E-Filing Portal

request\_id#:87931945;Audit#:296446065;UCN#:642019CA010091XXXXDL;

FLORIDA ELECTIONS COMMISSION  
107 West Gaines Street, Suite 224,  
Tallahassee, FL 32399-1050

REC'D - FL ELECTIONS COM  
2019 JUN 13 AM 10:40

ADDITIONAL COMPLAINT INFORMATION

Case Number: **FEC 19-119** and 119-105

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

STATE OF FLORIDA  
COUNTY OF Volusia

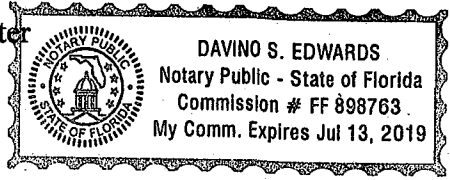
I swear or affirm that the information in the attached statement is true and correct to the best of my knowledge.

John Casaburn  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 17th day of June, 2019.

Signature of Officer Authorized to Administer  
Oaths or Notary Public

DAVINO EDWARDS



(Print, Type, or Stamp Commissioned Name of  
Notary Public)

Personally Known \_\_\_\_\_ Or Produced Identification X  
Type of Identification Produced Florida Drivers License

**Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.**



to: F.E.C.

107 W. Gaines St.

suite 224, Tallahassee, FL 32399

June 17, 2019

386-215-7327-ph.

Narrative: ADDITIONAL COMPLAINT INFORMATION  
Case No. FEC-19-119, 119-105. Ben F. Johnson

Dear Mr. Vaccaro/MS Mulphurs - Re: Respondent made Petition For Fees/Costs; Claim's complainant made False and or Malicious statements against Johnson: Attached is Ben F. Johnson's sworn statement that he was the third Party in providing documents to F.E.C. Witness Henry Frederick. The documents and Police Record's provided are listed a-g. (slander <sup>FOR</sup> Article in Question here and Civil Ct.)

a- Frederick never interviewed complainant Casaburro for 6 page internet article.

b- ALL of Frederick's reporting was Flawed (see amended civil complaint in complainant's response to Petition for Fees)

c- Frederick was negligent, in doing his proper research and homework and solely relied on Johnson's INFO provided only.

Johnson has violated 109.271 - making False and Malicious statements in claim's to F.E.C. Henry Frederick and Attorney

Frank A. (Alex) Ford, Jr. Bar# 2019-30,882 (7A)  
Violated 104.091 - together they knowingly  
aided, abetted, advised, and conspired to charge  
and make false statements and claims against  
complainant Casaburro.

Johnson, Frederick and Ford also violated  
104.091(3) by giving to each other (offenders)  
who committed false acts, slander and  
vengeance and are trying to escape detection  
by fraud. Code calls for punishment  
of all 3 offenders.

I hope the commission sees the fraud  
and perpetration against complainant, Casaburro  
and dismiss their request for fees and claim  
that I was false and malicious while they  
have been acting false & malicious themselves  
all along. (in my complaints) & response to my  
campaign flyer being false, backed by many documents  
& witness to be true and not malicious at the time)  
Complainant <sup>and</sup> believe's Johnson acted in vengeance,  
starting when I listed his failures as Sheriff,  
Johnson got 66% of vote & had \$200,000 in funds and  
still cries foul.

Yours Truly  
John Casaburro

Casaburro had 619 votes, as a write in

## ANSWER SHEET

1. No.

2. Objection, overbroad. Plaintiff and Defendant were opposing candidates in a political campaign. Defendant, Frederick is a member of the press, and this article was about the campaign. Thus, the potential issues herein are very limited on a constitutional level. Further, by definition, even absent constitutional limitations, the scope of the request should be limited to false information. Further, the interrogatory requires Defendant to speculate on the intent of a third party in providing documents to Frederick. Notwithstanding these objections, Defendant knows of no false information provided to Frederick and, by information and belief, the following documents and police records were provided to Frederick:

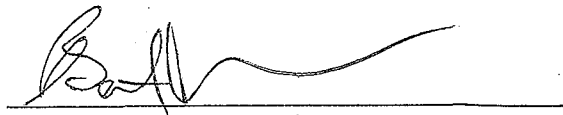
- a. 10-14-94 NY Times Article re Plaintiff's Prostitution Arrest
- b. 9-8-09 incident report - condom on doorstep
- c. 1-12-89 A.P. Story re Plaintiff's Racist Remarks
- d. 4-13-11 Court Filings referred Case No 2010-32956 (REC)
- e. 7-5-18 Emails Complaining about Casaburro Campaign
- f. 7-18-18 West Volusia Beacon re News Article on Candidates
- g. 9-29-97 Court Filings re Casaburro v. Giuliani, (Prostitution Arrest)
- h. 2019 Casaburro as Plaintiff in other Lawsuits
- i. 2000 thru Present - Clerk of Court re Casaburro Summary
- j. 7-10-07 Casaburro v. Volusia County Corporation
- k. 7-29-14 Charging Affidavit - Distributing False Info re Sex Offender
- l. 2000 thru Present - Summary of Volusia County Sheriff's Office Reports
- m. 08-06-09 Incident Report #09-24812
- n. 09-25-09 Incident Report #09-30503 Civil
- o. 4-13-11 Mediated Settlement with Republican Executive Committee
- p. 5-4-05 Incident Report No. 05-15026 Civil Complaint
- q. 7-27-18 Fine Letter from Department of Elections to Casaburro

3. Objection, not reasonably calculated to lead to evidence admissible in the Trial of this cause. In particular, Plaintiff has claimed Defendant breached a contract between Plaintiff and the Republican Executive Committee of Volusia County, and not

the DeLand Republican Club. Notwithstanding that objection; I have not ever been a member to my knowledge.

4. Objection not reasonably calculated to lead to evidence admissible in trial of this cause. Notwithstanding that objection, not to my present recollection.

VERIFICATION



Signature of Respondent

Printed Name: Ben F. Johnson

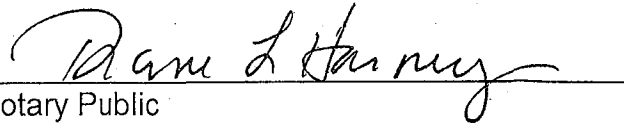
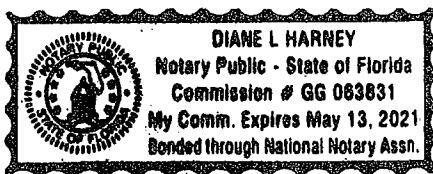
Address: P.O. Box 220169

City, State, Zip Glenwood, Fla. 32722

Telephone Number: 386-527-0901

STATE OF FLORIDA  
COUNTY OF VOLUSIA

Sworn to or affirmed and signed before me on March 20, 2019 by BEN F. JOHNSON.



Notary Public

DIANE L. HARNEY

Print, type, or stamp commissioned name of notary or clerk

Personally Known

Produced identification \_\_\_\_\_ Type of identification produced

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR  
VOLUSIA COUNTY, FLORIDA

JOHN E. CASABURRO

Plaintiff,

CASE NO: 2019-10091-CIDL

vs.

DIVISION: 01

HENRY FREDERICK  
AKA HEADLINE SURFER (D.B.A),  
AND BEN F. JOHNSON,

Defendants.

---

**NOTICE OF FILING DEFENDANT'S ANSWERS TO PLAINTIFF'S  
INTERROGATORIES**

YOU ARE HEREBY NOTIFIED that the Defendant, BEN F. JOHNSON, by and through his undersigned attorney, has filed his answers to interrogatories.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to JOHN CASABURRO, Plaintiff, at 111 Kendra Ave., DeLand, FL 32724, this 20<sup>th</sup> day of March 2019.

---

**F. A. (Alex) Ford, Jr., Esquire**

Florida Bar No. 0381845

**Landis Graham French, P.A.**

Post Office Box 48

DeLand, FL 32721-0048

Tel: (386) 734-3451

Fax: (386) 736-1350

primary email: [aford@landispa.com](mailto:aford@landispa.com)

secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)

Attorney for Defendant, BEN F. JOHNSON

Ph. 386-215-7327



Mr John E Casaburro  
111 Kendra Ave  
Deland, FL 32724



TO:

June 4, 2019

TIM Vaccaro, Executive Director,

FL. Election Commission 107 W. Gaines St.  
suite 224, Tallahassee, FL 32399-1050

Re: FEC 19-119, FEC 19-105 Legal Fee Petition

Respondent: Ben F. Johnson, Complaint Reply

Dear Mr. Vaccaro, Thank you for your voice-mail on May 31, 2019, concerning Question's I had with Petition for Fee's by Mr. Johnson. You and Molly answered my Question's.

Please enter my Reply and Please copy Johnson's Attorney Alex Ford ASAP. There are some misunderstandings with an agreement with Ford and my Attorney George Travato concerning Ford's Promise for no Fee attempts with CIVIL court and FEC.

Respondent Johnson also brings up my Campaign Flyer as a intention of Malice (False). I am forced to defend myself and enter evidence about Johnson's Sexual misconduct, Homicide concerning Race, F.B.I and Justice Dept. Findings & more (Document's enclosed in Reply).

I did not use these document's in Campaign nor did I mention them in court Pleadings. They are very damaging to



Mr. Ford's client. IF I had any evil or  
Malice Intentions I would have released  
these to the Public + G.O.P committee way  
before Fee Petition. Mr. Ford can still  
honor his commitment and DISMISS  
F.E.C Request.

Thank you in advance for your consideration  
in this matter.

John Casimiro

Mr John E Casaburro  
111 Kendra Ave  
DeLand, FL 32724  
386-215-7327

June 3 2019

TO: FL Elections Commission  
107 W. Gaines St  
Tallahassee, FL 32399-1050  
850-922-4539

RE: Casaburro vs Johnson Case No. 19-105 and 2nd follow up complaint #FEC 19-119

Response to: "Petition for Attorney's Fees and Costs" for Respondent Johnson

Complainant Casaburro's reply to 19-119

1. Henry Frederick affidavits is a pack of lies, cover-up, to serve his client Johnson. Written with fiction, conjecture, hearsay, malice intentions and very neglectful. Frederick failed to interview Casaburro before he published article like any good journalist school grad would. On May 29, 2019, Casaburro filed an Amended Complaint (Attachment #1)(Johnson is not mentioned). Amended complaint will show his will full malice, neglect and slander (Attachment 1 to new complaint evidence A-H provided here), with additional case law including abusing his right of privilege as journalist. Frederick is known as a professional slander expert against candidates who don't pay him a fee to hurt their rivals. A rejection causes Frederick to retaliate and print something nasty about them instead. Frederick ruined a good sitting judge's reputation online (Henderson) causing her to lose her re-election bid by a narrow margin. He is an expert in "wording" around the truth with long winded pleadings and responses. He will say that you are the liar and even works to set you up for that (sick). Frederick is considered a menace to Volusia County politics, harming good folks who run for office. I have six former candidates who will testify to this at trial. The above response applies to Fredericks same affidavit s attached in case no. 19-105 FEC Petition.

Respondent Johnson's Notice of Additional Facts:

One page provided in 19-105 bundle only - complainant being sued for fees is 68 years old with a disability living on \$1,500 per month on Social Security Pension (see Attachment 2 - medication and why I need them), reached a point where he could no longer compete with a professional attorney like Mr. Ford. My consulting Attorney George Trovanto made a Lawyer to Lawyer gentlemen's agreement to dismiss Johnson from civil action providing Ford gave his word to not come after Casaburro for any fees/costs, including FEC. His April 3, 2019 letter 57.0104, is a matter of law. I don't know if his motion for fees should be considered as evidence with FEC since

he never entered into the circuit court? Since Ford is not a man of his word, I am now forced to defend myself here and fully in other venues. Ford dismissed the case for his client Johnson by his email and lied in #4 of his notice of additional facts stating that complainant (Casaburro) voluntary dismissed Johnson. The FL Bar intake asked me to fill out a complaint form for unethical practice, misconduct, scheme to defraud Casaburro, Trovanto, the Court, and now the FEC. My disability prevents me from using a computer or email. I rely on other people for help. I did not sign the document (Attachment #3) and wonder what happens now? Ford should do everyone a favour and dismiss his scheme to get legal fees by FEC which I have no doubt will have inflated time amounts (since already showing he is an unethical attorney)


If I don't prevail in State Court, I've been advised to file Forma Pauperis (free filing due to income, medical bills, etc.) in Orlando US District Court with a Pro-bono Pool Attorney the court assigns under Federal Questions, ADA Act, and Privacy Act against both Defendants and possibly Alex Ford too? I hope Mr. Ford keeps his word and dismisses this FEC action.

#### Reply to Johnson's Summary for Basis of Legal Fees Included in 19-105 and 19-119

1. I had no malicious intent or made any false allegations with reckless disregard against Johnson or falsity. As an elected County Committee Member (VCREC) I listed Johnson's failures as Sheriff (fair game) since it is the responsibility of the GOP committee to vet its candidate. Johnson was never vetted and chairman of GOP pre endorsed him before a full committee vote. Campaign flyer, Attachment #4, in 1972, a Grand Jury probed to see if Johnson committed murder or negligent homicide when he shot a young, unarmed, handcuffed, black man dead (in the back). The PBS/Marshall Project hints and implies that an all white jury would not indict Johnson (see Attachment #5). Highway Patrol man Lt. Kevin Vaughn and Johnson were on Local Channel 6 during their campaign when Johnson admitted to have a drinking problem. I also viewed this report at the time. Currently leaders of the GOP have spotted Johnson drunk at parties and wish he does AA 12 Steps. The Federal Law suits against Johnson and County as listed on campaign flyer are public record and one was advised by Washington DC Assistant Attorney General to sue for lack of Law Enforcement (Attachment #6), since Johnson did little for 8 years as sheriff and often ignored drug dealer complaints, see Article #7 and Rico Case Statement (Attachment #7) that acted as an order of protection against Johnson and his men since victims, witnesses, and myself were often intimidated by Deputies and by 3rd parties including dealers and buyers on Kendra Ave. My street is half a block from DeLand High School and drug dealers would often prey on children. The FBI and Justice Department has investigated Johnson twice, the first in 2010 produced the Justice Department letter by AAG and the second in 2015 (Attachment #8) is still open. Last I heard from the investigator, he told me he knew all about the sexual misconduct of young ladies by Johnson and I didn't want to know the rest (two months prior to voting). The Law Office of Gloria Allred (me too movement activist) has advised one victim of Johnsons misconduct to report crime and civil rights violations to the ACLU Lawyers (see attached fax and her preliminary signed statement #9 and #10) She is a busy single mom and afraid of Johnsons retaliation methods. Please keep her name private since the claim/report is still under consideration. If I had any intent towards malice, falsity, or disregard, then

I would have disclosed the foregoing documentation during the campaign and did not disclose same in Civil Lawsuit. I did not address list of failures campaign flyer in pleadings and said they were not relevant to claim at that time. Johnson, Frederick, and Ford have gone to great lengths to paint me as the perpetrator and themselves the victims. FEC legal fees request is more cover up of facts and the truth, mincing words, playing gotcha on any misquotes or errors. This matter should be dismissed as a bogus counter claim and Johnson should not be awarded any fees or costs. They know I have limited income and disability, why else are they persisting, unless they want to smear me to cover up their crimes, sins, and wrong doings. They need Clergy help, not Lawyers. There is no prima facie case for Johnson. This case must be dismissed! I have no attachable assets, car is 15 years old, house is homesteaded, have medical bills, no jewellery, and furniture worth about \$200.00 in a yard sale. I have been only seeking my damages of costs, computer clean up, and legal fees (\$12,000.00 to date). I also find it very hard to believe that Johnson is in politics since the year 2000, and did not know Fredericks sleazy reputation and the alleged ad for \$1000.00. First it was not there (Frederick), now in this complaint it was late (another cover up). Both these men and their Lawyer are frauds. Please do not consider fees and costs for a hearing.

I affirm the foregoing is true and correct.

  
John Casaburro

Att #7

John E. Casaburro	X	Case No: <u>2019-10091</u>
Plaintif	X	Div No: <u>CIDL</u>
-vs-	X	COMPLAINT: <u>AMENDED</u> For Libel, Slander, Defamation, with Malice and Neglect
Henry Frederick, AKA Headline Surfer (D.B.A)	X	
<u>Defendant's</u>	X	

Comes now Plaintiff, John Casaburro , and here by sues Defendants Henry Frederick, who owns, writes and is publisher of Headline Surfer, an internet news outlet as a D.B.A (according to State records his prior corporation is unpaid).

1. This is an action that exceeds (fifteen thousand dollars) \$15,000.00 exclusive of attorneys fees, costs and interest.

The Parties

2. Plaintiff John Casaburro, resides at 111 Kendra Ave, DeLand, FL 32724. Cell phone 386-215-7327.
3. Defendant Henry Frederick resides at 500 Airport Blvd. West, Unit 1307, Sanford FL 32773. Phone number 386-689-2830.
4. Venue is in Volusia County where Plaintiff lives.

Background (Exhibit -A-)

5. On or about July 31, 2018, Defendant Frederick wrote a false and trash article on his newsletter site about Plaintiff, -A- such as, I am a monster (ogre) in my neighborhood. Truth is I have been President of area HOA (unincorporated) since 2002. The only neighbors that hated me are the drug dealers and their friends that got evicted. See Exhibit B, Letter from good neighbour Mike Densmore and Exhibit C, most recent HOA/neighborhood petition with 39 good neighbors signing. -B- Frederick claims that plaintiff is in some sort of conspiracy with Mike Chitwood, Sheriff and Councilwoman Heather Post. Truth is, I met Post briefly at a GOP event and represented Mike Chitwood as a good cop, not a politician. -C- Frederick portrays with malice Plaintiff of a gross and perverted act of leaving a bloody condom on someone's doorstep. Truth is, picture is bogus. Houses in background do not match the modest homes on my street and the Police car is a City PD. My area is County DeLand, where only Sheriff Deputies cars respond to calls. Picture is clearly a fake, as Frederick admits.
6. Frederick with malice goes on in his article and portrays me as a "psycho", dishonest and an unethical person because I was a write in candidature for Council at Large. All based on here-say and conjecture.
7. Frederick claims that I had no good standing with the Republican Party. Truth is I have won four good service awards, one that is attached as exhibit D. (willfull neglectful research)
8. Fredericks takes out of context remarks from a biased reporter (without the full recording) (willfull neglectful research) from 1989 NY, claiming that Plaintiff is a racist. Jews were enslaved as workhorses

for 400 years; my people from Naples Italy were fed to lions, hung on a cross and forced to fight in public venues. This was compared to black take care of your work horse mindset of the 1800's USA at a meeting with black civic leaders. Also, as one of the Founders of Fathers Rights in 1980's and as a nationwide leader, I was talking about low employment, family splits, and crime as a leading reason young black men avoided fatherhood and do not marry.

9. In addition (and there are many other false statements by Frederick outlined below) in 1994 Plaintiff was falsely arrested, held overnight at a police station. Charge amounted to a \$45.00 desk appearance fine for disorderly conduct that was paid in court the next morning. I sent Frederick ticket receipt/appeal win that cleared my name of a made up charge with no backing. (See exhibits E & F) Frederick omits facts and findings by Federal Judges to harm Plaintiff with malice. A trial took place!
10. Plaintiff has been a political activist since 1978 and a businessman with many achievements. Frederick misquotes me to harm and injure like Plaintiff is some kind of mental case with malice.

#### Statues and Jurisdiction in Circuit Court

11. a. "Defamation by Implication"; omitting facts are considered to be falsity and defamation by implication and liable, while recklessly disregarding their falsity.  
b. FL ST 770.01 and 770.02 have been violated by Frederick. Notice was sent by regular US Mail on January 7, 2019 and by email to correct liability and slander.  
c. 770.2 (2)(a) Frederick had 10 days to correct, provide apology and retract his statements of slander and Defendant failed to do so. (See Exhibit G)  
d. Frederick has injured Plaintiff in his reputation, office, business, any future employment (see Cooper v. Miami Herald 31 so 2nd 382, 384 (FL.1947) with false and defamatory (Article § 558 (1977 Tort's) Plaintiff is entitled to relief, damages, and costs.  
e. Section 550 of Libel/Defamation has Frederick libel for gross negligence due to faulty and biased research.  
f. Frederick exposed plaintiff with false reports, fake headlines, and incomplete police reports that caused distrust, hatred, ridicule to the public and Plaintiffs daughter is very upset about my grandchildren being exposed to such lewd and awful falsehoods. (See Thomas v. Jacksonville Television, Inc., 699 so 2nd 800, 803 (FL 1st DCA 1997) .  
g. Defendants Slander with Malice hurt my vendibility with the public and GOP (see Old Plantation Corp v. Maule Industries, Inc., 68 so 2nd 180, 181 (FLA 1953) Special damages apply here by slander, false and malicious statements.  
h. Defendants slander was motivated by ill will and the desire to do harm (malice) (Schreidell v. Shoter) Jury trial is demanded for punitive damages.  
i. Attorney fees are due under 285 so 2nd 29, 31 (Clusman v. Lieberman, FLA 4<sup>th</sup> DCA 1973 (sec 633).
12. Page 1 of Article, Fredericks asks his 30,000 fans to send and share trash article to Facebook, Twitter, Google to further harm plaintiff - this was malice (see cost to correct). Ex-H
13. Page 2 of Article, Frederick claims Plaintiff is a liar, dishonest and unethical - this is here-say and Frederick "neglected" to interview Plaintiff like a journalist should.
14. Frederick claims that Plaintiff is dishonest is repeated through out his article (with no proof).
15. Frederick claims countless lies by Plaintiff page 7. Fredericks neglected to do his job and caused harm to Plaintiff with malice.

16. Defendant abused his right of Qualified Privilege, had improper motives (favoured his client), improper research, and lack of any interview of Plaintiff.
17. Frederick has used freedom of speech to shield his wrong doing and has harmed Plaintiff with neglect and malice.
18. Through out the article, Frederick demonstrated reckless disregard as to the truth or falsity of the statements, and his false opinions.
19. Frederick has failed to retract article and inform his readers that info was flawed, fiction, here-say, and conjecture (more neglect and malice).

Other Relevant Case Law as a Matter of Law

20. As to amend complaint. A claim should not be dismissed with prejudice "without giving the Plaintiff an opportunity to amend the defective pleading, unless it is apparent that the pleading cannot be amended to state a cause of action." Kairalla v. John D. and Catherine T. McArthur Found., 534 So.2d 774, 775 (Fla. 4th DCA 1988). The opportunity to amend a complaint should be liberally given. See Gamma Dev. Corp v. Steinberg, 621 So.2d 718 (Fla 4th DCA 1993); Dryden Waterproofing.

Public Figure Claimant

21. In some instances a statement of opinion may be interpretable as a false statement of fact expressly stated or implied from expression of opinion. Milkovich v. Lorain Journal Co., 497 U.S. 1, 110 S.Ct 2695, 111 L.Ed2d 1 (1990); Florida Medical Center, Inc v. New York Post Co., Inc., 568 So.2d 454 (Fla. 4th DCA 1990).
22. Where as in conclusion, Plaintiff asks court for a jury trial for all of the foregoing wrongs and damages in excess of \$500,000 (one half million), plus attorneys fees and costs.

ADA Accommodation

23. Plaintiff suffers from chronic neck and back pain, numb fingers, degenerative eye, light sensitive that causes headaches and lost focus (can not use a computer). Plaintiff requests that court allow/order all pleadings and notice be sent US mail.

Jan 10, 2019 | UPDATED 5:54 pm

f (https://www.facebook.com/HeadlineSurfer/) t (https://twitter.com/headlinesurfer) g+ ()

YouTube (https://www.youtube.com/channel/UCp4QatBYAKdgQYUOnuGAE2g) p () in () v () s ()

t () v () i () r ()

(https://headlinesurfer.com)



**HEADLINE SURFER**



(http://www.flydaytonafirst.com/)

Award-winning 24/7 Internet news from Daytona Beach, Florida, home of the World's Most Famous Beach & the Daytona 500



HOME (/) > COUNTY COUNCIL WRITE-IN CANDIDATE EPITOME OF MIKE CHITWOOD VITRIOLIC CRUD ENGAGED IN GUTTER CAMPAIGN AGAINST FRONTRUNNER BEN JOHNSON

# County Council write-in candidate epitome of Mike Chitwood vitriolic crud engaged in gutter campaign against frontrunner Ben Johnson

**SHARE ON:**

**f Facebook** (http://www.facebook.com/sharer.php?u=https://headlinesurfer.com/content/county-council-write-candidate-epitome-mike-chitwood-vitriolic-crud-engaged-gutter-campaign)

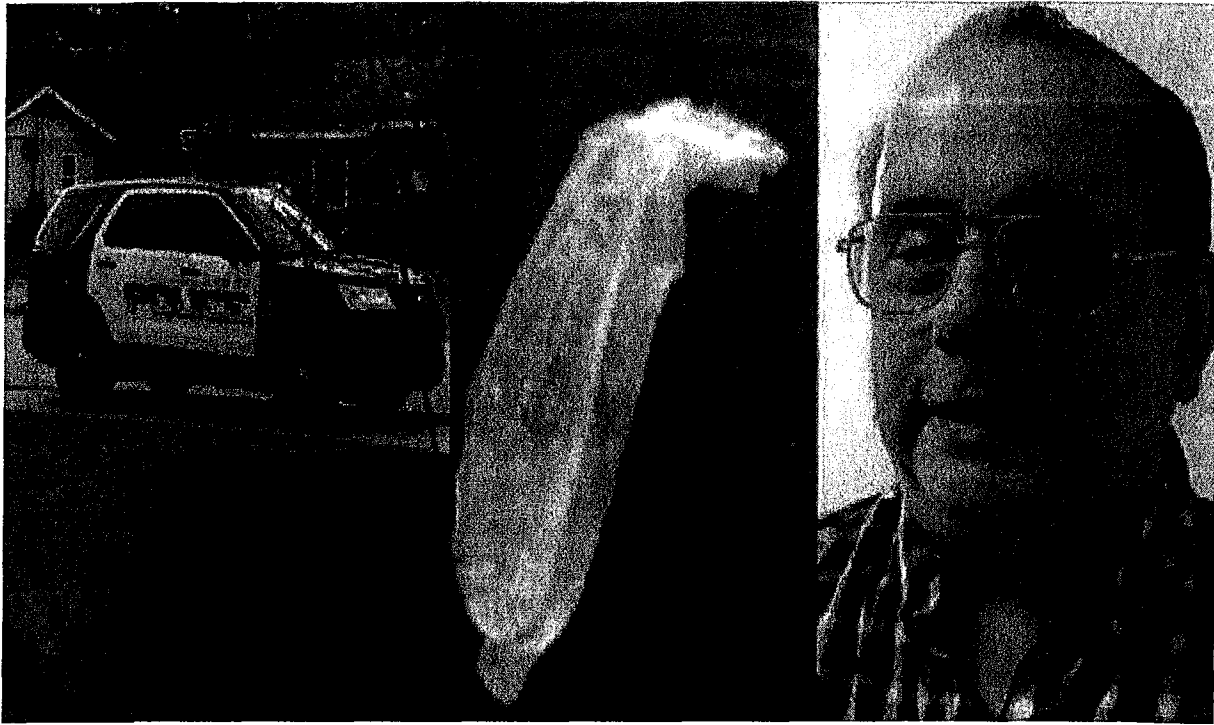
**t Twitter** (https://twitter.com/intent/tweet?text=County Council write-in candidate epitome of Mike Chitwood vitriolic crud engaged in gutter campaign against frontrunner Ben Johnson&url=https://headlinesurfer.com/content/county-council-write-candidate-epitome-mike-chitwood-vitriolic-crud-engaged-gutter-campaign&via=%23)

**g+ Google +** (http://plus.google.com/share?url=https://headlinesurfer.com/content/county-council-write-candidate-epitome-mike-chitwood-vitriolic-crud-engaged-gutter-campaign)

**Post Date:** July 31, 2018

EX-A-





## HEADLINE SURFER



Investigative Reports  
**THE SLEAZE FACTOR!**

*Headline Surfer multimedia presentation / Shown above is John Casaburro, an ogre to his DeLand-area neighbors for years and an enigma over the years in insider politics is now a write-in candidate for countywide elected*

*office taking his cues from vitriolic Volusia Sheriff Mike Chitwood in trying to derail the former sheriff, Ben Johnson, considered an overwhelming favorite to outright win the Aug. 28 primary and succeed retiring At-Large County Councilwoman Joyce Cusack on the dais in DeLand. Not only is Chitwood threatened by the prospect of Johnson's return to elected office, but so too is first-term Councilwoman Heather Post, a former deputy, whose veracity is easily called into question as to the prior illicit use of cocaine as indicated in her personnel file.*

By HENRY FREDERICK

Headline Surfer

DAYTONA BEACH, Fla. -- He was once suspected by a neighboring DeLand family of four of leaving a dripping used condom with blood on it on the welcoming mat of their front porch door as a perverse act of intimidation.

The wife and mom of two little kids discovered it upon returning from an errand -- snagging a pair of sterile gloves to pick it up before it could lead to disaster.

Several Volusia County Sheriff's deputies responded and one of them in turn put on a pair of sterile gloves to pick up the nasty find crumpled within the moms discarded and bunched-up gloves subsequently scooped into an evidence bag to be brought back to headquarters for storage.

And though the husband and others in the quiet neighborhood suspected this was the handiwork of one John Casaburro, for years seen as an agitator, deputies closed the case because there was nothing linking the used bloodied condom to any known crime. A VCSO incident report (<https://headlinesurfer.com/content/2009-vcso-bloody-condom-incident-report>) was taken with a statement provided by the wife who saw the used-bloody condom.

Perhaps this Aug. 25, 2009 incident was just a twisted prank like something Norman Bates might have conjured up to please his dead mother early on in the movie "Psycho." This was the most egregious of a series of harassment-like incidents requiring law enforcement to intervene.



That same year, the same neighbors who dealt with the used bloody condom were upset that Casaburro was overt in taking photographs of their vehicles and other outdoor items, as described in another VCSO incident report (<https://headlinesurfer.com/content/vcso-incident-report-photographing-neighbors-cars>), but because he remained on his own property, no criminal charges could be filed against him, responding deputies told the husband and wife who were seeking an arrest.

the ultimate political dilemma -- a loner with minimal name recognition, no money to finance a legitimate campaign and no chance of winning. So what's the lowest common denominator move of 66-year-old John Casaburro?

The answer is as obvious as it is dishonest and unethical: Slime the front-runner with phony rumors and fake allegations.

In other words, manufacture lies about the opponent.

But in his oh so pathetic and disgraceful scheme to shake up the At-Large Volusia County Council race, Casaburro could not escape his past, which besides leaving the bloody used condom on the neighbors' porch, includes patently disturbing racial remarks and an arrest for soliciting a prostitute.

For more than two months, the contest to fill a soon-to-be-vacant seat on the County Council appeared to be a two-candidate race headed for a Nov. 6 showdown. Conventional wisdom had Ben Johnson, the popular, former four-term sheriff cruising to victory in the countywide race against Deltona resident Ronald Durham.

But then, two days before the ballot was set, Casaburro lobbed a curveball by jumping into the race as a write-in candidate.

And just like that, the contest to replace term-limited Council Member Joyce Cusack became a three-way sprint that in all likelihood will be settled during the Aug. 28 primary anyway. So who really is backing this backdoor sleazy move? Political insiders point to Chitwood himself and one of his newfound allies, a political consultant and previously-failed candidate for public office in David Lee Davis, one of the louder anti-Volusia County status quo antagonists.

As a write-in candidate, Casaburro's name won't even appear on the ballot. The electorate will have to write it in if they want to cast a vote for Casaburro -- assuming they even know he's running and can spell his name correctly. It's an all but impossibility for Casaburro. What was he thinking? Well, it didn't take long to find out. His apparent motivation for getting into the race was to try to play spoiler by spreading false accusations about Johnson.

After all, Durham is an ordained minister who is highly respected in the black community and not known for popping off. And in Casaburro's case, it's not just about spreading the poison but making up the stuff, to begin with.



Johnson was emphatic in telling Headline Surfer he had no intention no intention of dignifying the allegations and assisting Casaburro with his gutter politics by repeating the accusations here for this story, but the former lawman did not mince words in stating what comes out of Casaburro's mouth is "disgusting and despicable and completely lacking in any factual basis."

Casaburro first tried to spread his verbal poison throughout the ranks of the Volusia County Republican Party, with which he has had a long and contentious history. At one time, Casaburro held a leadership position on the GOP executive committee, but the relationship soured and ended in a lawsuit.

While County Council elections are non-partisan, the local political parties nonetheless have long gotten involved in the races by throwing their weight behind their preferred candidates. Casaburro's sleazy gambit, however, did not pay off.

"I campaigned for the endorsement, but I didn't get it," an obviously bitter Casaburro lamented during a radio interview on July 12 with WNDB 1150 AM talk show host Marc Bernier, a key Chitwood supporter. And in case there was any doubt where the Volusia County Republican Party stands with respect to Casaburro, it was made crystal clear when the GOP executive committee chaired by Tony Ledbetter recently shared a post on its Facebook page with the following message: "Vote for Ben Johnson – Republican Executive Committee Endorsed Candidate for County Council At-Large."

But even as the Republicans have long since slammed the door shut on Casaburro -- clearly on the outside and with absolutely no shot at ever being allowed to re-enter -- he continues to distribute fliers, repeat his phony allegations at campaign appearances and push them out to e-mail recipients.

"I am attaching two very important communications for your consideration," Casaburro wrote in one of his email smears. "Please consider them both with great urgency."

In yet another poison email, Casaburro, in all his arrogant regalness, boldly predicted that as a result of his allegations, "Johnson will have to quit the race."

**In yet another poison email, John Casaburro, the 66-year-old write-in candidate in all his arrogant regalness in taking on one of the most popular elected leaders in Volusia County's history, boldly predicted that as a result of his allegations, "Johnson will have to quit the race."**

One voter who attended a recent political event where Casaburro was distributing his phony sleaze piece reported that the candidate got downright ugly and intimidating when he was challenged to provide proof of the allegations. Naturally, Casaburro was unable to back up his allegations – for the very reason that they have no basis in fact. They aren't true, period.

Instead, Casaburro tried to bully the person demanding to see proof.



"He got so angry at me that he hovered over me in a very threatening manner," said the vote of his encounter with Cassaburro. His name is being withheld by Headline Surfer to spare him further harassment from Casaburro and others like him that are stirring the pot behind the scenes.

For his part, Ben Johnson reports being flooded with phone calls and social media messages from outraged voters. So far, Johnson has taken the high road and purposely keeping his public comments to a minimum.

Certainly, plenty of people are hopping mad about Casaburro's gutter tactics.

"I hate trashy campaigns!" one Johnson supporter wrote in an e-mail to him. "But it really makes me angry when they trash honorable people!"

Another said of the slime piece: "I think it is slander and libel against you." Yet another was even more blunt in a post on Johnson's Facebook campaign page: "Time to crucify this clown."

In a recent story published in the West Volusia Beacon profiling the at-large council race, Casaburro evidently told the bylined writer that this was his first time running for political office. That, as it turns out, also isn't true. But it's certainly understandable why Casaburro would want to run away from his past.

In 1989, while living in New York and running for Mayor of Yonkers, Casaburro made headlines in the New York city newspapers for highly inflammatory and degrading comments suggesting that most African-Americans had it good during this country's slavery era. "Ninety percent of all Blacks lived well and had it good" under slavery, Casaburro was quoted as saying.

The article went on to report that Casaburro degraded the African-American culture by saying: "Most Blacks are encouraged not to marry a woman. They're encouraged to impregnate, not marry her because it's almost an irresponsibility to get married since welfare will take care of her."

Casaburro's racist remarks, outed by Johnson in an NAACP candidate forum ??????????????????????

In 1994, the New York Times reported that following a failed Congressional bid in New York, Casaburro was arrested during a prostitution sweep in Manhattan after he struck up a conversation about oral sex and money with a woman who turned out to be an undercover officer.

When he was arrested, Casaburro was reported to be carrying a flier identifying himself as a candidate in the 18th Congressional District race. He was charged with patronizing a prostitute. Casaburro sued then-New York Mayor Rudy Giuliani and the City of New York over the arrest, seeking \$10 million in damages. It didn't take long for the suit to be thrown out.

Giuliani, the City of New York and The Volusia County Republican Executive Committee aren't the only ones to be on the receiving end of Casaburro's frivolous lawsuits. In the past, he also has sued, among others, a New York grocery chain, a roofer, the County of Volusia, the Volusia County Council and the Volusia County Sheriff's Office.

In his 2007 suit against the County of Volusia, Casaburro challenged the constitutionality of the county's local non-partisan elections. He claimed that non-partisan races violated his First Amendment right to know the party affiliation of candidates running for local office. Oddly, in light of his blatantly racist remarks in New York, Casaburro and a co-plaintiff argued in their suit that non-partisan elections are also "perpetrated on black voters," in violation of the 15th Amendment and of the Voting Rights Act. The case was dismissed.

Casaburro's troubles didn't end there.

In 2014, the Orange City Police Department charged Casaburro with distributing false information about a sex offender. And his frequent squabbles with neighbors have resulted in law enforcement being called on numerous occasions. During interviews with responding officers, Casaburro claimed to be the head of a homeowners association. But even that claim seemed questionable to deputies.

A responding deputy wrote in an August 2009 incident report: "Casaburro also told Deputy King he is the president of the homeowner's association which to Deputy King's knowledge does not exist."

A month later, another deputy responding to an incident involving Casaburro documented the following in his report: "Casaburro claimed to be the president of a Homeowners Association, but then admitted that he merely initiates action to remove undesirable residents from the neighborhood."

Then, after about a decade of perceived slights and wrongs, Casaburro decided to jump into politics once again.

During his recent radio interview with Bernier, Casaburro was asked a series of question about his County Council candidacy:

- Had he looked at the County budget? "No, not directly," Casaburro responded. "If elected, I promise to do that."
- Had Casaburro appeared before the County Council on any issue? No, he responded, and then added the following explainer: "I'm not the type of guy that goes to meetings."
- Had Casaburo been on the County Council at the time, would he have opposed some of the economic stimulus incentives that the county gave to several businesses? "I don't know that issue for sure and I rely on other people to inform me. So I can't speak to that right now."

Other sample quotes by Casaburro from that disastrous radio interview include, but are not limited to the following:

- "I'm not totally familiar with that issue."
- "I really have to look more into the details of that before I say yes or no."

When asked about his qualifications for office, Casaburro insisted: "I have the credibility and the background."

And that, by any objective measure, would seem to be just another one of Casaburro's countless lies, say those who have dealt with him and his kind. END

Part 2: Heather Post, Druggie on the Dais?



(/user/3) Short Bio

Henry Frederick is publisher of Headline Surfer®, the award-winning 24/7 internet news outlet covering the Daytona Beach-Sanford-Orlando metro area via HeadlineSurfer.com for a decade now. A longtime cops & courts reporter focused on breaking news & investigative reporting, Frederick is among the Sunshine State's most prolific daily news reporters, having amassed dozens of journalism-industry awards in print and digital platforms. Frederick is enrolled at Full Sail University in Winter Garden, FL, where he's three-fourths through the online Master of Arts program in New Media Journalism. His graduation is in August.

View full user profile (/users/henry-frederick)

ADVERTISING



(http://www.counselingcenternewsmyrnabeach.com/)

ADVERTISING

(http://www.flydaytonafirst.com/)

Mike Densmore  
1075 E. Plymouth Ave  
DeLand, FL 32724  
386-216-1313

Judge *GREEN*  
Case No. *2013-23504*

Dear Sir:

I have been a personal friend and neighbor to John Casaburro for the past 10 years. While living across the street from Mr. Casaburro I found him to be a good neighbor and know that he was instrumental in weeding out many of the unfavorable people from the area. With his help we were able to clean up our street and reduce crime in our area. I have since moved from this neighborhood but still keep in touch with John and see him on his morning walks as he walks down the street. He has on many occasions stopped to pet my dogs and has given them his left over steak bones as a treat to them. It is my opinion that John would never harm anybody's animals and experienced him to be quite the opposite in that respect. Thank you for your time and I wish the best for everyone regarding this matter.

Sincerely,

  
Michael Densmore

*1-14-14*

*EX-B-*



Mr. John E. Casaburro  
111 Kendra Avenue  
Deland, FL 32724

Kendra Ave. and surrounding streets unincorporated Homeowners Association C/O Mr. John E. Casaburro, 111 Kendra Ave, Deland FL, 32724. Phone Number: 386-215-7327

To: Volusia County Sheriff Michael J. Chitwood; District #1

Councilman Pat Patterson

County Manager James T. Dinneen Offices at 123 West Indiana Ave. Deland FL, 32720

RE: Children's Safety Issues: Speeding in our area near Deland High School

Gentleman, please be advised: we hereby petition county officials of ongoing speed problems on Kendra Ave, Lindly Blvd., N. Hill Ave (Turn) that endanger our young children, school children, joggers, etc. We suggest the following remedy by the county:

1. Increase Police presence/speed traps (especially right before and after school hours)
2. Install 4 speed mats <sup>(\* 2)</sup> (not bumps) along Kendra Ave.
3. Caution/Small Children at Play signs attached to 25 mph speed limit signs, (2) on Kendra Ave.

We thank you for your consideration with this matter.

4-14-17

John E. Casaburro

EX-C - Pg. 1 of 3



Kendra ave. Short cut to DeLand High School (2 blocks)

	Print Name:	Sign Name:	Address: / Phone #
	vacant houses-	108, 103 - Kendra	
1.	John Casaborro	John Casaborro	386-215-7327 111 Kendra
2.	Michele Sidman	Michele Sidman	843-742-8873 109 Kendra Ave.
3.	Carol Izquierdo	Carol Izquierdo	407-754-8568 113 Kendra Ave
4.	Blanche Cook	386-627-5071	123 Kendra Ave DeLand, FL 32724
5.	<del>Blanche Cook</del>		
6.	Chris Baker	386-717-8439	116 Kendra Ave DeLand FL
7.	Chris Baker		
8.	Lindsay Buzenas	386-748-8116	114 Kendra Ave. DeLand FL
9.	<del>Jay B</del>		
10.	Kim Killa	386-624-3972	112 Kendra
11.	<del>Amin Killa</del>		
12.	Ryan Dalka	704-426-2495	104 Kendra
13.	Rosa Torres	(386) 279-9200	106 Kendra Ave
14.	Siantawia Mars	386-473-3122	107 Kendra Ave
15.	<del>Shirley</del>		
16.	Edward L. Wellman	386-848-7713	100 Kendra Ave
17.	<del>Edward L. Wellman</del>		
18.	Alisha Strickland	386 588 0185	105. Kendra Ave
19.	<del>Alisha Strickland</del>		
20.	CANDACE PETT	386 736 0969	101 Kendra Ave
21.	<del>Candace Pett</del>		
22.	Cheryl Joyner	(386) 748-2059 Cheryl Joyner	831 Lindley Blvd. ↑ (Faces Kendra)

23.	Sherry [unclear]	102 Kendra Ave	386-947-0511
24.	Jana [unclear]	119 Kendra Ave	386-740-9885
25.	Paul J. Belg	121 Kendra Ave	386-986-9222
26.	PATTIE Helzer Pat Helzer	816 MONTREVILLE	386-748-3597
27.	Lauri Bartley	1140 Montreville	Face Kendra
28.	Cliff Brown	1050 LINDLEY Blvd	386-738-2129. <sup>Large PROP; OWNER</sup>
29.	Jerry ROBERTSON	1045 LINDLEY BLVD	386 736-2369
30.	Randy	1101 N.H. Hill Ave	386-748-5009
31.	VANDERLIP	28,29,30 at Dangerous TURN,	<sup>2 speed.</sup> Need Mats
32.	Melquiades	113 Kendra Ave	
33.	Miriam S. Miriam W.	118 Kendra Ave	407 430 3511
34.	Roberto	120 Kendra	386-8016004
35.	Thomson Scott	109 Kendra Ave	843 742 8874
36.	Steve Scherer	1045 Lindley Blvd	386-747-2107
37.	[unclear]		
38.	Mellen [unclear]	1045 Lindley Blvd	
39.	Pam Palmer	110 Kendra Ave	386 2129847
40.			
41.			
42.			
43.			
44.			

45. NOTES

46.1- ALL Lindley Blvd & N. Hill ave TURN owners signed

47.2- Majority of Household's on Kendra signed - 20 out of 22

3-2 weeks ago a school kid was struck by a car on N. Hill Ave.

PG. 2

EX-C-pg-3-



# RECVC

## Certificate of Service

This Certificate of Service

is given to

**John Casaburro**

for his service as the

Vice Chairman of the RECVC

and for his efforts as

A fundraising Chairman

During his term of office

During the years

2009-2010

Given this day April 2, 2011

RECVC  
**Board of Directors**

Joe Stich  
Chairman

Tony Ledbetter  
Vice Chairman

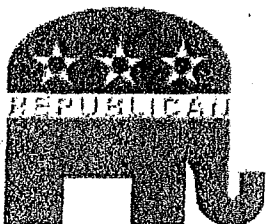
Judi Buckley  
Treasurer

Virginia Hewett  
Secretary

Headquarters  
747 S. Ridgewood Ave  
Suite 104 Box 3a  
Daytona Beach, FL  
32114

Phone:  
1-386-795-1704  
Fax:  
1-386-426-5744  
Email:  
jstich@cfl.rr.com  
Web  
www.recvc.org

Joe Stich  
Chairman  
RECVC



EX-D







Mr. John E. Casaburro  
111 Kendra Avenue  
Deland, FL 32724

to: Henry Fredrick  
headlineSurfer

Jan. 7, 2019

-NOTICE-

Required Request to Remove SLANDER and  
DemFamation from your Web Site, Google,  
Face book, Twitter, etc. And Replace with  
a Letter of Apology. And Retraction

Dear Mr. Fredricks, I have recently viewed  
your opinion's of me on the Web. You  
should advise your client that your statements  
are FULL of Falsehood's, Fake News, Items  
taken out of context, conjecture & heresay.  
You and your client are liable for this gross  
Perperation. I have a "no slander" Contract  
with the Republican Party. Mr. Johnson  
has legally been a member of the County  
Executive Committee as a elected official.  
Also as a Private Citizen & member of the  
Republican Club of De Land chartered by  
County. You & he must clean-up- remove  
this slander ASAP or a Lawyer will enforce  
a breech of the Contract / mediation agreement  
& Liable Laws. You will be responsible for  
Damages, Legal Fee's & cost's well over  
what Johnson paid you.

see Attached proof to some of Falsehood's) your's truly,  
via-U.S. Mail various addresses. John Casaburro  
EX-G.

Account Name John Casaburro  
Bill To 111 Kendra Avenue  
Delane, Florida 32724  
USA

Agreement Date 3/1/2019

Contact Name John Casaburro  
Phone (386) 215-7327  
Email [REDACTED]

Prepared By Zach Posey  
Phone (650) 381-2985  
Email zposey@reputationdefender.com

Product	Sales Price	Quantity	Total Price
Defender® 10K	USD 10,000.00	1.00	USD 10,000.00

Due Today USD 10,000.00

Terms of Service

This Service Agreement is entered into between ReputationDefender LLC and CLIENT ("you") in connection with your purchase of the ReputationDefender® and/or Privacy services. Your purchase of any ReputationDefender® services is governed by the Standard Terms of Service (found at <https://www.reputationdefender.com/legal>) as may be amended from time to time. Please click these links and carefully review these terms of service as they are part of your legally binding contract.

Fees:

The service fee in full is due upon acceptance of this agreement and will be collected in advance of providing services set forth above. If you are paying by credit card or bank card, then by signing below, you authorize these charges to be charged on your credit card or bank card.

Term:

This Agreement is a commitment for twelve (12) months of service. Notwithstanding anything to the contrary in the online terms of service referenced above relating to auto renewals, this Agreement will end after twelve (12) months and will not automatically renew. ?

I acknowledge that I have read and agree to the foregoing.

Signature:

Email: [REDACTED] and estimate: Keith Wilson, owner  
AAC Computers, 2607 S. Woodland Blvd, Deland  
FL 32724-386-490-5717-Verbal \$50 to \$100 per hr.  
(depends on worker) \$1,500 For counter web site, up  
to 200 hours on \$20,000. to clean site's.  
\$22,500

EX-H-

# Medications & Supplements

You reported the following medications and/or over-the-counter (OTC) supplements during your visit. This list should be shared with all of your health care partners. You should also keep a copy of this list posted in your home if there was ever an emergency.



## My Medication List

MEDICATION(S)	HOW I USE THIS	WHY I USE THIS
Amiodarone HCl Tab 200 MG	1 Tablet(s) Once daily	High Blood Pressure
Furosemide Tab 40 MG (LASIX)	1 Tablet(s) Once daily	Swelling, Heart Failure
Fenofibrate 145 g	1 Tablet(s) Once daily	High Cholesterol
Simvastatin Tab 40 MG	1 Tablet(s) Once daily	High Cholesterol
Potassium Chloride 20 meq	1 Tablet(s) Once daily	Low Potassium Prevention
Carvedilol Tab 6.25 MG	1 Tablet(s) 2 times daily	High Blood Pressure
Acetaminophen Tab 500 MG (TYLENOL EXTRA STRENGTH)	1 Tablet(s) Use as directed	BACK PAIN, JOINT PAIN, OSTEOARTHRITIS
Aspirin Tab 325 MG	2 Tablet(s) Once daily	BACK PAIN, JOINT PAIN

Please use the extra space provided to add your own notes.

## Allergies, Adverse Reactions or Alerts

You reported the following allergies or adverse reactions during your visit. It is recommended to keep this list with your medication list and post them in a convenient place.



*Att #2*

### SUBSTANCE / MEDICATION & REACTION

No known drug allergies

234020 0807 0 005980 046767 6/8





Att #3

Filing # 87931945 E-Filed 04/12/2019 04:56:56 PM

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

JOHN CASABURRO,  
Plaintiff,

vs

HENRY FREDERICK,  
ETC., ET AL,  
Defendant(s).

Case No: 2019 11091 CIDL  
Division: 01  
Judge: Randell H. Rowe III

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW Plaintiff, JOHN CASABURRO, hereby files this Notice of Voluntary Dismissal of his Complaint in the above-styled case as to Ben F. Johnson only.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-Portal to Frank Alex Ford, Jr., Esquire at [aford@landispa.com](mailto:aford@landispa.com) and US mailed to Henry Frederick at 500 W Airport Blvd Apt 1307 Sanford, FL 32773 on April 12, 2019.

/s/John Casaburro  
JOHN CASABURRO  
111 Kendra Avenue  
Deland, FL 32724  
386-215-7327

# John Casaburro

Candidate for Volusia County Council, at Large

111 Kendra Avenue

DeLand, Florida 32724

Telephone: (386) 215-7327

Email: johncasaburro@yahoo.com

July, 2018

The following are very important reasons why you should not vote for Ben Johnson.

1. According to Sheriff Mike Chitwood and other law enforcement professionals, Ben Johnson shot an unarmed black youth in the back dead, showed no remorse, and tried to cover up the incident.
2. Florida Highway Patrol Lt. Kevin Vaughn (R) has advised, as a witness, during a previous campaign, that Ben Johnson confessed in a television broadcast that he has a drinking problem, and while serving in the capacity of Sheriff, he drove under the influence.
3. Ben Johnson caused several federal law suits to be filed against himself, and the county, due to lack of law enforcement concerning drug dealers, and trafficking. His men would intimidate victims, witnesses, and those petitioning for the eviction of drug dealers. See U.S. District Court (Middle District of Florida) Cases: CV-934-ORL-40GJK and VC-1899-ORL-22-DAB. Since taking office, the current Sheriff, Mike Chitwood has cleaned up these high crime drug areas. Ask yourself, there were at least five heavily affected high crime drug infested areas, between 2009 and 2017, that Ben Johnson, as Sheriff, refused to investigate and clean up. Why?
4. Ben Johnson will vote like an aristocrat on the county council, and appears to be ready, willing, and able to serve special interests.
5. Ben Johnson is under investigation for corruption and sexual misconduct. He will eventually have to quit the race or leave office.

Att #4

**PLEASE VOTE FOR JOHN CASABURRO!**

*(Political advertisement paid and approved by John Casaburro for Volusia County Council at Large)*

Att #5

Reporting by The Marshall Project

FEATURE | FILED 6:00 A.M. 01.24.2018

This story was produced in collaboration with PBS NEWSHOUR.

Correspondent: JOHN CARLOS FREY | Producer: Mike Fritz

Additional Reporting By MANUEL VILLA

**Volusia County, Florida** — This was one of the last places in the South to end segregation, a land today of gun enthusiasts and NASCAR, where Jews are still cautioned not to draw attention by hanging mezuzahs on their doors, and local history books say little, or nothing, about African-American life here. The most notable change in the county's demographics in the generations since Jim Crow is that black sharecroppers who used to tend white-owned farms have been replaced by thousands of undocumented Mexican farmhands.

### **A New Sheriff in Town**

Chitwood, 54, is the son of a police chief in a Philadelphia suburb, and rose to lieutenant in the Philadelphia Police Department. He moved south eleven years-ago to accept an appointment as chief of police in this county's urban core, Daytona Beach. He says he ran for the sheriff's job because an elected post would be less beholden to civilian bureaucrats. There has been speculation that this is a debut for higher office.

Part of Chitwood's appeal, like Trump's, is a brash, uncensored, critics-be-damned style that makes him a forceful and familiar presence on local TV. He is famous for calling crime suspects "scumbags," and insulting — in his Rocky Balboa accent — politicians, lawyers and anyone else who disagrees with his unfiltered opinions. In May, embroiled in a budget dispute, he called the county's highest-ranking executive "a lying sack of shit."

A brash sheriff from Philly tries to bring police reform to Trump country. VIDEO FROM PBS NEWSHOUR AND THE MARSHALL PROJECT

Around here, that is regarded as "telling it like it is," especially since he is an egalitarian insulter. "He calls anybody a scumbag," said Clarence "Bo" Davenport, the former longtime director of public works in the county seat. "I said, 'Man, you can't come down to the South with that junk. Them good ol' boys take care of you.' I told him that. Well, he looked at me, and said, 'I can handle myself.'"

Chitwood is a registered independent, and while his demeanor is Trumpian, his views on criminal justice are anything but. Over beers, Chitwood tends to go off on social justice soliloquies that emphasize the woeful legacy of segregation or the dire need for federal immigration reform.

Since January 2017 he has worked from the reformist playbook, adopting measures he had practiced in Daytona Beach — deploying the data-driven policing strategy known as Compstat, instructing officers to never turn off their body cameras when responding to a call, mandating classes on de-escalating conflict and police bias, and deemphasizing the weapons proficiency of new recruits: "Why is it so important that the first thing we do is assess your shooting skills?" he asks.

Noting that since 2012 sheriff's deputies have fatally shot 13 civilians, Chitwood spent \$92,000 in drug forfeiture money to hire a Washington D.C. policing think tank to review the agency's use of force. He removed the training academy's welcome sign, which celebrated, "Confidence In the Line

of Fire," explaining, "what that preaches is that we are military. And that's the problem with my training division. I have so many ex-military guys in there."

To the department's old guard, this is seen as an attempt to transplant Eastern elite notions in alien soil.

"If you can't shoot a gun, and you don't have the ability to learn how to shoot a gun, you aren't going to be any good to us," retorted Evan Ort, a former army marksman who was the department's gun instructor until June when he quit in protest. Ort was infuriated when Chitwood brought in the consultants from the Police Executive Research Forum to critique the department's culture. He warned that the new emphasis on de-escalation was likely to get a deputy killed, and he mocked the sheriff's New Agey talk of "wellness" and "mindfulness" as irrelevant to a department that he said is understaffed and overworked.

"Those cats are fucking tired, plain and simple," Ort said. "When you are that tired, you aren't going to eat healthy. You are not going to have any mindfulness because you are fucking tired all the time."

Chitwood's most formidable obstacle is resistance within his cadre of 415 officers. He scored a few points with his troops after being part of a successful months-long contract negotiation with the union, formalized on December 21, which bumps deputies' starting salary to about \$19 per hour. The pay increases don't lessen the rank-and-file disdain for their new boss. Overtime shifts are mandatory, deputies complain of more aggressive discipline (though that is not reflected in department records) and deputies are quitting or retiring at a pace that accelerated when Chitwood took over.

One deputy was fired in September because he insulted Chitwood's leadership style in a Facebook post. (Law enforcement officers, Chitwood noted, don't have the same First Amendment rights as civilians.) Deputies have passed around a clip from a German movie of Hitler berating his generals, with subtitles taken from Chitwood's rants. "It's been a rough first year for the deputies," says Sgt. Brodie Hughes, president of the Volusia County Deputies Association.

Detractors see Chitwood as calculating, noting that he told the NRA in a pre-endorsement questionnaire that he would consider supporting a law to let Floridians carry weapons openly, a position the Florida Sheriffs Association and most progressives oppose. The gun lobby awarded him an "A" grade. Chitwood said he just registered a willingness to discuss the issue.

Presented with all this criticism, Chitwood responded, "All I am gonna say is this: fuck 'em. I got a job for four years, if they don't like it, get out."

Pressed about how he expects to create lasting reforms in such a toxic environment, Chitwood cast his critics as the vestiges of a time that is past, or soon will be.

"The easy part for me is convincing the residents. The residents have seen me at work for ten years" in Daytona Beach, Chitwood said in one of several interviews. "The cops, they are the skeptical ones. They are the harder group to get to follow you. Because no one likes to be second guessed. No one wants to change. The community embraces change. They want an accountable, well-trained police force that is in tune in their community."

"They've grown up in a cocoon here," he said of his deputies. "They train together. They don't look to train outside. They don't read articles from outside. They don't get educated from outside. Everything is Volusia County."

Chitwood intends to expose his officers to reform scholars and the more liberal policing cultures of Los Angeles and New York, "where they can see 'oh shit, there's another way of doing things'."

### **"Good Ol' Boys"**

The old way of doing things was embodied by Chitwood's predecessor, Ben Johnson, who retired in December 2016 after 16 years as sheriff.

\* In 1972, as a young deputy, Johnson fatally shot an unarmed black man as he fled from police custody. A grand jury cleared Johnson, but the episode contributed to a mistrust among African-Americans that lingered throughout his tenure as sheriff.

On his watch, the county spent at least \$671,500 settling deputies' use-of-force and false arrest cases, according to legal records.

From 2011 to 2013, Johnson's agency was investigated by the U.S Justice Department after a Latino resident complained that deputies responding to a domestic violence call detained the wrong person because they couldn't understand Spanish. Volusia County is 12% Latino, not including the estimated 10,000 to 20,000 undocumented residents who've migrated mainly from Mexico. Federal officials faulted the sheriff's office for having no in-house translators and for offering English-only forms and pamphlets to the public.

The way Chitwood sees it, Johnson alienated black and Latino neighborhoods, and the new sheriff now has to repair the damage. Chitwood attends Sunday service at Mexican churches, visits taco stands to eat alongside undocumented farm workers and frequently accuses his predecessor of being indifferent to their concerns.

Johnson fiercely disputes the suggestion of racism or apathy, saying that he was "the sheriff for everybody."

Sitting next to his wife one afternoon at a restaurant, Johnson parried a barrage of personal attacks from his successor, and finally broke down in tears. "All I want to see is success for him, but don't hurt people to get it," he said, wiping his eyes. "He doesn't have to come in there and destroy what's been done." Johnson has returned to politics, and plans to run for a county council seat in 2018.

# Grand Jury To Probe Prisoner Shooting

By HILL FINNEY  
From Our West Volusia Bureau  
DELAND — Volusia's Fall Term Grand Jury will inquire March 22 into the fatal shooting of escaped prisoner Troy Davis, 37, DeLand, by a Sheriff's Deputy here Feb. 8.

State Atty. Stephen Boyles made the announcement Thursday after the Grand Jury returned an interim report in which it commented on a continuing probe into affairs of the City of Port Orange.

Boyles informed Circuit Judge James T. Nelson the jury would begin taking testimony in the Davis case at 9 a.m. next Wednesday.

Hookie Deputy Ben Johnson shot Davis in the downtown DeLand area after he had escaped from another officer while being returned to County Jail from court.

Johnson testified at a Feb. 11 Coroner's Inquest that he fired in what he considered self defense. The jury returned a finding of justifiable homicide.

Since that time, the NAACP and

other mostly black groups have met several times to discuss the incident. They have demanded Johnson's dismissal as an officer.

Boyles wouldn't say Thursday whether he had suggested the shooting investigation. But he was quoted earlier as saying he believed the Grand Jury should look into it, not because of evidence not submitted to the Coroner's Jury, but because of objections voiced since the inquest.

On the Port Orange probe started last month, the jury's presentment confirmed that possible Sunshine Law violations were involved, as well as nonadherence to business procedures. The report said:

"We have heard additional testimony surrounding the conduct of public business in the City of Port Orange. We have considered this testimony and have crystallized the citizen complaints.

"The complaints are complaints of possible violation of the Sunshine Law

and possible nonadherence to Charter prescribed business procedures.

"We conclude that further field investigation of the complaint is necessary and have requested and been advised that further investigation will be made by ... the State Attorney."

### Three Indicted

From Our West Volusia Bureau  
DELAND — The Grand Jury Thursday returned indictments charging three Volusians with first and second degree murder and rape. They are:

— Jean Ann Reed, 18, 647 School St., Daytona Beach, first degree murder in the killing of Jerome Fountain, 32, on Feb. 10.

— Billy H. Moore, 22, Ormond Beach, second degree homicide in the fatal shooting of Clifford Hugh Mackney, 35, on Feb. 8.

— Robert James Fauds, 20, Holly Hill, rape of a female over 10 on Feb. 23.



AT TROTTING RACES— Stu Clark winner of a trot and pace competition near DeLand. The trotting race the West Volusia YMCA. More races Mr. and Mrs. Winfield Bennett and many fans watching the trotters. A racing program is being conducted.



## In Downtown DeLand

#5-B-



U.S. Department of Justice

Civil Rights Division

Att # 6

Office of the Assistant Attorney General

Washington, D.C. 20530

DEC 10 2012

The Honorable Bill Nelson  
United States Senate  
Washington, D.C. 20510

Dear Senator Nelson:

This responds to your letter to the Assistant Attorney General for the Office of Legislative Affairs dated October 31, 2011, regarding your constituent, John Casaburro. Mr. Casaburro and four other individuals describe their concerns with the ~~U.S.~~ Attorney's Office (State) for the Middle District of Florida and the Volusia County Sheriff's Office. The letters include allegations of a pattern of corruption and nepotism, a failure to fully investigate the deaths of two individuals, a failure to respond to local landowners' complaints about harassment by an out-of-town developer, and the filing of false charges against those local landowners.

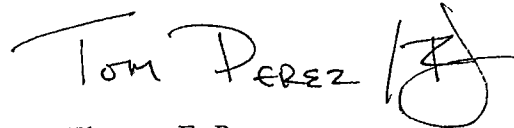
One of the core missions of the Special Litigation Section is ensuring that law enforcement agencies comply with federal civil rights laws. For example, the Special Litigation Section enforces the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, and the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. § 3789d. Section 14141 permits the Attorney General, acting on behalf of the United States, to file lawsuits against state and local governments to remedy a pattern or practice of conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution and federal law. The Safe Streets Act, together with Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7, prohibit discrimination on the basis of race, color, sex, or national origin by state or local criminal justice agencies receiving federal funding.

We will consider your letter and the individual complaints that you have forwarded in determining whether the Volusia County Sheriff's Office is engaged in a pattern or practice of conduct warranting investigation by our office. However, the Special Litigation Section does not have the authority to investigate individuals' complaints. Therefore, we cannot directly respond to the concerns raised by Mr. Casaburro or the other four individuals referenced in his correspondence. In addition, we do not have jurisdiction to address allegations that the U.S. Attorney's Office for the Middle District of Florida has engaged in misconduct. We have referred those allegations to the DOJ Office of the Inspector General for review.

The Honorable Bill Nelson  
Page Two

We hope this information is helpful. Please do not hesitate to contact the Department if we may be of assistance with this or any other matter.

Sincerely,

A handwritten signature in black ink that reads "Tom PEREZ" followed by a stylized flourish or initial.

Thomas E. Perez  
Assistant Attorney General



252-1511  
781

## VOLUSIA COUNTY SHERIFF'S OFFICE

# Suit: Failure to stop drug dealers ruined business

By Frank Fernandez  
frank.fernandez@news-jrn.com

#7

A Port Orange man is claiming in a federal lawsuit that the Volusia County Sheriff's Office failed to stop drug dealing near his trucking business causing him to lose more than \$500,000.

Robert Momi filed the lawsuit Tuesday in federal court in Orlando, against Volusia County and "defendants unknown." Momi's lawsuit asks the court to order the U.S. Attorney's Office to investigate Sheriff Ben Johnson for fraud.

Momi, who is representing himself, is stating that since 2008 he filed numerous complaints

about drug dealing near his commercial trucking business in Deland. But Momi said he got no action from the Sheriff's Office, according to the lawsuit.

The drug dealing and junked cars constantly blocking the driveway caused Momi to lose more than \$500,000 in business, \$25,000 in property damage and 300,000 "in other work related loss," the lawsuit states. Momi states in the

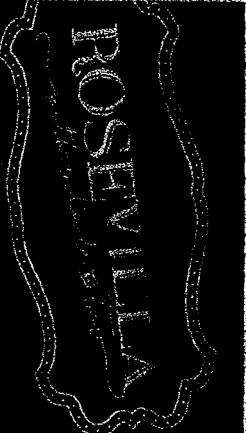
lawsuit that he is suffering from anxiety and depression and is taking prescription medication to relieve the stress brought on by his financial loss.

The Sheriff's Office did not comment on the lawsuit, but it provided documents about a complaint filed by Momi in August 2014 in which he raised some of the same issues. The Sheriff's Office investigated and found Momi's complaints

unfounded. The Sheriff's Office said that a narcotics task force had 30 contacts with Momi or took actions such as surveillance and traffic stops between May 5, 2014 and August 26, 2014.

The Sheriff's Office also stated that some of the complaints reported were resolved in the drug trade with 38 arrests of all types throughout Florida and that the case remained open.

-EX-18-



THE DAYTONA BEACH NEWS-JOURNAL  
6-3-16



#7

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JOHN E. CASABURRO,

Plaintiff,

-vs-

Case No. 6:09-cv-1899-Orl-22DAB

VOLUSIA COUNTY CORP; VOLUSIA  
COUNTY SHERIFF;S DEPT.; ANTHONY  
MANDESE, JR.; and UNKNOWN  
DEFENDANTS,

Defendants.

ORDER REQUIRING RICO CASE STATEMENT

This matter comes before the Court on its motion. In the Complaint, Plaintiff asserts claims pursuant to the Racketeer Influenced and Corrupt Organization Act ("RICO"), 18 U.S.C. § 1961. Under the current practice of this Judge, all parties filing RICO claims must file a RICO Case Statement.

In view of the foregoing, it is hereby ORDERED and ADJUDGED that the Plaintiff shall file, within twenty (20) days of the date of this Order, a RICO Case Statement. This Statement shall include the facts upon which the Plaintiff is relying to initiate this RICO complaint as a result of the "reasonable inquiry" required by Rule 11 of the Federal Rules of Civil Procedure. In particular, this statement shall be in a form which uses the numbers and letters as set forth below, and shall state in *detail* and with *specificity* the following information.

*I have never filed a UnJust Action, I either won on merit, settled on something charged outside of court. Above Action served as an order of Protection against Benji's Men & who made threats against me & scared neighbors*

2110 First Street, Suite 3-137  
Fort Myers, Florida 33901  
239/461-2200  
239/461-2219 (Fax)



300 N. Hogan Street, Suite 700  
Jacksonville, Florida 32202  
904/301-6300  
904/301-6310 (Fax)

35 SE 1st Avenue, Suite 300  
Ocala, Florida 34471  
352/547-3600  
352/547-3623 (Fax)

**U.S. Department of Justice**  
**United States Attorney**  
**Middle District of Florida**

400 West Washington Street, Suite 3100  
Orlando, Florida 32801  
407/648-7500  
407/648-7643 (Fax)

Main Office  
400 North Tampa Street, Suite 3200  
Tampa, Florida 33602  
813/274-6000  
813/274-6358 (Fax)

#8

Reply to: Orlando, FL

em

May 28, 2015

John E. Casaburro  
111 Kendra Ave.  
Deland, FL 32724

**Re: Citizen Complaint**

Dear Mr. Casaburro:

We acknowledge receipt of your complaint and apologize for the delay in responding. This office does not investigate complaints, we refer them to agencies that conduct investigative functions for investigation. Based on your complaint, I am referring the matter to the Federal Bureau of Investigation (FBI). Referring your complaint to FBI does not mean that they have or will open an investigation concerning your Complaint. This referral simply brings your concerns to their attention. Should the FBI require additional information, I am confident that they will contact you directly.

Thank you for submitting your citizen complaint.

Sincerely,

A. LEE BENTLEY, III  
United States Attorney

  
By: Elizabeth Medina  
Victim-Witness Specialist

cc: FBI

The UPS Store #6027  
1702 N. Woodland Blvd., #116  
DeLand, FL 32720

Phone: (386) 734-4086  
Fax: (386) 734-4088



Lawfirm of Gloria  
Allred, CA. 323-302-  
4773, Fax 323-653-1660

# FAX

To: Kirby Cannon, Esq From: Kala  
Fax: 323-653-1660 Pages: cover + 3 pages  
Phone: 323-653-6530 Date: EXT. 314 AUG. , 2018  
Re: Legal Representation cc: [REDACTED] / Family friend

Urgent  For Review  Please Comment  Please Reply  Please Recycle

"Former Sheriff's DRUG + Sexual misconduct"

If any further questions please contact: Kala (Jane Doe #1) or  
[REDACTED] @ 386-[REDACTED]. Dear Mr.  
Cannon, I wish to hire your firm in the  
matter of (Jane Doe's) v. Former Sheriff  
Ben F. Johnson / Volusia county corp. in Fed  
eral Dist. Orlando, FL.\* For sexual abuse,  
misconduct committed by Johnson while still  
Sheriff of Volusia ct. FL. He now seeks a  
higher office. As a young woman suffering  
from addiction, Johnson would exchange Petty drug  
crimes (for arrest) for sex. other Girls will  
come forward after I retain you. He needs  
to be stopped! your's truly,  
(will confirm by phone.)

\*CIVIL RIGHTS/personal Injury

\*Karla  
[REDACTED] ave.  
DeLand, FL.  
32724

TRANSMISSION VERIFICATION REPORT

TIME : 08/22/2018 14:55  
NAME :  
FAX :  
TEL :  
SER.# : U63274A8J540087

ATTN 9

DATE, TIME	08/22 14:54
FAX NO./NAME	3236531660
DURATION	00:00:46
PAGE(S)	04
RESULT	OK
MODE	STANDARD ECM

The UPS Store #6027  
1702 N. Woodland Blvd., #116  
DeLand, FL 32720

Phone: (386) 734-4086  
Fax: (386) 734-4086



Lawfirm of Gloria  
Allred, CA. 323-302-  
4773, Fax 323-653-1660

# FAX

To: Kirby Cannon, Esq. From: Kala

Fax: 323-653-1660 Pages: cover + 3 pages

Phone: 323-653-6530 Date: EXT. 314 AUG. 2018

Re: Legal Representation cc: [redacted] / Family friend

- Urgent  For Review  Please Comment  Please Reply  Please Recycle

"Former Sheriff's DRUG + Sexual Misconduct"

If any further questions please contact: Kala (Jane Doe #1) or  
[redacted] @ 386-215-7327. Dear Mr.  
Cannon, I wish to hire your firm in the  
matter of [redacted], (Jane Doe's) v. Former Sheriff  
Ben E. Johnson / Volusia county corp. in Fed.

Charges dropped

Try to pick me up

Promised to give me a  
get out of jail car  
if I had sex with him

2014-2015

Would get me any drug  
I wanted to party

In a car  
In Sheriff car

In uniform @ twice

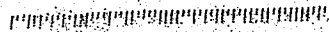
Kenya

AT #10

8-22-18



Mr John E Casaburro  
111 Kendra Ave  
Deland, FL 32724

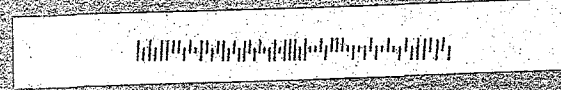


U.S. POSTAGE PAID  
FCM LG ENV  
DELAND, FL  
32724  
JUN 04 '19  
AMOUNT  
**\$8.20**  
R2303S100030-07

*TIM VALCCARO, EX-DIR*

RECEIVED  
2019 JUN 11 A 11:00  
STATE OF FLORIDA  
ELECTIONS COMMISSION

**Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, FL 32399 - 1050**





**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539**  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

May 23, 2019

**CERTIFIED MAIL # 92148969009997901628061920**

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission received a "Petition for Attorney's Fees and Costs" in this case. Pursuant to Rule 2B-1.0045, Florida Administrative Code, a copy of the Petition is enclosed for your review.

At its next regularly scheduled meeting, **currently set for August 13-14, 2019, in Tallahassee, Florida**, the Commission will review the Petition and determine whether it states "a prima facie case for costs and attorney's fees." A notice of hearing will be provided at the appropriate time.

If you have any questions concerning the Petition, please contact the Florida Elections Commission at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,

*Donna Ann Malphurs*

Agency Clerk

/dam

Enclosure: Petition for Attorney's Fees and Costs  
cc: F.A. "Alex" Ford, Jr., Attorney for Respondent





FEC CASE NO.: 19-119; Response: Ben F. Johnson - Additional Filings Diane Harney  
 to: fec@myfloridalegal.com 05/13/2019 04:55 PM  
 Cc: "Alex Ford", "Diane Harney"  
 From: "Diane Harney" <dharney@landispa.com>  
 To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
 Cc: "Alex Ford" <aford@landispa.com>, "Diane Harney" <dharney@landispa.com>  
 History:

This message has been forwarded.

2 Attachments



2019.05.13 Notice of Filing Electronic Copy of the Affidavit of Henry Frederick.pdf



2019.05.13 Petition For Attorneys Fees and Costs.pdf

Good afternoon:

Attached please find the following documents regarding the above-referenced FEC Case:

1. Notice of Filing Electronic Copy of the Affidavit of Henry Frederick; and
2. Petition For Attorney Fees and Costs.

Please advise if you need additional information. Please confirm receipt.

Thank you,

Diane Harney, Legal Secretary  
 to F.A. (Alex) Ford, Jr., Esquire  
 to Kathrine E. Conroy, Esquire  
 Landis Graham French, P.A.  
 145 E. Rich Avenue, Suite C  
 DeLand, Florida 32724  
 Phone: 386-734-3451  
 Fax: 386-736-1350  
[dharney@landispa.com](mailto:dharney@landispa.com)



FLORIDA ELECTIONS COMMISSION  
107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
[fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Case No.: FEC 19-119

BEN F. JOHNSON,

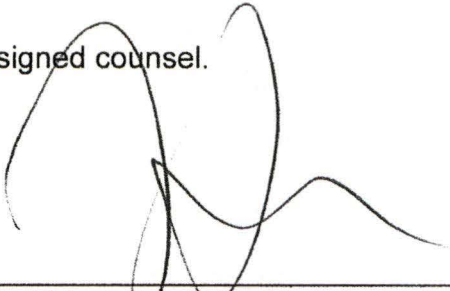
Respondent.

NOTICE OF FILING ELECTRONIC COPY OF THE  
AFFIDAVIT OF HENRY FREDERICK

Notice is hereby given of the electronic filing of the Affidavit of Henry Frederick,  
dated April 11, 2019 (attached);

The original affidavit is held by undersigned counsel.

Dated this 13<sup>th</sup> day of May, 2019.



---

**F. A. (Alex) Ford, Jr., Esquire**  
Florida Bar No. 0381845  
**Landis Graham French, P.A.**  
Post Office Box 48  
DeLand, FL 32721-0048  
Tel: (386) 734-3451  
Fax: (386) 736-1350  
primary email: [aford@landispa.com](mailto:aford@landispa.com)  
secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)  
*Attorney for Respondent, BEN F. JOHNSON*

**AFFIDAVIT OF HENRY FREDERICK**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

Before this day personally appeared HENRY FREDERICK, Defendant in the above-styled case, who duly sworn, deposes and says:

1. I, HENRY FREDERICK, am over the age of 18.
2. I write and publish news and opinion articles on my website and do business as HEADLINE SURFER ("Surfer").
3. Surfer is an online news website.
4. Each and every statement in the HEADLINE SURFER article that was attached as Exhibit A to the Circuit Court complaint filed by John Casaburro ("Article") was thoroughly researched and carefully considered.
5. Prior to publishing the Article, I left Mr. Casaburro a voicemail seeking comment from Plaintiff, John Casaburro ("Plaintiff" or "Casaburro"), but he never responded.
6. Prior to filing suit in this cause, Plaintiff emailed me seeking corrections to the Article, to which I responded with an email asking for him to cite to me any specific errors in the Article.
7. As to the points of fact complained of by Plaintiff, the sources for the facts reported in Surfer were interviews, and public records and outside news stories which are attached to this affidavit and demonstrate the reports in Surfer were an accurate reporting of what was stated in the original source documents.

**NEIGHBORHOOD ISSUES**

8. JOHN E. CASABURRO ("Casaburro") states in his Complaint that I "accuse[d] Plaintiff of a gross and perverted act of leaving a bloody condom on someone's doorstep." What was actually stated in the Article is that the Plaintiff "was once suspected by a neighboring DeLand family of four of leaving a dripping used condom with blood on it on the welcome mat of their front porch."

9. I did not include the entire police report in the article; however, the article accurately summarized the incident report.

10. The source for my report of that incident was a Volusia County Sheriff's Office Incident Report, a true and correct copy of which is attached hereto as Exhibit 1, and which indicates the victimized family told the police they suspected Casaburro was the culprit.

11. Casaburro also complains that I called him a monster in his neighborhood, but what the Article actually says is that he is an ogre to his neighbors, which is my opinion of him.

12. In addition to the neighbor's suspicions as set forth in Exhibit 1, see attached Exhibit 2. Exhibit 2 is a Volusia County Sheriff's Office Incident Report indicating a neighbor's complaints about Plaintiff trespassing on his property and taking photographs of his cars and his house, as well as constantly making complaints against him to the Volusia County Sheriff's Office.

13. Exhibit 2 also indicates Casaburro admitted to initiating "action to remove undesirable residents" from his neighborhood.

14. During the course of my investigation into Casaburro's issues with neighbors, I became aware of complaints against another neighbor, Anthony Mandese.

15. **Exhibit 3** indicates that Mr. Casaburro and Mr. Mandese got into an argument, during which there was apparently name-calling and the police were called.

#### **POLITICAL ISSUES**

16. Casaburro stated in his Complaint that I reported he was in "some sort of conspiracy with Mike Chitwood, Sheriff (sic) and Councilwoman Heather Post."

17. The Article makes no such statement.

18. It does report my opinion that Mr. Casaburro takes his cues from Sheriff Mike Chitwood which is based, in part, on the fact Casaburro repeatedly published disparaging remarks about Defendant, Johnson, which he attributed to Sheriff Chitwood.

#### **REPUBLICAN PARTY ISSUES**

19. Casaburro also complains in his Complaint that I reported he "had no good standing with the Republican Party."

20. The Article makes no such statement.

21. However, even if the Article did make that statement, I would consider it to be fair opinion based on the fact Casaburro has been at odds with the Republican party, including having been in litigation against it. A copy of a settlement agreement from litigation between Casaburro and the Republican Party is attached to the Complaint herein.

#### **ETHICS AND MENTAL HEALTH ISSUES**

22. Casaburro stated in his Complaint the Article calls him a psycho, dishonest and unethical.

23. While the Article does not say he is a psycho, it does report he distributed "phony sleaze."

24. The "phony sleaze" referred to in the Article consisted of false allegations Casaburro made against Johnson and distributed as part of his campaign including, without limitation, the disparaging remarks Plaintiff attributed to Sheriff Chitwood, as mentioned above.

25. The article also gives an account of Casaburro's efforts to bully a member of the public who demanded proof of his false allegations about Defendant, Johnson, as reported to me by the victim of Casaburro's intimidation.

26. Further, as noted in Exhibit 2, Casaburro made false claims of being the president of a homeowner's association. As it turns out, the supposed association did not even have a legal existence.

27. Thus, while the Article did not specifically call Plaintiff dishonest or unethical, in my opinion there is sufficient grounds to have this opinion of him.

#### RACIST REMARKS, SOLICITATION OF PROSTITUTION

#### AND PRIOR POLITICAL RACES

28. Casaburro claims in his Complaint that the article "takes out of context remarks from a biased reporter from 1989 NY, claiming that Plaintiff is a racist" and that I "misquote[d] [Plaintiff] to harm and injure like Plaintiff is some sort of mental case."

29. What was actually reported in the Article was commentary on headlines about Plaintiff from New York city newspapers for his racist remarks. The source for the statements made by Casaburro was a 1989 AP News article, which is attached hereto

as Exhibit 4, which purports to directly quote statements made by the him during the course of his campaign for Mayor of Yonkers.

30. Casaburro complains in his Complaint that statements regarding his 1994 arrest for solicitation of prostitution in New York were mischaracterized, apparently because the charges were reduced to disorderly conduct.

31. My source was the New York Times article attached hereto as Exhibit 5, which specifically states that Casaburro "was arrested in Manhattan on Wednesday and charged with patronizing a prostitute" while "carrying a flier that identified him as a candidate in the 18<sup>th</sup> Congressional District race when he was arrested."

32. These articles describing Casaburro's candidacies for Mayor of Yonkers and Congress in the 18<sup>th</sup> Congressional District in New York also served as the bases for my reporting that the race against Defendant, Johnson, was not Casaburro's first time running for political office, as was reported by the West Volusia Beacon in that publication's account of an interview with Casaburro.

#### PAYMENT FOR ADVERTISING

33. Casaburro states in his Complaint that Co-Defendant, BEN JOHNSON, ("Johnson"), paid me to "to trash/slander Plaintiff."

34. I was not paid to trash/slander Plaintiff or to make any comment whatsoever about Plaintiff, nor was I paid to write the Article or publish it on Surfer.

35. Casaburro and Johnson were competing candidates for Volusia County Council At-Large at all times pertinent to the Plaintiff's claims.

36. Johnson's campaign paid me \$1,000.00 for advertising on the Surfer website.

37. The ads for Johnson did not run immediately, as was intended, because I was suffering from recurring health problems at the time they were received from the Johnson campaign.

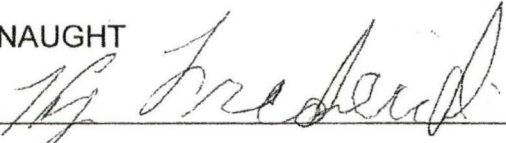
38. However, the ad did run before the conclusion of the campaign and a copy of the ad that was posted on the Surfer website are attached as Exhibit 6,

39. In addition to the ad, a campaign video ran on the Headline Surfer website.

40. Other political candidates also advertised on my website during the 2018 elections.

41. I know of no reason why the information sources for the Article should not be considered reliable.

FURTHER AFFIANT SAYETH NAUGHT

  
HENRY FREDERICK

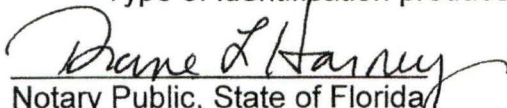
Sworn to or affirmed and signed before me on the April 11, 2019 by HENRY FREDERICK.

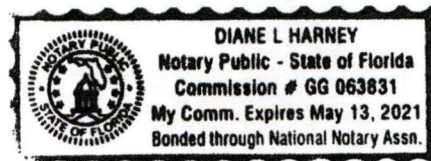
Personally known

Produced identification

Type of identification produced: Florida Driver's License



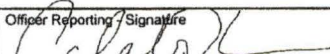
  
Notary Public, State of Florida







# INCIDENT REPORT (CONT.)

SUBJECT / MISSING SECTION	Offense Indicator 1. #1 3. Both 2. #2	Subject Code S-Suspect V-Victim D-Defendant (Missing Person)	Code #	Subj. Type	Name (Last) (First) (Middle)	Race	Sex	Ethnicity		
	Date of Birth	Age To Age	Height To Height	Weight To Weight	Eye Color	Hair Color	Maiden Name			
	Nickname / Street Name		Place of Birth - City		County	State	Employer/Other/School		Occupation	
	Last Known Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone Phone Type	
	Other Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone Phone Type	
	Driver's License State/Number			Social Security Number		Other ID Number		ID Type		
	Clothing (Describe)			Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)			
	Hair Length /Style		Skin	Build	Facial Features		Speech/Voice	Deformity	Glasses	
	If Subject:	Demeanor	Mask	Weapon Type		If Arrested:	Subject Was Already in Custody? 1. Yes 2. No	Warrant From: 1. This Agency 2. Other Agency		
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason		Personal Habits (Drugs / Alcohol)		
May Be With:		Physical Condition:		Mental Condition:		Doctor Name:		Dentist Name:		
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No	Photo Available? 1. Yes 2. No	Dental Record Available? 1. Yes 2. No
I, _____ (Printed)					_____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.					
SUBJECT / MISSING SECTION	Offense Indicator 1. #1 3. Both 2. #2	Subject Code S-Suspect V-Victim D-Defendant (Missing Person)	Code #	Subj. Type	Name (Last) (First) (Middle)	Race	Sex	Ethnicity		
	Date of Birth	Age To Age	Height To Height	Weight To Weight	Eye Color	Hair Color	Maiden Name			
	Nickname / Street Name		Place of Birth - City		County	State	Employer/Other/School		Occupation	
	Last Known Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone Phone Type	
	Other Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone Phone Type	
	Driver's License State/Number			Social Security Number		Other ID Number		ID Type		
	Clothing (Describe)			Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)			
	Hair Length /Style		Skin	Build	Facial Features		Speech/Voice	Deformity	Glasses	
	If Subject:	Demeanor	Mask	Weapon Type		If Arrested:	Subject Was Already in Custody? 1. Yes 2. No	Warrant From: 1. This Agency 2. Other Agency		
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason		Personal Habits (Drugs / Alcohol)		
May Be With:		Physical Condition:		Mental Condition:		Doctor Name:		Dentist Name:		
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No	Photo Available? 1. Yes 2. No	Dental Record Available? 1. Yes 2. No
I, _____ (Printed)					_____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.					
SUBJECT / MISSING SECTION	Offense Indicator 1. #1 3. Both 2. #2	Subject Code S-Suspect V-Victim D-Defendant (Missing Person)	Code #	Subj. Type	Name (Last) (First) (Middle)	Race	Sex	Ethnicity		
	Date of Birth	Age To Age	Height To Height	Weight To Weight	Eye Color	Hair Color	Maiden Name			
	Nickname / Street Name		Place of Birth - City		County	State	Employer/Other/School		Occupation	
	Last Known Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone Phone Type	
	Other Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone Phone Type	
	Driver's License State/Number			Social Security Number		Other ID Number		ID Type		
	Clothing (Describe)			Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)			
	Hair Length /Style		Skin	Build	Facial Features		Speech/Voice	Deformity	Glasses	
	If Subject:	Demeanor	Mask	Weapon Type		If Arrested:	Subject Was Already in Custody? 1. Yes 2. No	Warrant From: 1. This Agency 2. Other Agency		
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason		Personal Habits (Drugs / Alcohol)		
May Be With:		Physical Condition:		Mental Condition:		Doctor Name:		Dentist Name:		
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No	Photo Available? 1. Yes 2. No	Dental Record Available? 1. Yes 2. No
I, _____ (Printed)					_____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.					
NARRATIVE	<p>1 On 09-08-2009 at approximately 0302 hours Deputy King responded to 113 Kendra Av in Deland in reference to a suspicious incident. Upon arrival Deputy King contacted Shea, Amber R1 who advised the following. Shea returned home around 0220 on 09-08-2009 after taking her child to Deland Hospital. Shea found what appeared to be a bloody, used condom on her front porch. She used a pair of blue nitrile gloves to pick up said condom. Shea had no information as to why a condom would be on her doorstep and immediately checked on her two children who were both in good health. Shea said her husband has no information about this either. Shea told Deputy King several residents have had problems with Casaburro, John O1 at 111 Kendra Av, Deland. Shea said her husband suspects this condom was left by Casaburo. She provided a sworn statement.</p> <p>2 3 4 5 6 7 8 9 10 Deputy King used a pair of latex gloves to secure the condom and both blue nitrile gloves into a brown paper evidence bag. Deputy King later secured the evidence into the VCISO Evidence System via the Evidence Refrigerator at District II.</p>									
	Final Case Status: <u>5</u>	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded					<input type="checkbox"/> Victim Advocate <input type="checkbox"/> Triad <input type="checkbox"/> SA Referral			
	<input type="checkbox"/> DCF Hotline <input type="checkbox"/> CAC	Spoke With:	Date:	Time:	<input type="checkbox"/> FCIC / NCIC Entry <input type="checkbox"/> T.T. BOLO		Date:	By:		
	Connecting Report Number	Agency	Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe:							
	090024812	VCISO								
	Officer Reporting - Printed	Officer Reporting - Signature			ID. Number	Unit	Date			
	King, Caleb				6919	1B25	09-08-2009			
	Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable)			ID. Number	Unit	Date			

# VOLUSIA COUNTY SHERIFF'S OFFICE

## NARRATIVE / SUPPLEMENT

Page 3 of 4 Pages

Report Date	Report Time	Orig. Reported Date	Nature of Call (for Incident)	Agency Report Number	1.Original	2.Supplement
09-08-2009	0257	09-08-2009	13A	090028523		1

EVENT

11

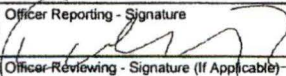
12 As of this writing, there is no information linking the condom to a crime. This report is for documentation purposes in the event new information

13 regarding this incident is developed in the future. A copy of this report was faxed VCSO Sex Crimes for their review.

14

15 The case status is: Closed.

NARRATIVE / CONTINUATION

Final Case Status:	5	Final Case Status Codes:	1.Arrest/Adult	2.Arrest/Juv.	3.Exceptional/Adult	4.Exceptional/Juv.	5.Closed	6.Unfounded	<input type="checkbox"/> Victim Advocate	<input type="checkbox"/> Triad	<input type="checkbox"/> SA Referral	
<input type="checkbox"/> DCF Hotline	<input type="checkbox"/> CAC	Spoke With:	Date:	Time:	<input type="checkbox"/> FCIC / NCIC Entry	<input type="checkbox"/> FCIC / NCIC Cancel	<input type="checkbox"/> T.T. BOLO	Date:	By:			
Connecting Report Number	Agency	Additional Forms Attached:										
090024812	VCSO	<input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____										
Officer Reporting - Printed			Officer Reporting - Signature				ID. Number	Unit	Date			
King, Caleb							6919	1B25	09-08-2009			
Officer Reviewing - Printed (If Applicable)			Officer Reviewing - Signature (If Applicable)				ID. Number	Unit	Date			

ADMINISTRATIVE

# VOLUSIA COUNTY SHERIFF'S OFFICE

## PROPERTY REPORT

Page 4 of 4 Pages

THEFT EVNT	Report Date	Report Time	Original Incident Date	Nature of Call (for Incident)	Agency Report Number	1. Original														
	09-08-2009	0257	09-08-2009	13A	090028523	2. Supplement   1														
THEFT EVNT	Type Theft	Type Theft Codes	00. N/A    02. Robbery    04. Pocket Picking    06. Embezzlement    08. From Public    09. From Vehicle    11. By Computer    13. Bicycle    99. Other 01. Burglary    03. Shoplifting    05. Purse Snatching    07. From Coin Oper. Machine    Access Bldg.    10. Extortion    12. Fraud    14. Motor Vehicle Parts																	
	Person Code	Person Involvement Code	Status Code:																	
V-Victim	N-Next of Kin	1. Finder	2. Damaged Prop.	3. Arson/Burned	4. Photo & Release	5. Lost	6. Recovered	7. Recovered (Outside Agency Recovered)	8. Found	9. Found/Contraband	10. Prisoner's Pers. Prop.	11. Stolen	12. Stolen And Recovered	13. Disposal	14. Prop. Of Deceased	15. Return to Owner	16. Vehicle Inventory Prop.	17. Baker Act	18. Seized/Confiscated	19. Abandoned
S-Suspect	O-Other	2. Owner	3. Suspect	4. Other																
D-Defendant	R-Reporting Party																			
W-Witness																				
CODES	Category Code	E-Equipment/Measuring Devices/Tools	I-Items of Identification																	
	B. Bicycle	F-Furniture and Furnishings	J-Special Docs/Food Stamps/Tickets	M. Musical Instrument	R-Radio/TV/Sound Devices	V-Viewing Equip (Binoculars)														
C. Camera/Photo Equipment	G-Games and Gambling Apparatus	K-Keepsakes and Collectibles	O. Office Equipment	S-Sports/Camping/Rec. Equip.	W-Well-drilling Equipment															
D-Data Processing Equipment	H-Household Appliance/Housewares	L. Livestock	P. Personal Accessories	T-Toxic Chemicals	Y-All Other Items and Equipment (GUNS, DRUGS, JWLRY, Etc.)															
DRUG CODES	Activity	D. Deliver	Z. Other	Type																
	P. Possess	E. Use		A. Amphetamine	M. Marijuana	U. Unknown														
S. Sell	K. Dispense/Distribute																			
B. Buy	M. Manufacture/Produce/Cultivate																			
T. Traffic																				
R. Smuggle																				
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description											
					1	1	Y	Condom	Used condom with 2 blue nitrile gloves											
Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value											
			\$						\$											
If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value										
										\$										
If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type												
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description											
Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value											
			\$						\$											
If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value										
										\$										
If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type												
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description											
Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value											
			\$						\$											
If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value										
										\$										
If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type												
PROPERTY	Leave Blank:	Person Code	#	Pers. Invl.	Item #	Status	Category	Article	Description											
Serial Number	Owner Applied Number		Value Recovered:		Date Recovered:		Forfeiture Y / N:	F.W.T.C. (Y/N)	Value											
			\$						\$											
If Article	Qty.	Brand	Model	Jewelry Type	If Drug	Activity	Type	Quantity	Unit	Estimated Street Value										
										\$										
If Gun	Make	Model	Caliber	Type/Cat	Action	Finish	Barrel Length	Barrel Type												
CHAIN OF CUSTODY	Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):										
	1	09-08-2009	0400	C.D. King				D2 Evidence Locker												
Leave Blank:	Reason for Change:		Evidence																	
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):											
Leave Blank:	Reason for Change:																			
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):											
Leave Blank:	Reason for Change:																			
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):											
Leave Blank:	Reason for Change:																			
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):											
Leave Blank:	Reason for Change:																			
Item #	Date:	Time:	Released by (Printed):		Released by (Signature):		Received by (Printed):		Received by (Signature):											
Leave Blank:	Reason for Change:																			
MIN.	Officer Reporting - Printed	Officer Reporting - Signature			ID. Number	Unit	Date													
	King, Caleb				6919	1B25	09-08-2009													
Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable)			ID. Number	Unit	Date														



VOLUSIA COUNTY SHERIFF'S OFFICE

INCIDENT REPORT

Form with sections: EVENT DATA, CODES, VICTIM/WITNESS. Includes fields for Agency Report Number (090030503), Agency ORI Number (FL0640000), Date (09-25-2009), Time (0930), and multiple victim/witness entries with names like SHEA RICHARD MATHEW and CASABURRO JOHN.

# INCIDENT REPORT (CONT.)

SUBJECT / MISSING SECTION	Offense Indicator 1. #1    3. Both 2. #2		Subject Code S-Suspect    V-Victim D-Defendant    (Missing Person)		Code	#	Subj. Type	Name (Last) (First) (Middle)			Race	Sex	Ethnicity	
	Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color		Maiden Name		
	Nickname / Street Name				Place of Birth - City		County	State	Employer/Other/School			Occupation		
	Last Known Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone	Phone Type				
	Other Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone	Phone Type				
	Driver's License State/Number				Social Security Number			Other ID Number			ID Type			
	Clothing (Describe)				Scars/Marks/Tattoos (Type/Describe)				Scars/Marks/Tattoos (Type/Describe)					
	Hair Length /Style		Skin	Build	Facial Features			Speech/Voice	Deformity		Glasses			
	If Subject:	Demeanor	Mask	Weapon Type			If Arrested:	Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency				
	IF MISSING	Date of Last Contact		Date of Emancipation		Caution	Caution Reason		Personal Habits (Drugs / Alcohol)					
May Be With:		Physical Condition:		Mental Condition:		Doctor Name:		Dentist Name:						
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No		Photo Available? 1. Yes 2. No		Dental Record Available? 1. Yes 2. No		
I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.														
Offense Indicator 1. #1    3. Both 2. #2		Subject Code S-Suspect    V-Victim D-Defendant    (Missing Person)		Code	#	Subj. Type	Name (Last) (First) (Middle)			Race	Sex	Ethnicity		
Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color		Maiden Name			
Nickname / Street Name				Place of Birth - City		County	State	Employer/Other/School			Occupation			
Last Known Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone	Phone Type					
Other Address (Street, Apt. Number)				City	State	Zip	Address Type	Phone	Phone Type					
Driver's License State/Number				Social Security Number			Other ID Number			ID Type				
Clothing (Describe)				Scars/Marks/Tattoos (Type/Describe)				Scars/Marks/Tattoos (Type/Describe)						
Hair Length /Style		Skin	Build	Facial Features			Speech/Voice	Deformity		Glasses				
If Subject:	Demeanor	Mask	Weapon Type			If Arrested:	Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency					
IF MISSING	Date of Last Contact		Date of Emancipation		Caution	Caution Reason		Personal Habits (Drugs / Alcohol)						
	May Be With:		Physical Condition:		Mental Condition:		Doctor Name:		Dentist Name:					
	Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No		Photo Available? 1. Yes 2. No		Dental Record Available? 1. Yes 2. No	
	I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.													
	Final Case Status: <u>5</u>		Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded						<input type="checkbox"/> Victim Advocate		<input type="checkbox"/> Triad		<input type="checkbox"/> SA Referral	
	<input type="checkbox"/> DCF Hotline		Date:		Time:		<input type="checkbox"/> FCIC / NCIC Entry		<input type="checkbox"/> T.T. BOLO		Date:		By:	
	<input type="checkbox"/> CAC		Spoke With:		Additional Forms Attached:		<input type="checkbox"/> Narrative		<input type="checkbox"/> SA 707		<input type="checkbox"/> Persons		<input type="checkbox"/> Property	
	Connecting Report Number		Agency		Additional Forms Attached:		<input type="checkbox"/> Veh./Tow Sheet		<input type="checkbox"/> Other Describe:					
	Officer Reporting - Printed Passerrello, Paul				Officer Reporting - Signature <i>DIS Passerrello</i>				ID. Number 7630		Unit 1A22		Date 09-25-2009	
	Officer Reviewing - Printed (If Applicable)				Officer Reviewing - Signature (If Applicable)				ID. Number		Unit		Date	

SUBJECT / MISSING SECTION

IF MISSING

NARRATIVE

ADMINISTRATIVE

1 On 09/25/2009, at approximately 1148 hours, Deputy Passerrello responded to a telephone handled call regarding a civil complaint. Deputy  
2 Passerrello contacted Shea, John(R1), who reported that he observed his neighbor, Casaburro, John(O1), taking photographs of Shea's house  
3 and cars.  
4  
5 Shea stated that Casaburro consistently makes complaints against Shea by calling the Sheriff's Office. Deputy Passerrello asked Shea how  
6 often this happens. Shea stated that the last incident was "a couple weeks ago." Deputy Passerrello advised Shea that there is no crime in taking  
7 photographs, but if Casaburro would come onto Shea's property without permission, Shea should call V.C.S.O. to dispatch a Deputy to trespass  
8 Casaburro.  
9  
10 Deputy Passerrello was later advised to follow up on the incident. Deputy Passerrello responded to 113 Kendra Ave., where he met with Shea.

VOLUSIA COUNTY SHERIFF'S OFFICE

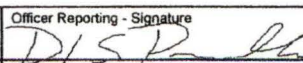
NARRATIVE / SUPPLEMENT

Report Date	Report Time	Orig. Reported Date	Nature of Call (for Incident)	Agency Report Number	1. Original 2. Supplement
09-25-2009	1132	09-25-2009	42	090030503	

EVNT

11 Shea informed Deputy Passerello that at 0930 hours, Casaburro had actually taken photographs from Shea's driveway. Deputy Passerello  
 12 observed the two automobiles in Shea's driveway. The automobiles were in poor condition and missing major parts. Deputy Passerello obtained a  
 13 sworn, written statement from Shea.  
 14  
 15 Deputy Passerello then met with Casaburro, who advised the following in a sworn, written statement. Casaburro stated that he had taken  
 16 photographs of Shea's cars, but had done so from Casaburro's own property. Deputy Passerello advised Casaburro to not go onto Shea's  
 17 property without Shea's permission. Casaburro indicated that he understood and would comply. Deputy Passerello gave Casaburro a business  
 18 card with the case number. Casaburro claimed to be the president of a Homeowners Association, but then admitted that he merely initiates action  
 19 to remove undesirable residents from the neighborhood. Casaburro stated that he has initiated petitions in the past to remove tenants from houses  
 20 in the area, and showed Deputy Passerello copies of those petitions. Deputy Passerello advised Casaburro that in the future, Casaburro should  
 21 contact V.C.S.O. to handle similar issues, and not to initiate his own actions.  
 22  
 23 Deputy Passerello met with Shea again and informed Shea that there was no evidence of any crime occurring, but to call if Casaburro  
 24 trespasses on Shea's property. Deputy Passerello gave Shea a business card with the case number.  
 25  
 26 Case status: Closed.

NARRATIVE / CONTINUATION

Final Case Status: 5	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate <input type="checkbox"/> Triad <input type="checkbox"/> SA Referral
<input type="checkbox"/> DCF Hotline <input type="checkbox"/> CAC	Spoke With: _____ Date: _____ Time: _____	<input type="checkbox"/> FCIC / NCIC Entry <input type="checkbox"/> T.T. BOLO <input type="checkbox"/> FCIC / NCIC Cancel
Connecting Report Number _____ Agency _____	Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____	
Officer Reporting - Printed Passerello, Paul	Officer Reporting - Signature 	ID. Number 7630
Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable)	Unit 1A22
		Date 09-25-2009

ADMINISTRATIVE

MAY - 4 2005  
 Volusia County Sheriff's Office  
 Incident Report

6650

05 15026

Incident Number

Page 1 of 1 Pages

- Juvenile
- Elderly Abuse/Exploitation
- Hate Crime
- Gang
- Domestic Violence VOR
- Endangered/Other



STATUTE: 7777777  
 ZONE: 25

Original Report

Incident Type: CIVIL COMPLAINT NUISANCE				Location of Incident: 111 KENDRA AVE DELAND, FL			
Date Reported	Time Reported	From Date Occ	To Date Occ	From-To Time Occ	T H C	Connecting Report/Agency	
05/03/2005	1208	05/03/2005	05/03/2005	1200 - 1207	No	NONE	
Code	Name	Race	Sex	Age	DOB	Phone# (Home)	
V1	CASABURRO, JOHN	W	M	53		386-943-8922	
S1	MANDESE, ANTHONY	W	M	35		UNKNOWN	
Code	Address	Employed At/School/Other Address				Phone# (Bus.)	
V1	111 KENDRA AVE DELAND, FL 32724	RETIRED					
S1	109 KENDRA AVE DELAND, FL 32724	UNKNOWN					

Forced Entry: NO Weapons: ( ) Firearms ( ) Knife ( ) Hands/Feet ( ) Other:

Investigative Leads/Narrative:

NARRATIVE:

ON TUESDAY 05-03-2005 AT 1228 HRS DEPUTY MATHIS WAS CONTACTED BY CASABURRO, JOHN IN REFERENCE TO HIS NEIGHBOR MANDESE, ANTHONY (S1) CALLING HIM NAMES. CASABURRO STATED HE WANTED TO FILE HATE CRIME CHARGES AGAINST MANDESE BECAUSE MANDESE CALLED HIM A "FAGOT COCKSUCKER." DEPUTY MATHIS ASKED CASABURRO IF HE WAS A HOMOSEXUAL TO WHICH HE REPLIED NO. DEPUTY MATHIS EXPLAINED TO CASABURRO THAT MERELY CALLING SOMEONE A NAME IS NOT AGAINST THE LAW THAT THERE HAD TO BE OTHER CRIMES COMMITTED.

CASABURRO STATED THAT MANDESE IS STALKING HIM FROM HIS OWN YARD. DEPUTY MATHIS ASKED CASABURRO TO ELABORATE. CASABURRO STATED THAT MANDESE STANDS IN HIS OWN YARD AND STARES AT HIM WHILE HE IS WALKING AROUND HIS HOUSE IN HIS UNDERWEAR. DEPUTY MATHIS TOLD CASABURRO THAT IT MIGHT BE A GOOD IDEA TO CLOSE HIS BLINDS AND OR CURTAINS. CASABURRO STATED HE WANTED TO PRESS CHARGES AGAINST MANDESE FOR STALKING. DEPUTY MATHIS ASKED CASABURRO IF HE FELT MANDESE WAS A CREDIBLE THREAT, IF HE REPEATEDLY FOLLOWED OR HARASSED HIM.

CASABURRO STATED NO HE JUST CALLED ME A FAGOT COCKSUCKER. DEPUTY MATHIS INFORMED CASABURRO THAT HIS COMPLAINT DIDN'T MEET THE ELEMENTS FOR THE CRIME OF STALKING. CASABURRO THEN DEMANDED A REPORT BE DRAFTED. DEPUTY MATHIS SUPPLIED CASABURRO WITH A VOLUSIA COUNTY CASE NUMBER AND TOLD HIM TO DOCUMENT ANY MORE NAME CALLING.

Copies To:		Lab Request:	
<input type="checkbox"/> HRS Hotline	Date	Time	Case Status: CLOSED
<input type="checkbox"/> CAC	Spoke With:		Activity Type:
<input type="checkbox"/> FCIC/NCIC Entry	<input type="checkbox"/> Victim Advocate		<input type="checkbox"/> Arr. Warrant
<input type="checkbox"/> FCIC/NCIC Cancel	Date	By	<input type="checkbox"/> Case Filed
<input type="checkbox"/> T.T. Bolo	<input type="checkbox"/> TRIAD		<input type="checkbox"/> Exceptional/Juv
<input type="checkbox"/> S.A. Referral		<input type="checkbox"/> Exceptional/Adult	<input type="checkbox"/> Supp Submitted
Reporting Officer: DEPUTY J.R. MATHIS		Reporting Officer (Signature):	I.D. # 2515
Approved By: SGT. M. CHILCOT		Approved By (Signature):	Date: 05/03/2005
			I.D. # 2347
			Date: 5-3-05





# Mayoral Candidate's Remarks Upset Officials

Top Stories Topics Video Listen

## Mayoral Candidate's Remarks Upset Officials

MARLENE AIG January 12, 1989



WHITE PLAINS, N.Y. (AP) — A man seeking to be mayor of racially divided Yonkers said nearly all blacks lived well under slavery and made other comments that brought denunciations from political leaders, who called the remarks ignorant and inflammatory.

John Casaburro, who is seeking the Republican and Conservative nominations for mayor of the city just north of New York City, made the remarks at a Yonkers City Council meeting Tuesday night.

Casaburro said "90 percent of all blacks lived well and had it good" under slavery.

"They're no longer in the back of the bus. Now they're slaves to the bus," he said later. "Now they're spending two hours a day just to go to school. Not a school of their choice, but a school based on racial quotas.

"Most black men are encouraged not to marry a woman," he added. "They're encouraged to impregnate, not marry her, because it's almost an irresponsibility to get married since welfare will take care of her."

Mayor Nicholas Wasicsko, a Democrat seeking a second term in the November election, on Wednesday called Casaburro's remarks "extremely unfortunate. He's not typical of the sentiment of the city."

Such comments "do absolutely no good," said Westchester County Executive Andrew O'Rourke. "They're inflammatory. There's no basis in fact."

Racial relations are already strained in Yonkers due to opposition to a court-ordered housing desegregation plan.

Faced with bankrupting fines imposed by a federal judge, the council reversed itself Sept. 10 and agreed to support the judge's order to affordable housing to remedy what the judge determined was deliberate segregation.

Casaburro has campaigned as a member of the Save Yonkers Federation, a citizen's group which has sued to stop the desegregation plan.

However, federation President Jack O'Toole said Casaburro was neither an official nor a committee member for the association.

**Huffman, 12 other parents to plead guilty in college scheme**

BOSTON (AP) — "Desperate Housewives" star Felicity Huffman and a dozen other prominent ...

**COTNEYCL.COM**  
**REQUEST A FREE CONSULTATION**  
 MAIN OFFICE: MMFA

Trending on AP N

Backstage at Bre deals, delicate da

Plea deal puts Fe at pivotal point

Bodycam footage Minneapolis offic



## Region News Briefs

### **Candidate Arrested In Prostitution Sweep**

Special to The New York Times

WHITE PLAINS, Oct. 13 — A Yonkers man who tried to run for Congress but failed to win a spot on the ballot was arrested in Manhattan on Wednesday and charged with patronizing a prostitute.

John Casaburro, 43, was carrying a flier that identified him as a candidate in the 18th Congressional District race when he was arrested as part of a police sweep in the area around West 24th Street and 11th Avenue, said Sgt. Joe Gallagher. Five other men were arrested at the same time.

Mr. Casaburro spoke to local Republican officials about his desire to run for the seat held by Nita Lowey, a Democrat, and he filed a petition with the State Board of Elections seeking an independent line on the ballot. That petition was denied because it had only 273 signatures, and

3,500 signatures were required.

The Republican-Conservative candidate in the 18th District is Andy Hartzell of Scarsdale.

### **Woman Sues Town Over Slip on Dog Drool**

CHESHIRE, Conn., Oct. 13 (AP) — A woman who injured herself after slipping on some dog drool is suing the town for negligence.

The woman, Carla S. Koch, says in her lawsuit that there were no mats on the floor last year at a town-run canine obedience class at the youth center. She broke her ankle during a fall on the linoleum floor, she said.

"It isn't a matter of dogs don't drool," she said. "There's a reason for mats in obedience school and this is it."

Town Attorney John K. Knott Jr. said he was not familiar with the specifics of the case, but said, "It's unbelievable the claims people make."

After the accident on Sept. 27, 1993,

Ms. Koch had surgery and was on crutches for 10 weeks. She says she has scars on both sides of her leg, and still has two pins in her leg.

### **Panel Approves Bill To End Lifelong Tenure**

TRENTON, Oct. 13 (AP) — School principals and administrators would no longer be given lifelong job security under a bill approved by the Senate Education Committee today.

New Jersey is among only seven states that give school administrators lifelong job protection.

The bill would require school boards to hire school principals and managers on contracts that would run from three to five years. It would affect only principals and administrators hired after final approval of the bill.

The State Department of Education and the New Jersey School Boards Association both support the measure.

10/14/94

EX "B"

Elect Ben Johnson for  
Volusia County Council at Large  
Leadership.

Vision.

Commitment.

Please vote on  
**AUGUST 28!**

**386.748.2228**

**BenForCountyCouncil.com**

Political Advertisement paid for and approved by  
Ben Johnson for Volusia County Council at Large.



FLORIDA ELECTIONS COMMISSION  
107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
[fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Case No.: FEC 19-119

BEN F. JOHNSON,

Respondent.

PETITION FOR ATTORNEYS FEES AND COSTS PURSUANT TO FLORIDA  
STATUTES SECTION 106.265 AND RULE 2B-1.0045 OF THE FLORIDA ELECTION  
COMMISSION RULES

The Respondent, BEN F. JOHNSON, by and through his undersigned counsel, files this Petition for Attorney's Fees and Costs Pursuant to Florida Statute §106.265 and Rule 2B-1.0045(1) of the Florida Elections Commission Rules ("Petition"), and states the facts and grounds demonstrating he is entitled to an award of attorneys' fees, as follows:

**I. Summary of basis for the imposition of attorneys' fees in this cause**

1. Section 106.265(6), Florida Statutes, provides:

In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees."

2. With regard to the complaint filed by John Casaburro against Ben Johnson, Mr. Casaburro has demonstrated a malicious intent to injure Mr. Johnson's reputation by filing the complaint herein. Also, Mr. Casaburro's knowledge of falsity and reckless disregard of falsity are present as to the various allegations made by him. The presence of either of is sufficient for this Commission to impose attorneys' fees.

3. Mr. Johnson has incurred significant attorneys' fees in defending against the meritless claims of Mr. Casaburro.
4. This Commission should determine that this Petition contains sufficient facts and grounds to support a claim for attorneys' fees and costs, schedule a hearing to consider any disputed material facts and the amount of fees and costs, and then impose attorneys' fees and costs against the complainant, John Casaburro.

## II. Background

5. Mr. Casaburro filed an initial complaint ("Complaint" or "Complaints") which was assigned Case No. FEC 19-105. The apparent basis of the Complaint was that Mr. Johnson supposedly hired an internet news outlet reporter to make false statements with malice against Mr. Casaburro and filed a false, incorrect and misleading campaign treasurer's report.
6. Subsequently, the case was bifurcated, and a portion of the Complaint was assigned Case No. FEC 19-119.
7. Johnson has filed companion fee and cost petitions under each case number, but respectfully requests the cases should be re-consolidated for purposes of considering the petitions.
8. In both cases the Complaints were based, in large part, on a civil action Mr. Casaburro filed against Mr. Johnson ("Civil Action").
9. Mr. Casaburro had no proper basis for his allegations that Mr. Johnson made false allegations against him. In fact, as shown in the article complained of, other than Mr. Casaburro's own assertions that Johnson "hired a Internet New's Outlet Reporter/Publisher to make many false statements with malice against complainant" [sic], Mr. Casaburro failed to show that any of the claims in the article complained of were false.
10. Instead, it was Mr. Casaburro's "summary" of the article, as contained in his Complaint, that was false,<sup>1</sup> and the article itself was based on valid sources. (See Affidavit of Henry Frederick)
11. Pursuant to Rule 2B-1.0025(2) F.A.C, this Commission specifically found the Complaints were not based on information other than hearsay and were otherwise insufficient.
12. In Case No. 19-105, Mr. Casaburro filed an Amended Complaint, which was also deemed insufficient. In Case No. 19-119, no amended complaint was filed after the determination of insufficiency.

---

<sup>1</sup> See Civil Complaint attached to and incorporated in the Complaint herein.

13. By information and belief, after filing the Civil Action, Mr. Casaburro offered to dismiss the case against Mr. Frederick, the person who actually published the article, in exchange for his "cooperation" in pursuing that action against Mr. Johnson. Mr. Frederick rejected that offer.
14. Further, in the course of the Civil Action, Mr. Johnson served Mr. Casaburro with a notice and motion under §57.105, Florida Statutes<sup>2</sup>, which afforded Mr. Casaburro the opportunity to withdraw or appropriately correct the Civil Action Complaint within twenty-one (21) days of the notice or be exposed to sanctions (attorneys' fees) being imposed against him in that action. (See Notice of Additional Facts filed herein)
15. Mr. Casaburro voluntarily dismissed the Civil Action against Mr. Johnson within the twenty-one (21) days after service of the §57.105 notice and motion. (See Notice of Additional Facts filed herein)
16. During the course of the campaign Mr. Casaburro, himself, made a number of false and malicious statements against Mr. Johnson, showing malicious intent to injure his reputation and on-going pattern of malice continuing through these proceedings. (See attached Campaign Ads by Mr. Casaburro)

### **III. Mr. Casaburro's Malicious Intent**

17. Mr. Casaburro's intention in filing this complaint and the companion case was and is to embarrass, harass, and injure the reputation of Mr. Johnson, and was otherwise malicious towards Mr. Johnson.
18. His malicious intent is evidenced in a number of ways including, but not limited to:
  - a. The complete lack of factual predicate for the Complaints herein and Mr. Casaburro's conscious indifference to the truth or falsity of his allegations;
  - b. The false and horrific campaign literature Mr. Casaburro published against Mr. Johnson during their campaign (showing an ongoing pattern of false, malicious statements against Johnson);
  - c. The false statement by Mr. Casaburro, under oath, that Mr. Johnson violated Florida Elections Laws by failing to pay for advertising (as was reported) and by filing a false treasurer report, both allegations of which were easily ascertainable to be untrue;

---

<sup>2</sup> Section 57.105, Fla. Stat., provides a vehicle for a party to a court action to obtain an attorneys' fees award against the other party if that party pursues a claim that the party knew or should have known as either a) not supported by the necessary material facts or b) would not be supported by the application of then-existing law to those material facts.

- d. The fact that, once confronted with the §57.105 motion in the Civil Action, Mr. Casaburro dismissed the Civil Action against Mr. Johnson rather than subject himself to sanctions;
- e. The illicit efforts by Mr. Casaburro to gain Mr. Frederick's support in his Civil Action against Mr. Johnson; and
- f. The fact that the Headline Surfer article accurately reflected facts reported in legitimate sources, such as, the New York Times, the Associated Press, the West Volusia Beacon and police reports (See Affidavit of Henry Frederick), and the likelihood Mr. Casaburro knew of the existence of these articles and other sources of information.

#### **IV. False Statements**

##### **A. Allegations of False and Misleading Treasurer's Report**

- 19. The central theme of Mr. Casaburro's Complaint assigned Case No. 19-119 was that no ads were run for the Johnson campaign in the Headline Surfer internet news source. Instead, the complaint alleged that Johnson paid money to have false statements published by Headline Surfer about Mr. Casaburro.
- 20. Thus, Mr. Casaburro falsely alleged, "[t]he treasurer report was knowingly incorrect, false and misleading violating section 106.07(5) + 106.19, F.S." [sic].
- 21. Mr. Casaburro further stated "[Henry] Frederick's admits there was no ad's for Johnson." [sic]
- 22. Mr. Casaburro's allegations are, themselves, false.
- 23. The Treasurer's report (Exhibit H to the initial Complaint), accurately reflects payment for advertising with Headline Surfer.
- 24. The ads for Mr. Johnson did run during the course of the campaign, a fact this commission has previously verified, and which Mr. Casaburro very easily could have found. (See, also, Affidavit of Henry Frederick)<sup>3</sup>

---

<sup>3</sup> This affidavit was originally drafted and signed in response to the Civil Action, prior to Mr. Casaburro's dismissal of that case. Thus, where the affidavit contains references to a case, the reference is to the Civil Action.

### **Allegations of Johnson Making False/Malicious Statements**

25. The central theme of Mr. Casaburro's Complaint assigned Case No. 19-105 was that Johnson violated Section 104.271(2), F.S. by making false statements against him with malice, citing to the Headline Surfer article.
26. First, a comparison of the Headline Surfer article to Mr. Casaburro's representations of the contents of that article, as described in his Complaint, shows that his representations were clearly false, and that he completely misrepresented the contents of the article. (Also, See Affidavit of Henry Frederick)
27. Second, the article accurately reflected what was reported in reliable sources, such as the New York Times, Associated Press, West Volusia Beacon, court records and police reports. Therefore, it was not made with malice, as a matter of law, unless Headline Surfer (or, as alleged, Johnson) knew of their falsity. There is no indication of any basis for Johnson to have any knowledge of the falsity of these legitimate sources. See Shiver v Apalachee Pub. Co., 425 So.2d 1173 (Fla. 1<sup>st</sup> DCA 1983).
28. Third, there is no showing that the statements made in the Headline Surfer article were actually false. It is likely they are true, and that Mr. Casaburro knew they were true.

### **V. Misrepresentations Were Made with Knowledge of Their Falsity or With Reckless Disregard to their Truthfulness**

29. It is clear from the record Mr. Casaburro had actual knowledge that some of his claims were false. It is believed he had actual knowledge other claims were false, and Mr. Casaburro should be required to show he did not have knowledge of their falsity.
30. For example, when he wrote the allegations describing the content of the Headline Surfer article he necessarily had actual knowledge that he was not accurately portraying the contents of that article. His knowledge can be shown on the existing record.
31. Other false claims were likely made with knowledge of their falsity but, at best, were made with reckless disregard to their truthfulness.
32. For example, even if Mr. Casaburro did not know the Headline Surfer's sources had previously publicized such things as his prostitution charges and racist comments, it was reckless of him to bring charges against Johnson for maliciously making false statements against him. The information (about Casaburro's own past) was readily available to him, as were the source



documents for the Headline Surfer article. He simply did not make the effort to investigate.

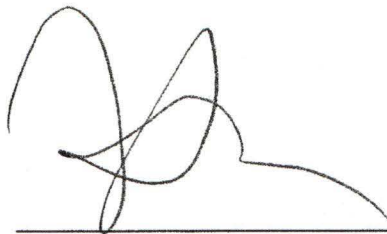
33. And, with regard to the claims Mr. Johnson did not buy ads but was merely paying for Headline Surfer to publish false statements about Mr. Casaburro, he apparently did little or no investigation on these claims. He was content to rely on mere conjecture and the hearsay statement of a third party, even though the true information was readily available to him by making a simple internet search.
34. The true facts were verified by this Commission, by an internet search, demonstrating how easily Mr. Casaburro could have determined these facts.
35. Mr. Casaburro knew or should have known the actual statements as set forth in the article, even if not true, were not made with malice as he alleged. Because those sources were readily available, he was reckless in not making an effort to discover them.

#### **VI. Conclusion**

36. This all demonstrates malicious intent and knowledge of falsity or reckless disregard by Mr. Casaburro regarding the truthfulness of his Complaint.
37. Where a party with malicious intent to injure another's reputation by filing a complaint with knowledge that it contains one or more false allegations, or with reckless disregard for the truth of the allegations contained in the complaint, and charges another with violations of the Florida Elections Code, then that person shall be liable to pay the reasonable attorney's fees and costs of the person who has been wrongfully or recklessly hailed before the Commission. See Florida Statutes §106.265(6).

NOW, THEREFORE, for the foregoing reasons outlined in this Petition, it is respectfully requested that this Commission consolidate Case Nos. 19-005 and 19-119, determine this Petition contains sufficient facts and grounds to support the claim for attorneys' fees and costs; and order a hearing to award and determine attorneys' fees and costs pursuant to Section 106.265(6), Florida Statutes, and Rule 2B-1.0045.

Dated this 13<sup>th</sup> day of May 2019.



---

**F. A. (Alex) Ford, Jr., Esquire**

Florida Bar No. 0381845

**Landis Graham French, P.A.**

145 E. Rich Ave., Suite C

DeLand, FL 32724

Tel: (386) 734-3451

Fax: (386) 736-1350

primary email: [aford@landispa.com](mailto:aford@landispa.com)

secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)

*Attorney for Respondent, BEN F. JOHNSON*

AFFIDAVIT OF HENRY FREDERICK

**AFFIDAVIT OF HENRY FREDERICK**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

Before this day personally appeared HENRY FREDERICK, Defendant in the above-styled case, who duly sworn, deposes and says:

1. I, HENRY FREDERICK, am over the age of 18.
2. I write and publish news and opinion articles on my website and do business as HEADLINE SURFER ("Surfer").
3. Surfer is an online news website.
4. Each and every statement in the HEADLINE SURFER article that was attached as Exhibit A to the Circuit Court complaint filed by John Casaburro ("Article") was thoroughly researched and carefully considered.
5. Prior to publishing the Article, I left Mr. Casaburro a voicemail seeking comment from Plaintiff, John Casaburro ("Plaintiff" or "Casaburro"), but he never responded.
6. Prior to filing suit in this cause, Plaintiff emailed me seeking corrections to the Article, to which I responded with an email asking for him to cite to me any specific errors in the Article.
7. As to the points of fact complained of by Plaintiff, the sources for the facts reported in Surfer were interviews, and public records and outside news stories which are attached to this affidavit and demonstrate the reports in Surfer were an accurate reporting of what was stated in the original source documents.

**NEIGHBORHOOD ISSUES**

8. JOHN E. CASABURRO ("Casaburro") states in his Complaint that I "accuse[d] Plaintiff of a gross and perverted act of leaving a bloody condom on someone's doorstep." What was actually stated in the Article is that the Plaintiff "was once suspected by a neighboring DeLand family of four of leaving a dripping used condom with blood on it on the welcome mat of their front porch."

9. I did not include the entire police report in the article; however, the article accurately summarized the incident report.

10. The source for my report of that incident was a Volusia County Sheriff's Office Incident Report, a true and correct copy of which is attached hereto as Exhibit 1, and which indicates the victimized family told the police they suspected Casaburro was the culprit.

11. Casaburro also complains that I called him a monster in his neighborhood, but what the Article actually says is that he is an ogre to his neighbors, which is my opinion of him.

12. In addition to the neighbor's suspicions as set forth in Exhibit 1, see attached Exhibit 2. Exhibit 2 is a Volusia County Sheriff's Office Incident Report indicating a neighbor's complaints about Plaintiff trespassing on his property and taking photographs of his cars and his house, as well as constantly making complaints against him to the Volusia County Sheriff's Office.

13. Exhibit 2 also indicates Casaburro admitted to initiating "action to remove undesirable residents" from his neighborhood.

14. During the course of my investigation into Casaburro's issues with neighbors, I became aware of complaints against another neighbor, Anthony Mandese.

15. **Exhibit 3** indicates that Mr. Casaburro and Mr. Mandese got into an argument, during which there was apparently name-calling and the police were called.

#### **POLITICAL ISSUES**

16. Casaburro stated in his Complaint that I reported he was in "some sort of conspiracy with Mike Chitwood, Sheriff (sic) and Councilwoman Heather Post."

17. The Article makes no such statement.

18. It does report my opinion that Mr. Casaburro takes his cues from Sheriff Mike Chitwood which is based, in part, on the fact Casaburro repeatedly published disparaging remarks about Defendant, Johnson, which he attributed to Sheriff Chitwood.

#### **REPUBLICAN PARTY ISSUES**

19. Casaburro also complains in his Complaint that I reported he "had no good standing with the Republican Party."

20. The Article makes no such statement.

21. However, even if the Article did make that statement, I would consider it to be fair opinion based on the fact Casaburro has been at odds with the Republican party, including having been in litigation against it. A copy of a settlement agreement from litigation between Casaburro and the Republican Party is attached to the Complaint herein.

#### **ETHICS AND MENTAL HEALTH ISSUES**

22. Casaburro stated in his Complaint the Article calls him a psycho, dishonest and unethical.

23. While the Article does not say he is a psycho, it does report he distributed "phony sleaze."

24. The "phony sleaze" referred to in the Article consisted of false allegations Casaburro made against Johnson and distributed as part of his campaign including, without limitation, the disparaging remarks Plaintiff attributed to Sheriff Chitwood, as mentioned above.

25. The article also gives an account of Casaburro's efforts to bully a member of the public who demanded proof of his false allegations about Defendant, Johnson, as reported to me by the victim of Casaburro's intimidation.

26. Further, as noted in Exhibit 2, Casaburro made false claims of being the president of a homeowner's association. As it turns out, the supposed association did not even have a legal existence.

27. Thus, while the Article did not specifically call Plaintiff dishonest or unethical, in my opinion there is sufficient grounds to have this opinion of him.

#### **RACIST REMARKS, SOLICITATION OF PROSTITUTION**

#### **AND PRIOR POLITICAL RACES**

28. Casaburro claims in his Complaint that the article "takes out of context remarks from a biased reporter from 1989 NY, claiming that Plaintiff is a racist" and that I "misquote[d] [Plaintiff] to harm and injure like Plaintiff is some sort of mental case."

29. What was actually reported in the Article was commentary on headlines about Plaintiff from New York city newspapers for his racist remarks. The source for the statements made by Casaburro was a 1989 AP News article, which is attached hereto

as Exhibit 4, which purports to directly quote statements made by the him during the course of his campaign for Mayor of Yonkers.

30. Casaburro complains in his Complaint that statements regarding his 1994 arrest for solicitation of prostitution in New York were mischaracterized, apparently because the charges were reduced to disorderly conduct.

31. My source was the New York Times article attached hereto as Exhibit 5, which specifically states that Casaburro "was arrested in Manhattan on Wednesday and charged with patronizing a prostitute" while "carrying a flier that identified him as a candidate in the 18<sup>th</sup> Congressional District race when he was arrested."

32. These articles describing Casaburro's candidacies for Mayor of Yonkers and Congress in the 18<sup>th</sup> Congressional District in New York also served as the bases for my reporting that the race against Defendant, Johnson, was not Casaburro's first time running for political office, as was reported by the West Volusia Beacon in that publication's account of an interview with Casaburro.

#### PAYMENT FOR ADVERTISING

33. Casaburro states in his Complaint that Co-Defendant, BEN JOHNSON, ("Johnson"), paid me to "to trash/slander Plaintiff."

34. I was not paid to trash/slander Plaintiff or to make any comment whatsoever about Plaintiff, nor was I paid to write the Article or publish it on Surfer.

35. Casaburro and Johnson were competing candidates for Volusia County Council At-Large at all times pertinent to the Plaintiff's claims.

36. Johnson's campaign paid me \$1,000.00 for advertising on the Surfer website.



37. The ads for Johnson did not run immediately, as was intended, because I was suffering from recurring health problems at the time they were received from the Johnson campaign.

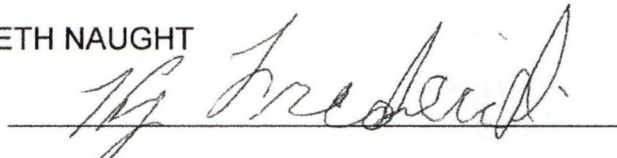
38. However, the ad did run before the conclusion of the campaign and a copy of the ad that was posted on the Surfer website are attached as Exhibit 6.

39. In addition to the ad, a campaign video ran on the Headline Surfer website.

40. Other political candidates also advertised on my website during the 2018 elections.

41. I know of no reason why the information sources for the Article should not be considered reliable.

FURTHER AFFIANT SAYETH NAUGHT

  
HENRY FREDERICK

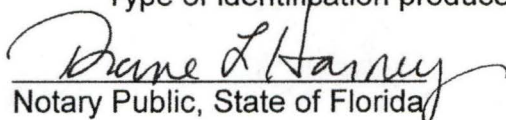
Sworn to or affirmed and signed before me on the April 11, 2019 by HENRY FREDERICK.

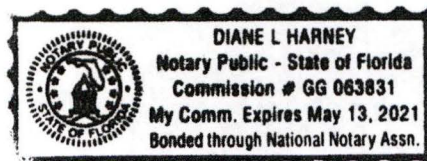
Personally known

Produced identification

Type of identification produced: Florida Driver's License



  
Notary Public, State of Florida



EXHIBIT

1

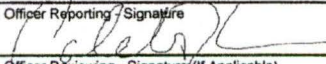
VOLUSIA COUNTY SHERIFF'S OFFICE

INCIDENT REPORT

Page 1 of 4 Pages

<input type="checkbox"/> Juvenile <input type="checkbox"/> Gang <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Endangered / Other		<input type="checkbox"/> Elderly Abuse / Exploitation <input type="checkbox"/> VOR		Agency Report Number 090028523	
Agency ORI Number FL0640000		Zone # 25		Telephone Handled 1. Yes 2. No <input checked="" type="checkbox"/>	
Reported: Day Tuesday		Date 09-08-2009		Time (mil.) 0257	
Time Dispatched (mil.) 0302		Time Arrived (mil.) 0308		Time Completed (mil.) 0331	
Nature of Call (Report Type) 13A Suspicious Incident					
Incident Type: 1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 9. Other	
Incident: Day Monday		Date 09-07-2009		Time (mil.) 2100	
TO Tuesday		Date 09-08-2009		Time (mil.) 0220	
Occurred During: D - Day N - Night <input checked="" type="checkbox"/>					
Offense #1 9		Type 7777777		Statute Violation Number 7777777	
Offense #2 		Type 		Statute Violation Number 	
Description Suspicious Incident					
A - Attempted C - Committed <input checked="" type="checkbox"/>					
Incident Location (Street, Apt. Number) 113 Kendra Av City: DELAND Zip: 32725					
Business Name / Area Identifier 		# Prem. Entered 		Drug Related 0. N/A 1. Yes 2. No <input checked="" type="checkbox"/>	
Alcohol Related 0. N/A 1. Yes 2. No <input checked="" type="checkbox"/>		Forced Entry 1. Yes 3. Attempted 2. No		Arson-Inhabited 1. Occupied 3. Abandoned 2. Unoccupied	
Arson-Attempted 1. Yes 2. No					
Location Type 01					
Location Type Codes 01. Residence-Single 02. Apartment/Condo 03. Residence/Other 04. Hotel/Motel 05. Convenience Store 06. Gas Station 07. Liquor Sales 08. Bar/Nightclub 09. Supermarket 10. Dept/Discount Store 11. Specialty Store 12. Drug Store/Hospital 13. Bank/Financial Inst. 14. Commercial/Office Bldg. 15. Industrial/Mfg. 16. Storage 17. Gov't/Public Bldg. 18. School/University 19. Jail/Prison 20. Religious Bldg. 21. Airport 22. Bus/Rail Terminal 23. Construction Site 24. Other Structure 25. Parking Lot/Garage 26. Highway/Roadway 27. Park/Woodlands/Field 28. Lake/Waterway 29. Motor Vehicle 30. Other Mobile 88. Unknown 99. Other					
V/W Code V-Victim W-Witness R-Reporting Person		N-Next of Kin O-Other		Victim/Subject Type 0. N/A 1. Juvenile 2. L.E. Officer 3. Adult 4. Business 5. Government 6. Church 9. Other	
Address/Phone Type B. Business/Work C. Cell H. Home		M. Message N. Next of Kin O. Other		P. Pager S. School V. Vacation	
Race W-White B-Black I-American Indian		O-Oriental/Asian U-Unknown		Sex M-Male F-Female U-Unknown	
Residence Type 0. NA 1. City 2. County		3. Florida 4. Out-of-State		Residence Status 0. N/A 1. Full Year 2. Par. Year 3. Non-Resident	
Means of Attack K-Knife/Cutting Inst. F-Firearm O-Other Dangerous		H-Hands, Fists, Feet, Etc. Extent of Injury 00. N/A 01. Gunshot 02. Stabbed 03. Laceration 04. Unconscious 05. Poss. Broken Bones		06. Poss. Internal Injury 07. Loss of Teeth 08. Burns 09. Abrasions/Bruises 10. No Visible Injury 99. Other Serious Injury	
Domestic Violence 1. Yes 2. No		Victim Relationship to Offender S-Spouse P-Parent C-Child B-Sibling O-Other Family H-Co-Habitant Z-Other			
Offense Indicator 1. #1 2. #2		V/W Code R		# 1	
V. Type 3		Nature of Call (for Victim, if different from Incident) 		Name (Last/Business) Shea	
Address (Street, Apt. Number) 113 Kendra Av City: DELAND State: FL Zip: 32725 Residence Phone: (386) 566-5161					
Business/School/Other Address (Street, Apt. Number) City: State: Zip: Address Type: Business/School/Other Phone: Phone Type:					
Other Contact Info (Time Available, Interpreter, etc.) Synopsis of Involvement Discovered the condom on her doorstep					
If Victim Type 1, 2, or 3 Race: W Sex: F Date of Birth: Age: 22 Ethnicity: N Res. Type: 2 Res. Status: 1 Means of Attack: Extent of Injury: Domestic Violence: Relationship:					
Offense Indicator 1. #1 2. #2		V/W Code O		# 1	
V. Type 3		Nature of Call (for Victim, if different from Incident) 20 Mentally Ill Person		Name (Last/Business) Casaburro	
Address (Street, Apt. Number) 11 Kendra Av City: DELAND State: FL Zip: 32725 Residence Phone: (386) 943-8922					
Business/School/Other Address (Street, Apt. Number) City: State: Zip: Address Type: Business/School/Other Phone: Phone Type:					
Other Contact Info (Time Available, Interpreter, etc.) Synopsis of Involvement					
If Victim Type 1, 2, or 3 Race: W Sex: M Date of Birth: Age: 57 Ethnicity: N Res. Type: 2 Res. Status: 1 Means of Attack: Extent of Injury: Domestic Violence: Relationship:					
Offense Indicator 1. #1 2. #2		V/W Code 		# 	
V. Type 		Nature of Call (for Victim, if different from Incident) 		Name (Last/Business) 	
Address (Street, Apt. Number) City: State: Zip: Residence Phone:					
Business/School/Other Address (Street, Apt. Number) City: State: Zip: Address Type: Business/School/Other Phone: Phone Type:					
Other Contact Info (Time Available, Interpreter, etc.) Synopsis of Involvement					
If Victim Type 1, 2, or 3 Race: W Sex: M Date of Birth: Age: 57 Ethnicity: N Res. Type: 2 Res. Status: 1 Means of Attack: Extent of Injury: Domestic Violence: Relationship:					
Offense Indicator 1. #1 2. #2		V/W Code 		# 	
V. Type 		Nature of Call (for Victim, if different from Incident) 		Name (Last/Business) 	
Address (Street, Apt. Number) City: State: Zip: Residence Phone:					
Business/School/Other Address (Street, Apt. Number) City: State: Zip: Address Type: Business/School/Other Phone: Phone Type:					
Other Contact Info (Time Available, Interpreter, etc.) Synopsis of Involvement					
If Victim Type 1, 2, or 3 Race: W Sex: M Date of Birth: Age: 57 Ethnicity: N Res. Type: 2 Res. Status: 1 Means of Attack: Extent of Injury: Domestic Violence: Relationship:					
Offense Indicator 1. #1 2. #2		V/W Code 		# 	
V. Type 		Nature of Call (for Victim, if different from Incident) 		Name (Last/Business) 	
Address (Street, Apt. Number) City: State: Zip: Residence Phone:					
Business/School/Other Address (Street, Apt. Number) City: State: Zip: Address Type: Business/School/Other Phone: Phone Type:					
Other Contact Info (Time Available, Interpreter, etc.) Synopsis of Involvement					
If Victim Type 1, 2, or 3 Race: W Sex: M Date of Birth: Age: 57 Ethnicity: N Res. Type: 2 Res. Status: 1 Means of Attack: Extent of Injury: Domestic Violence: Relationship:					

# INCIDENT REPORT (CONT.)

SUBJECT / MISSING SECTION	Offense Indicator 1. #1 3. Both 2. #2		Subject Code S-Suspect V-Victim D-Defendant (Missing Person)		Code #	Subj. Type	Name (Last) (First) (Middle)			Race	Sex	Ethnicity		
	Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color	Maiden Name			
	Nickname / Street Name				Place of Birth - City		County	State	Employer/Other/School		Occupation			
	Last Known Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Other Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Driver's License State/Number				Social Security Number			Other ID Number			ID Type			
	Clothing (Describe)						Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)				
	Hair Length /Style		Skin	Build	Facial Features			Speech/Voice	Deformity		Glasses			
	If Subject	Demeanor	Mask	Weapon Type			If Arrested:			Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency		
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason			Personal Habits (Drugs / Alcohol)					
May Be With:		Physical Condition:			Mental Condition:			Doctor Name:		Dentist Name:				
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No		Photo Available? 1. Yes 2. No		Dental Record Available? 1. Yes 2. No		
I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.														
SUBJECT / MISSING SECTION	Offense Indicator 1. #1 3. Both 2. #2		Subject Code S-Suspect V-Victim D-Defendant (Missing Person)		Code #	Subj. Type	Name (Last) (First) (Middle)			Race	Sex	Ethnicity		
	Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color	Maiden Name			
	Nickname / Street Name				Place of Birth - City		County	State	Employer/Other/School		Occupation			
	Last Known Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Other Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Driver's License State/Number				Social Security Number			Other ID Number			ID Type			
	Clothing (Describe)						Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)				
	Hair Length /Style		Skin	Build	Facial Features			Speech/Voice	Deformity		Glasses			
	If Subject	Demeanor	Mask	Weapon Type			If Arrested:			Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency		
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason			Personal Habits (Drugs / Alcohol)					
May Be With:		Physical Condition:			Mental Condition:			Doctor Name:		Dentist Name:				
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No		Photo Available? 1. Yes 2. No		Dental Record Available? 1. Yes 2. No		
I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.														
NARRATIVE	<p>1 On 09-08-2009 at approximately 0302 hours Deputy King responded to 113 Kendra Av in Deland in reference to a suspicious incident. Upon arrival Deputy King contacted Shea, Amber R1 who advised the following. Shea returned home around 0220 on 09-08-2009 after taking her child to Deland Hospital. Shea found what appeared to be a bloody, used condom on her front porch. She used a pair of blue nitrile gloves to pick up said condom. Shea had no information as to why a condom would be on her doorstep and immediately checked on her two children who were both in good health. Shea said her husband has no information about this either. Shea told Deputy King several residents have had problems with Casaburro, John O1 at 111 Kendra Av, Deland. Shea said her husband suspects this condom was left by Casaburro. She provided a sworn statement.</p> <p>2 3 4 5 6 7 8</p> <p>9 Deputy King used a pair of latex gloves to secure the condom and both blue nitrile gloves into a brown paper evidence bag. Deputy King later secured the evidence into the VCSO Evidence System via the Evidence Refrigerator at District II.</p>													
	Final Case Status: 5		Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded						<input type="checkbox"/> Victim Advocate		<input type="checkbox"/> Triad		<input type="checkbox"/> SA Referral	
	<input type="checkbox"/> DCF Hotline		Date:		Time:		<input type="checkbox"/> FCIC / NCIC Entry		<input type="checkbox"/> T.T. BOLO		Date:		By:	
	<input type="checkbox"/> CAC		Spoke With:		<input type="checkbox"/> FCIC / NCIC Cancel									
	Connecting Report Number 090024812		Agency VCSO		Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____									
	Officer Reporting - Printed King, Caleb				Officer Reporting - Signature 				ID. Number 6919		Unit 1B25		Date 09-08-2009	
	Officer Reviewing - Printed (If Applicable)				Officer Reviewing - Signature (If Applicable)				ID. Number		Unit		Date	
	ADMINISTRATIVE													

VOLUSIA COUNTY SHERIFF'S OFFICE

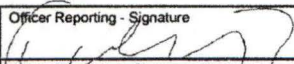
NARRATIVE / SUPPLEMENT

Report Date	Report Time	Orig. Reported Date	Nature of Call (for Incident)	Agency Report Number	1.Original
09-08-2009	0257	09-08-2009	13A	090028523	2.Supplement   1

EVENT

11  
 12 As of this writing, there is no information linking the condom to a crime. This report is for documentation purposes in the event new information  
 13 regarding this incident is developed in the future. A copy of this report was faxed VCSO Sex Crimes for their review.  
 14  
 15 The case status is: Closed.

NARRATIVE / CONTINUATION

ADMINISTRATIVE	Final Case Status: 5	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate	<input type="checkbox"/> Triad	<input type="checkbox"/> SA Referral
	<input type="checkbox"/> DCF Hotline	Date:	Time:	<input type="checkbox"/> FCIC / NCIC Entry	<input type="checkbox"/> T.T. BOLO
	<input type="checkbox"/> CAC	Spoke With:	Agency:	<input type="checkbox"/> FCIC / NCIC Cancel	Date:
	Connecting Report Number: 090024812	Agency: VCSO	Additional Forms Attached:	<input type="checkbox"/> Narrative	<input type="checkbox"/> SA 707
Officer Reporting - Printed: King, Caleb	Officer Reporting - Signature: 	ID. Number: 6919	Unit: 1B25	Date: 09-08-2009	
Officer Reviewing - Printed (If Applicable):	Officer Reviewing - Signature (If Applicable):	ID. Number:	Unit:	Date:	





VOLUSIA COUNTY SHERIFF'S OFFICE

INCIDENT REPORT

Form with sections: EVENT DATA, CODES, VICTIMWITNESS. Includes fields for Agency ORI Number (FL0640000), Zone # (25), Telephone Handled (1. Yes, 2. No), Reported Date (09-25-2009), Time (1132), Time Dispatched (1148), Time Arrived (1342), Time Completed (1412), Nature of Call (42 Civil Complaint), Incident Type (1. Felony, 2. Traffic Felony, 3. Misdemeanor, 4. Traffic, 5. Ordinance, 9. Other), Offense #1 (9, 7777777777), Description (INFORMATION ONLY), Incident Location (113 KENDRA AV, DELAND, FL 32724), Business Name (TIRE KINGDOM), Location Type (01), V/W Code (V-Victim), Victim/Subject Type (0. N/A, 1. Juvenile, 2. L.E. Officer, 3. Adult), Address/Phone Type (B. Business/Work), Race (W-White), Sex (M-Male), Residence Type (1. City, 2. County), Means of Attack (F-Firearm, O-Other Dangerous, K-Knife/Cutting Inst., H-Hands, Fists, Feet, Etc.), Extent of Injury (00. N/A, 01. Gunshot, 02. Stabbed, 03. Laceration, 04. Unconscious, 05. Poss. Broken Bones, 06. Poss. Internal Injury, 07. Loss of Teeth, 08. Burns, 09. Abrasions/Bruises, 10. No Visible Injury, 99. Other Serious Injury), Domestic Violence (1. Yes, 2. No), Victim Relationship to Offender (S-Spouse, B-Sibling, P-Parent, O-Other Family, C-Child, H-Co-Habitant, Z-Other), and multiple VICTIMWITNESS entries with details on offense indicators, names (SHEA RICHARD MATHEW, CASABURRO JOHN), addresses (113 KENDRA AVE., 111 KENDRA AVE.), and contact info.

# INCIDENT REPORT (CONT.)

SUBJECT / MISSING SECTION	Offense Indicator 1. #1 3. Both 2. #2		Subject Code S-Suspect V-Victim D-Defendant (Missing Person)		Code #	Subj. Type	Name (Last) (First) (Middle)			Race	Sex	Ethnicity		
	Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color	Maiden Name			
	Nickname / Street Name				Place of Birth - City			County	State	Employer/Other/School		Occupation		
	Last Known Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Other Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Driver's License State/Number				Social Security Number			Other ID Number			ID Type			
	Clothing (Describe)						Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)				
	Hair Length /Style		Skin	Build	Facial Features			Speech/Voice	Deformity	Glasses				
	If Subject:	Demeanor	Mask	Weapon Type			If Arrested:			Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency		
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason			Personal Habits (Drugs / Alcohol)					
May Be With:		Physical Condition:			Mental Condition:			Doctor Name:		Dentist Name:				
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No		Photo Available? 1. Yes 2. No		Dental Record Available? 1. Yes 2. No		
I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.														
SUBJECT / MISSING SECTION	Offense Indicator 1. #1 3. Both 2. #2		Subject Code S-Suspect V-Victim D-Defendant (Missing Person)		Code #	Subj. Type	Name (Last) (First) (Middle)			Race	Sex	Ethnicity		
	Date of Birth		Age	To Age	Height	To Height	Weight	To Weight	Eye Color	Hair Color	Maiden Name			
	Nickname / Street Name				Place of Birth - City			County	State	Employer/Other/School		Occupation		
	Last Known Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Other Address (Street, Apt. Number)						City	State	Zip	Address Type	Phone	Phone Type		
	Driver's License State/Number				Social Security Number			Other ID Number			ID Type			
	Clothing (Describe)						Scars/Marks/Tattoos (Type/Describe)			Scars/Marks/Tattoos (Type/Describe)				
	Hair Length /Style		Skin	Build	Facial Features			Speech/Voice	Deformity	Glasses				
	If Subject:	Demeanor	Mask	Weapon Type			If Arrested:			Subject Was Already in Custody? 1. Yes 2. No		Warrant From: 1. This Agency 2. Other Agency		
	Date of Last Contact		Date of Emancipation		Caution	Caution Reason			Personal Habits (Drugs / Alcohol)					
May Be With:		Physical Condition:			Mental Condition:			Doctor Name:		Dentist Name:				
Incident Type 1. Runaway 2. Parents 3. Involuntary 4. Disabled 5. Endangered		6. Disaster Victim 7. Voluntary Adult 8. Unknown		Foul Play Suspected? 1. Yes 2. No 8. Unknown		Missing Before? 1. Yes 2. No 8. Unknown		Fingerprints Available? 1. Yes 2. No		Photo Available? 1. Yes 2. No		Dental Record Available? 1. Yes 2. No		
I, _____ (Printed) _____ (Signature) certify that I have reported the above person as a missing person; and this agency has my permission to enter this person in a statewide alert.														
NARRATIVE	1 On 09/25/2009, at approximately 1148 hours, Deputy Passerello responded to a telephone handled call regarding a civil complaint. Deputy Passerello contacted Shea, John(R1), who reported that he observed his neighbor, Casaburro, John(O1), taking photographs of Shea's house and cars.													
	2													
	3													
	4													
	5 Shea stated that Casaburro consistently makes complaints against Shea by calling the Sheriff's Office. Deputy Passerello asked Shea how often this happens. Shea stated that the last incident was "a couple weeks ago." Deputy Passerello advised Shea that there is no crime in taking photographs, but if Casaburro would come onto Shea's property without permission, Shea should call V.C.S.O. to dispatch a Deputy to trespass Casaburro.													
	6													
	7													
	8													
	9													
	10 Deputy Passerello was later advised to follow up on the incident. Deputy Passerello responded to 113 Kendra Ave., where he met with Shea.													
ADMINISTRATIVE	Final Case Status: 5		Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded						<input type="checkbox"/> Victim Advocate		<input type="checkbox"/> Triad		<input type="checkbox"/> SA Referral	
	<input type="checkbox"/> DCF Hotline		Date:		Time:		<input type="checkbox"/> FCIC / NCIC Entry		<input type="checkbox"/> T.T. BOLO		Date:		By:	
	<input type="checkbox"/> CAC		Spoke With:		<input type="checkbox"/> FCIC / NCIC Cancel									
	Connecting Report Number		Agency		Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____									
	Officer Reporting - Printed Passerello, Paul				Officer Reporting - Signature <i>DIS Passerello</i>				ID. Number 7630		Unit 1A22		Date 09-25-2009	
Officer Reviewing - Printed (If Applicable)				Officer Reviewing - Signature (If Applicable)				ID. Number		Unit		Date		

VOLUSIA COUNTY SHERIFF'S OFFICE

NARRATIVE / SUPPLEMENT

Report Date 09-25-2009	Report Time 1132	Orig. Reported Date 09-25-2009	Nature of Call (for Incident) 42	Agency Report Number 090030503	1.Original 2.Supplement
---------------------------	---------------------	-----------------------------------	-------------------------------------	-----------------------------------	----------------------------

EVT

11 Shea informed Deputy Passerrello that at 0930 hours, Casaburro had actually taken photographs from Shea's driveway. Deputy Passerrello  
 12 observed the two automobiles in Shea's driveway. The automobiles were in poor condition and missing major parts. Deputy Passerrello obtained a  
 13 sworn, written statement from Shea.  
 14  
 15 Deputy Passerrello then met with Casaburro, who advised the following in a sworn, written statement. Casaburro stated that he had taken  
 16 photographs of Shea's cars, but had done so from Casaburro's own property. Deputy Passerrello advised Casaburro to not go onto Shea's  
 17 property without Shea's permission. Casaburro indicated that he understood and would comply. Deputy Passerrello gave Casaburro a business  
 18 card with the case number. Casaburro claimed to be the president of a Homeowners Association, but then admitted that he merely initiates action  
 19 to remove undesirable residents from the neighborhood. Casaburro stated that he has initiated petitions in the past to remove tenants from houses  
 20 in the area, and showed Deputy Passerrello copies of those petitions. Deputy Passerrello advised Casaburro that in the future, Casaburro should  
 21 contact V.C.S.O. to handle similar issues, and not to initiate his own actions.  
 22  
 23 Deputy Passerrello met with Shea again and informed Shea that there was no evidence of any crime occurring, but to call if Casaburro  
 24 trespasses on Shea's property. Deputy Passerrello gave Shea a business card with the case number.  
 25  
 26 Case status: Closed.

NARRATIVE / CONTINUATION

Final Case Status: 5	Final Case Status Codes: 1.Arrest/Adult 2.Arrest/Juv. 3.Exceptional/Adult 4.Exceptional/Juv. 5.Closed 6.Unfounded	<input type="checkbox"/> Victim Advocate <input type="checkbox"/> Triad <input type="checkbox"/> SA Referral
<input type="checkbox"/> DCF Hotline <input type="checkbox"/> CAC	Spoke With: _____ Date: _____ Time: _____	<input type="checkbox"/> FCIC / NCIC Entry <input type="checkbox"/> T.T. BOLO <input type="checkbox"/> FCIC / NCIC Cancel
Connecting Report Number _____ Agency _____	Additional Forms Attached: <input type="checkbox"/> Narrative <input type="checkbox"/> SA 707 <input type="checkbox"/> Persons <input type="checkbox"/> Property <input type="checkbox"/> Veh./Tow Sheet <input type="checkbox"/> Other Describe: _____	
Officer Reporting - Printed Passerrello, Paul	Officer Reporting - Signature <i>DISP</i>	ID. Number 7630
Officer Reviewing - Printed (If Applicable)	Officer Reviewing - Signature (If Applicable)	Unit 1A22
		Date 09-25-2009

ADMINISTRATIVE



MAY - 4 2005  
 Volusia County Sheriff's Office  
 Incident Report

6630

05 15026

Incident Number

Page 1 of 1 Pages

- Juvenile
- Elderly Abuse/Exploitation
- Hate Crime
- Gang
- Domestic Violence VOR
- Endangered/Other



STATUTE: 1777777  
 ZONE: 25

Original Report

Incident Type: CIVIL COMPLAINT NUISANCE				Location of Incident: 111 KENDRA AVE DELAND, FL			
Date Reported	Time Reported	From Date Occ	To Date Occ	From-To Time Occ	T H C	Connecting Report/Agency	
05/03/2005	1208	05/03/2005	05/03/2005	1200 - 1207	No	NONE	
Code	Name	Race	Sex	Age	DOB	Phone# (Home)	
V1	CASABURRO, JOHN	W	M	53		386-943-8922	
S1	MANDESE, ANTHONY	W	M	35		UNKNOWN	
Code	Address	Employed At/School/Other Address				Phone# (Bus.)	
V1	111 KENDRA AVE DELAND, FL 32724	RETIRED					
S1	109 KENDRA AVE DELAND, FL 32724	UNKNOWN					

Forced Entry: NO      Weapons: ( ) Firearms ( ) Knife ( ) Hands/Feet ( ) Other:

Investigative Leads/Narrative:

**NARRATIVE:**

ON TUESDAY 05-03-2005 AT 1228 HRS DEPUTY MATHIS WAS CONTACTED BY CASABURRO, JOHN IN REFERENCE TO HIS NEIGHBOR MANDESE, ANTHONY (S1) CALLING HIM NAMES. CASABURRO STATED HE WANTED TO FILE HATE CRIME CHARGES AGAINST MANDESE BECAUSE MANDESE CALLED HIM A "FAGOT COCKSUCKER." DEPUTY MATHIS ASKED CASABURRO IF HE WAS A HOMOSEXUAL TO WHICH HE REPLIED NO. DEPUTY MATHIS EXPLAINED TO CASABURRO THAT MERELY CALLING SOMEONE A NAME IS NOT AGAINST THE LAW THAT THERE HAD TO BE OTHER CRIMES COMMITTED.

CASABURRO STATED THAT MANDESE IS STALKING HIM FROM HIS OWN YARD. DEPUTY MATHIS ASKED CASABURRO TO ELABORATE. CASABURRO STATED THAT MANDESE STANDS IN HIS OWN YARD AND STARES AT HIM WHILE HE IS WALKING AROUND HIS HOUSE IN HIS UNDERWEAR. DEPUTY MATHIS TOLD CASABURRO THAT IT MIGHT BE A GOOD IDEA TO CLOSE HIS BLINDS AND OR CURTAINS. CASABURRO STATED HE WANTED TO PRESS CHARGES AGAINST MANDESE FOR STALKING. DEPUTY MATHIS ASKED CASABURRO IF HE FELT MANDESE WAS A CREDIBLE THREAT, IF HE REPEATEDLY FOLLOWED OR HARASSED HIM.

CASABURRO STATED NO HE JUST CALLED ME A FAGOT COCKSUCKER. DEPUTY MATHIS INFORMED CASABURRO THAT HIS COMPLAINT DIDN'T MEET THE ELEMENTS FOR THE CRIME OF STALKING. CASABURRO THEN DEMANDED A REPORT BE DRAFTED. DEPUTY MATHIS SUPPLIED CASABURRO WITH A VOLUSIA COUNTY CASE NUMBER AND TOLD HIM TO DOCUMENT ANY MORE NAME CALLING.

Copies To:		Lab Request:	
<input type="checkbox"/> HRS Hotline	Date	Time	Case Status: CLOSED
<input type="checkbox"/> CAC	Spoke With:		Activity
<input type="checkbox"/> FCIC/NCIC Entry	Date	By	Type:
<input type="checkbox"/> FCIC/NCIC Cancel			<input type="checkbox"/> Arr. Warrant
<input type="checkbox"/> T.T. Bolo			<input type="checkbox"/> Exceptional/Juv
Reporting Officer: DEPUTY J.R. MATHIS		Reporting Officer (Signature):	I.D. # 2515
Approved By: SGT. M. CHILCOT		Approved By (Signature):	Date: 05/03/2005
			I.D. # 2347
			Date: 5-3-05

**AP****Mayoral Candidate's Remarks Upset Officials**

Top Stories

Topics ▾

Video

Listen

**Mayoral Candidate's Remarks Upset Officials**

MARLENE AIG January 12, 1989



WHITE PLAINS, N.Y. (AP) — A man seeking to be mayor of racially divided Yonkers said nearly all blacks lived well under slavery and made other comments that brought denunciations from political leaders, who called the remarks ignorant and inflammatory.

John Casaburro, who is seeking the Republican and Conservative nominations for mayor of the city just north of New York City, made the remarks at a Yonkers City Council meeting Tuesday night.

Casaburro said "90 percent of all blacks lived well and had it good" under slavery.

"They're no longer in the back of the bus. Now they're slaves to the bus," he said later. "Now they're spending two hours a day just to go to school. Not a school of their choice, but a school based on racial quotas.

"Most black men are encouraged not to marry a woman," he added. "They're encouraged to impregnate, not marry her, because it's almost an irresponsibility to get married since welfare will take care of her."

Mayor Nicholas Wasicsko, a Democrat seeking a second term in the November election, on Wednesday called Casaburro's remarks "extremely unfortunate. He's not typical of the sentiment of the city."

Such comments "do absolutely no good," said Westchester County Executive Andrew O'Rourke. "They're inflammatory. There's no basis in fact."

Racial relations are already strained in Yonkers due to opposition to a court-ordered housing desegregation plan.

Faced with bankrupting fines imposed by a federal judge, the council reversed itself Sept. 10 and agreed to support the judge's order to affordable housing to remedy what the judge determined was deliberate segregation.

Casaburro has campaigned as a member of the Save Yonkers Federation, a citizen's group which has sued to stop the desegregation plan.

However, federation President Jack O'Toole said Casaburro was neither an official nor a committee member for the association.

**Huffman, 12 other parents to plead guilty in college scheme**

BOSTON (AP) — "Desperate Housewives" star Felicity Huffman and a dozen other prominent ...



Trending on AP N

Backstage at Bre deals, delicate da

Plea deal puts Fe at pivotal point

Bodycam footage Minneapolis offic



## Region News Briefs

### Candidate Arrested In Prostitution Sweep

Special to The New York Times

WHITE PLAINS, Oct. 13 — A Yonkers man who tried to run for Congress but failed to win a spot on the ballot was arrested in Manhattan on Wednesday and charged with patronizing a prostitute.

John Casaburro, 43, was carrying a flier that identified him as a candidate in the 18th Congressional District race when he was arrested as part of a police sweep in the area around West 24th Street and 11th Avenue, said Sgt. Joe Gallagher. Five other men were arrested at the same time.

Mr. Casaburro spoke to local Republican officials about his desire to run for the seat held by Nita Lowey, a Democrat, and he filed a petition with the State Board of Elections seeking an independent line on the ballot. That petition was denied because it had only 273 signatures, and

3,500 signatures were required.

The Republican-Conservative candidate in the 18th District is Andy Hartzell of Scarsdale.

### Woman Sues Town Over Slip on Dog Drool

CHESHIRE, Conn., Oct. 13 (AP) — A woman who injured herself after slipping on some dog drool is suing the town for negligence.

The woman, Carla S. Koch, says in her lawsuit that there were no mats on the floor last year at a town-run canine obedience class at the youth center. She broke her ankle during a fall on the linoleum floor, she said.

"It isn't a matter of dogs don't drool," she said. "There's a reason for mats in obedience school and this is it."

Town Attorney John K. Knott Jr. said he was not familiar with the specifics of the case, but said, "It's unbelievable the claims people make."

After the accident on Sept. 27, 1993,

Ms. Koch had surgery and was on crutches for 10 weeks. She says she has scars on both sides of her leg, and still has two pins in her leg.

### Panel Approves Bill To End Lifelong Tenure

TRENTON, Oct. 13 (AP) — School principals and administrators would no longer be given lifelong job security under a bill approved by the Senate Education Committee today.

New Jersey is among only seven states that give school administrators lifelong job protection.

The bill would require school boards to hire school principals and managers on contracts that would run from three to five years. It would affect only principals and administrators hired after final approval of the bill.

The State Department of Education and the New Jersey School Boards Association both support the measure.

10/14/94

Ex "B"

Elect Ben Johnson for  
Volusia County Council at Large  
Leadership.

Vision.

Commitment.

Please vote on  
**AUGUST 28!**

**386.748.2228**

**BenForCountyCouncil.com**

Political Advertisement paid for and approved by  
Ben Johnson for Volusia County Council at Large.



CAMPAIGN ADS BY MR. CASABURRO

# John Casaburro

Candidate for Volusia County Council, At Large.

111 Kendra Avenue

Deland, Florida 32724

Telephone: (386) 215-7327

Email: johncasaburro@yahoo.com

July 4, 2018

In Re: An important message to voting members of the VCREC, and club presidents.

The following are very important reasons why the VCREC should not vote to endorse Ben Johnson at the special meeting scheduled to occur on July 10, 2018. Nor should Ben Johnson's name appear on any issued voter guides. If this man is endorsed there is no doubt that the Dem's will use this as an issue to attack him and the party.

- (1.) According to Sheriff Mike Chitwood, and other law enforcement professionals, Ben Johnson shot an unarmed black youth in the back dead, showed no remorse, and tried to cover up the incident.
- (2.) Florida Highway Patrol Lt. Kevin Vaughn (R.) has advised, as a witness, during a previous campaign, that Ben Johnson confessed in a televised broadcast that he has a drinking problem, and that while serving in the capacity of Sheriff he drove under the influence.
- (3.) Ben Johnson caused several federal law suits to be filed against himself, and the county due to lack of law enforcement concerning drug dealers, and trafficking. His men would intimidate victims, witnesses, and those petitioning for the eviction of drug dealers. See U.S. District Court (Middle District of Florida) Cases: CV-934-ORL-40GJK, and VC-1899-ORL-22-DAB. Since taking office, the current Sheriff, Mike Chitwood has cleaned up these high crime drug areas.

Ask yourself, there were at least five heavily affected high crime drug infested areas, between 2009 and 2017 that Ben Johnson, as Sheriff, refused to investigate and clean up; Why?

Lastly, Ben Johnson will vote like a R.I.N.O., and appears to be ready, willing, and able to serve special interests.

John Casaburro, on the other hand, is a reliable conservative that has worked for the party over 20 years , as Vice Chair (received award), district coordinator (received award), local club volunteer (award), and campaign strategy chair.

**PLEASE VOTE FOR JOHN CASABURRO!**

(Political advertisement paid and approved by John Casaburro for Volusia County Council at Large)

# John Casaburro

Candidate for Volusia County Council, at Large

111 Kendra Avenue

DeLand, Florida 32724

Telephone: (386) 215-7327

Email: johncasaburro@yahoo.com

July, 2018

**The following are very important reasons why you should not vote for Ben Johnson.**

1. According to Sheriff Mike Chitwood and other law enforcement professionals, Ben Johnson shot an unarmed black youth in the back dead, showed no remorse, and tried to cover up the incident.
2. Florida Highway Patrol Lt. Kevin Vaughn (R) has advised, as a witness, during a previous campaign, that Ben Johnson confessed in a television broadcast that he has a drinking problem, and while serving in the capacity of Sheriff, he drove under the influence.
3. Ben Johnson caused several federal law suits to be filed against himself, and the county, due to lack of law enforcement concerning drug dealers, and trafficking. His men would intimidate victims, witnesses, and those petitioning for the eviction of drug dealers. See U.S. District Court (Middle District of Florida) Cases: CV-934-ORL-40GJK and VC-1899-ORL-22-DAB. Since taking office, the current Sheriff, Mike Chitwood has cleaned up these high crime drug areas. Ask yourself, there were at least five heavily affected high crime drug infested areas, between 2009 and 2017, that Ben Johnson, as Sheriff, refused to investigate and clean up. Why?
4. Ben Johnson will vote like an aristocrat on the county council, and appears to be ready, willing, and able to serve special interests.
5. Ben Johnson is under investigation for corruption and sexual misconduct. He will eventually have to quit the race or leave office.

**PLEASE VOTE FOR JOHN CASABURRO!**

*(Political advertisement paid and approved by John Casaburro for Volusia County Council at Large)*



Ben Johnson &lt;benforcountycouncil@gmail.com&gt;

## Fwd: To REC voting members. Update concerning 2018 Volusia County Council at large race.

2 messages

Fred Costello <costello.fred@gmail.com>  
To: benforcountycouncil@gmail.com

Wed, Jul 11, 2018 at 4:44 PM

I am SO VERY SORRY you have to put up with this nonsense!!!

As you likely recall, I had false allegations made against me (by my own daughter after we cut her off due to her drug issues) that were front page news. Fortunately, those who conspired with her (Jeff Boyle and those who supported him as he tried to become mayor of Ormond Beach) did not make sure she only accused me. She accused not only me of sexually abusing her, but she also accused Linda, her brother and an uncle. And fortunately she also said I abused my two granddaughters who were able to testify that no such nonsense had ever happened. But it was still a mess.

Obviously you will win the election and "everybody" will know the allegations are false. But you still have to go through it.

Holler if you ever want to commiserate and I'll fill you in on the back story of the accusations. Although it took the judge about 30 seconds to rule "not guilty" after a half day in court ... we still had to endure the accusations in open court.

Stay strong!  
Good Luck my friend!

Fred Costello  
1 Tomoka Cove Way  
Ormond Beach, FL 32174  
Dental Office: 386.673.1611  
Cell: 386.451.1558

Begin forwarded message:

**From:** John Casaburro <johncasaburro@yahoo.com>  
**Date:** July 11, 2018 at 2:33:16 PM EDT  
**To:** John Casaburro <johncasaburro@yahoo.com>  
**Subject:** To REC voting members. Update concerning 2018 Volusia County Council at large race.  
**Reply-To:** John Casaburro <johncasaburro@yahoo.com>

Dear Friends:

Pleased bead advised about Tuesday night's REC vote for Volusia County Council at large. Reliable sources have advised that several area young women are hiring the law firm of Gloria Allred (the attorney for the 'me too' movement) to sue Ben Johnson for questionable activities during his term of office as sheriff under the federal civil rights code and for personal injury.

Allegedly Johnson, as sheriff, would have sex with young girls addicted to drugs in return for a "get out of jail free pass." Rather than directing or encouraging these girls to rehab; he would keep them in this pitiful downward cycle. Shame on him; this is sexual abuse!

The party name will be damaged by this for years and Johnson will have to quit the race.  
Do everyone a favor and i  
insist he step aside now so the party can endorse one of its own who is reliable and can win the seat.

Please vote for John Casaburro. John will be on the Marc Bernier show (WNDB) to discuss the issues on Thursday July 12, 2018 at 5:00 p.m. Please tune in.



7/21/2018

Email - Fwd: To REC voting members. Update concerning 2018 Volusia County Council at large race.

Regards,

John

P.S. Pictures of Johnson will follow.

---

**Ben Johnson** <benforcountycouncil@gmail.com>

Wed, Jul 11, 2018 at 4:53 PM

To: Ben Johnson <benfj1950@gmail.com>, Linda White <whitel@cfl.rr.com>

[Quoted text hidden]



**Re: FEC Case No.: 19-119; Respondent: Ben F. Johnson**   
**Florida Elections Commission** to: Diane Harney  
Sent by: **Donna Malphurs**

04/30/2019 02:09 PM

From: Florida Elections Commission/OAG  
To: "Diane Harney" <dharney@landispa.com>

---

Dear Mr. Ford,

This case is in the process of being closed. A closing letter is scheduled to be mailed shortly. It will be mailed to you at your firm's address.

Sincerely,

Donna Ann Malphurs  
Agency Clerk

"Diane Harney"

Good morning: I wanted to verify that Mr. Casab...

04/30/2019 10:50:17 AM

From: "Diane Harney" <dharney@landispa.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Alex Ford" <aford@landispa.com>, "Kathrine Conroy" <KConroy@landispa.com>, "Diane Harney" <dharney@landispa.com>  
Date: 04/30/2019 10:50 AM  
Subject: FEC Case No.: 19-119; Respondent: Ben F. Johnson

---

Good morning:

I wanted to verify that Mr. Casaburro did not file any additional information to correct the stated ground of insufficiency for the above referenced FEC Case, and you have closed the file. Please advise.

Thank you,

Diane Harney, Legal Secretary  
to F.A. (Alex) Ford, Jr., Esquire  
to Kathrine E. Conroy, Esquire  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, Florida 32724  
Phone: 386-734-3451  
Fax: 386-736-1350  
[dharney@landispa.com](mailto:dharney@landispa.com)





**FLORIDA ELECTIONS COMMISSION**

107 W. Gaines Street,  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
(850) 922-4539

[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 30, 2019

F.A. "Alex" Ford, Jr.  
Attorney for Ben F. Johnson  
145 East Rich Avenue, Suite C  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Ford:

On April 3, 2019, the Florida Elections Commission notified John Casaburro that the complaint he filed on February 19, 2019 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of insufficiency, this case is closed.

Please let me know if you have any questions.

Sincerely,  
*Tim Vaccaro*  
Executive Director  
Florida Elections Commission

TV/med



FEC CASE NO.: 19-119; Respondent: Ben F. Johnson - Notice of Additional Facts

Diane Harney

to:

fec@myfloridalegal.com

04/17/2019 05:02 PM

Cc:

"Alex Ford", "Diane Harney"

Hide Details

From: "Diane Harney" <dharney@landispa.com>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>

Cc: "Alex Ford" <aford@landispa.com>, "Diane Harney" <dharney@landispa.com>

1 Attachment



2019.04.17 Notice of Additional Facts.pdf

Good Afternoon:

Attached please find our Notice of Additional Facts regarding the above-referenced FEC Case. Please advise if you need additional information. Please confirm receipt.

Thank you,

Diane Harney, Legal Secretary  
to F.A. (Alex) Ford, Jr., Esquire  
to Kathrine E. Conroy, Esquire  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, Florida 32724  
Phone: 386-734-3451  
Fax: 386-736-1350  
[dharney@landispa.com](mailto:dharney@landispa.com)



FLORIDA ELECTIONS COMMISSION  
107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
[fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Case No.: FEC 19-119

BEN F. JOHNSON,  
Respondent.

NOTICE OF ADDITIONAL FACTS

1. In the complaint herein ("Complaint"), Complainant referred to the civil litigation matter he filed ("Circuit Court Case"). The Complaint was based on the Circuit Court Case and the complaint in that case was attached as an exhibit to the Complaint, herein.
2. The purpose of this filing is to put the Commission on notice that in the Circuit Court Case, Respondent, Johnson, served Complainant with a notice of intent to file a motion under Section 57.105, Fla. Stat. ("Statute") and, in response, Complainant voluntarily dismissed the Circuit Court Case within the twenty-one (21) day period as provided for under the Statute.
3. A copy of the Section 57.105 notice, as well as the accompanying motion which was served along with it, is attached hereto. As provided for in the statute, because the Circuit Court Case was voluntarily dismissed within the 21-day period, it was not filed in the Circuit Court Case.
4. The notice of voluntary dismissal was filed by Complainant in the Circuit Court Case, and a copy is attached.

Dated this 17th day of April, 2019.



---

**F. A. (Alex) Ford, Jr., Esquire**  
Florida Bar No. 0381845  
**Landis Graham French, P.A.**  
Post Office Box 48  
DeLand, FL 32721-0048  
Tel: (386) 734-3451  
Fax: (386) 736-1350  
primary email: [aford@landispa.com](mailto:aford@landispa.com)  
secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)  
*Attorney for Respondent, BEN F. JOHNSON*

# LANDIS GRAHAM FRENCH

F.A. (ALEX) FORD, JR.  
BRITTANY G. GLOERSEN  
DAVID E. DISNEY  
EDWIN CHANNING COOLIDGE, JR.  
KATHRINE E. CONROY  
BASYLE TCHIVIDJIAN (OF COUNSEL)

ATTORNEYS AT LAW  
ESTABLISHED 1902  
A PROFESSIONAL ASSOCIATION

145 E. RICH AVENUE, SUITE C  
DELAND, FLORIDA 32724

TELEPHONE: (386) 734-3451  
FACSIMILE: (386) 736-1359

April 3, 2019

## VIA EMAIL AND US MAIL DELIVERY

John E. Casaburro  
111 Kendra Ave.,  
DeLand, Florida 32724

RE: John E. Casaburro v. Henry Frederick, AKA Headline Surfer (D.B.A.):  
and Ben F. Johnson  
Case No. 2019-10091-CIDL

Dear Mr. Casaburro:

This letter is written as notice pursuant to Section 57.105, *Florida Statutes*, to demand the Plaintiff withdraw or appropriately correct the *Complaint for Libel, Slander, Defamation and Breach of Contract*. Accordingly, please find enclosed a copy of *Defendant's Motion for Attorney's Fees and Costs Pursuant to Section 57.105, Florida Statutes* (the "Motion"), which may be filed after twenty-one days of this date, if the various issues specifically set forth below are not withdrawn or appropriately corrected.

As set forth in the attached Motion, Plaintiff knew or should have known that, at the time of filing the Complaint, it was not supported by the material facts necessary to establish Plaintiff's claims therein, or those claims would not be supported by the application existing law to the material facts. This is so for reasons including, without limitation: (1) Plaintiff's claims for defamation, slander, and libel are without legal or factual support for reasons including, without limitation, Johnson made none of the statements, Plaintiff has failed to allege the necessary allegations to state a cause of action thereunder, and all of the statements made by Frederick/Headline Surfer were true, protected speech, or both; (2) Plaintiff's claim for breach of contract is without legal and factual support for the same reasons, plus there is no enforceable contract to which Johnson was a party and the supposed contract did not prohibit the actions supposedly taken by any of the defendants; and (3) as otherwise set forth in the Motion.

Therefore, we demand that you withdraw or appropriately correct your Complaint within twenty-one days of this notice.

---

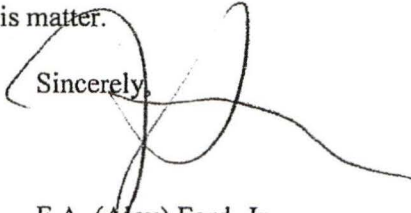
Over a Century of Service

- SINCE 1902 -

April 3, 2019  
John E. Casaburro  
Page 2

Thank you for your prompt attention to this matter.

Sincerely,

  
F.A. (Alex) Ford, Jr.

FJR/kec  
Enclosure

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR  
VOLUSIA COUNTY, FLORIDA

JOHN E. CASABURRO

Plaintiff,

CASE NO: 2019-10091-CIDL

vs.

DIVISION: 01

HENRY FREDERICK  
AKA HEADLINE SURFER (D.B.A),  
AND BEN F. JOHNSON,

Defendants.

---

**DEFENDANT'S MOTION FOR ATTORNEY'S FEES  
AND COSTS PURSUANT TO SECTION 57.105(1), FLORIDA STATUTES**

COMES NOW, the Defendant, BEN F. JOHNSON, by and through undersigned counsel, files this, his Motion for Attorney's Fees and Costs Pursuant to Section 57.105(1), *Florida Statutes*. In support thereof, the Defendant says as follows:

**Statement of Facts**

1. On or about January 16, 2019, Plaintiff filed a complaint against the Defendant for Libel, Slander, Defamation and Breach of Contract.
2. The Plaintiff's Complaint is completely without legal and factual support.
3. The statements Plaintiff's Complaint alleges were made do not constitute libel, slander, or defamation as a matter of law and, further, are true, privileged and protected under the Constitutions of the United States and the State of Florida, or both.
4. Johnson did not make the statements complained of in the Complaint.
5. Frederick/Headline Surfer is an internet news service and, as such, its speech is entitled to protection. Further, Plaintiff was, at all times pertinent hereto, a



candidate for public office and a public figure. Johnson was his opponent in the political campaign and, as such, also enjoyed enhanced protection. Thus, even if Johnson had said the things Plaintiff alleges Frederick/HeadlineSurfer said, those statements would be protected.

6. Plaintiff misstates the nature of the statements made in the article attached as Exhibit A. For example, the Complaint states that FREDERICK "accuses Plaintiff of a gross and perverted act of leaving a bloody condom on someone's doorstep." The article put forth by the Plaintiff as Exhibit A states that the Plaintiff "was once suspected by a neighboring DeLand family of four of leaving a dripping used condom with blood on it on the welcome mat of their front porch." (Emphasis added).

7. Plaintiff alleges purportedly defamatory statements by Frederick "such as, I am a monster in my neighborhood"; stating that the Defendant "calls [Plaintiff] a 'psycho,' dishonest and unethical person;" and "claims that [Plaintiff] had no good standing with the Republican Party." Again, these allegations are inconsistent with Exhibit A.

8. Plaintiff alleges that Frederick/Headline Surfer "takes out of context remarks from a biased reporter from 1989 NY, claiming that Plaintiff is a racist." However, Exhibit A quotes direct quotes from other news sources and is protected.

9. Plaintiff mischaracterizes the alleged agreement he is seeking to enforce, suggesting that the agreement would require "no slander allowed by members" of the Republican Party, and that Johnson is bound to an agreement to which he was not a party. Complaint, Paragraph XV.

## Law and Analysis

10. Defamation, which includes libel and slander, has the following five elements: (1) publication; (2) falsity; (3) the actor must act with knowledge or reckless disregard as to the falsity on a matter concerning a public official, or at least negligently on a matter concerning a private person; (4) actual damages; and (5) the statement must be defamatory. *Jews for Jesus, Inc. v. Rapp*, 997 So. 2d 1098 (Fla. 2008)

11. To state a cause of action for libel, a private person must allege publication (1) of false and defamatory statements of and concerning that private person, (2) without reasonable care as to the truth or falsity of those statements, (3) resulting in actual damage to that private person. *Hay v. Independent Newspapers, Inc.* 450 So. 2d 293 (Fla. 2d DCA 1984).

12. Public figures seeking redress are held to a higher standard. A public figure must establish actual malice on behalf of a publisher in order to maintain a defamation action. *Mile Marker, Inc. v. Petersen Publ'g, Inc.*, 811 So. 2d 841 (Fla. 4<sup>th</sup> DCA 2002). Actual malice must be alleged and proved in a slander case when the Plaintiff is a public figure. *Hood v. Connors*, 419 So.2d 742 (Fla. 5<sup>th</sup> DCA 1982).

13. The statements made by the article as alleged by the Plaintiff in Paragraphs VI, VII, VIII, and IX are opinion and not defamatory as a matter of law. *De Moya v. Walsh*, 441 So. 2d 1120 (Fla. 3d DCA 1983)(Where appellee co-worker characterized appellant co-worker as "raving maniac" and "raving idiot" during the course of a heated professional disagreement in the presence of a small group of other co-workers, such statements were pure opinion based on disclosed facts, and, as such, did not constitute actionable slander.)

14. Pure expression of opinion exists when an article expressing an opinion is published and sets forth, in the article, the facts on which the opinion is based or when the parties to the communication are aware of the facts or assume their existence and the opinion is clearly based on those facts. *Demby v. English*, 667 So. 2d 350 (Fla. 1<sup>st</sup> DCA 1995).

15. Statements made regarding CASABURRO's arrest were reported by the New York Times on October 14, 1994, and the article noted as such.

16. The article contains direct quotes attributed to CASABURRO by the January 12, 1989 AP News article.

17. In re-printing an Associated Press, or other press service dispatch, of a purported news happening, emanating from other places or localities, the article or news item, as reproduced and published locally, is not considered as the original or voluntary composition of the newspaper publisher, who merely reproduces it in his daily news columns in the form in which it has been received, but is rather regarded by the public as a mere repetition of a publication that has already been made by its real authors in their course of disseminating the news. *Layne v. Tribune Co*, 108 Fla. 177 (Fla. 1933).

18. The elements of a breach of contract action are: (1) a valid contract, (2) a material breach, and (3) damages. The Plaintiff cannot maintain a cause of action for breach of contract in the absence of a valid contract. *J.J Gumberg Co. v. Janis Servs.*, 847 So. 2d 1048 (Fla. 4<sup>th</sup> DCA 2003).

19. Contract formation requires a manifestation of mutual assent, the existence of which is determined by an objective test. *Robbie v. City of Miami*, 469

So. 2d 1384, 1385 (Fla. 1985) (citing *Dorson v. Dorson*, 393 So. 2d 632 (Fla. 4th DCA 1981)).

20. CASABURRO alleges the Mediation Settlement Agreement is the basis for his breach of contract action.

21. Settlements are governed by the rules for interpretation of contracts. *Robbie v. City of Miami*, 469 So. 2d 1384, 1385 (Fla. 1985) (citing *Dorson v. Dorson*, 393 So. 2d 632 (Fla. 4th DCA 1981)).

22. Moreover, the party seeking to enforce a settlement bears the burden of establishing assent by the opposing party. *Vision Palm Springs, LLLP v. Michael Anthony Co.*, 44 Fla. L. Weekly D588b (citing *Nehleber v. Anzalone*, 345 So. 2d 822 (Fla. 4th DCA 1977)).

23. The clear, unambiguous language of the agreement requires that:

The Chairman of the RECVC shall present an article in the next monthly newsletter regarding zero tolerance of any member slandering or in any way causing or encouraging the defamation of any member of a Republican Party Committee in Volusia County.

24. The Complaint does not allege the Defendants failed to present such an article; further, even if the Plaintiff's characterization was correct, neither of the Defendants in the instant case are a party to that agreement or the previous litigation.

25. CASABURRO does not allege actual malice by any of the Defendants; the Complaint does not allege any legal or factual basis for a finder of fact to determine that JOHNSON made the statements or knew the statements were false or demonstrated reckless disregard as to the truth or falsity of the statements.

### Sanctions are Appropriate

26. Section 57.105(1), Florida Statutes, provides in pertinent part that:

Upon the court's initiative or motion of any party, the court shall award a reasonable attorney's fee, including prejudgment interest, to be paid to the prevailing party in equal amounts by the losing party and the losing party's attorney on any claim or defense at any time during a civil proceeding or action in which the court finds that the losing party or the losing party's attorney knew or should have known that a claim or defense when initially presented to the court or at any time before trial: (a) Was not supported by the material facts necessary to establish the claim or defense; or (b) Would not be supported by the application of then-existing law to those material facts.

27. The Plaintiff knew or should have known that the statements such as those referenced in Paragraph 5, supra, constitute opinion and are not defamatory as a matter of law.

28. The Plaintiff knew or should have known that reporting that neighbors suspected CASABURRO of certain acts referenced in Paragraph 4, supra, is not the same as reporting that CASABURRO in fact committed such acts.

29. The Plaintiff knew or should have known Johnson did not make the statements complained of and that the statements reported by Headline Surfer (attributed to Johnson by Plaintiff) were true, were protected speech, or both.

30. The Plaintiff knew or should have known from the plain language of the alleged agreement they are seeking to enforce that their breach of contract claim was baseless.

31. The Plaintiff knew or should have known that the contract is not enforceable against the Defendants, who were neither parties to the referenced litigation nor the mediation settlement agreement CASABURRO seeks to enforce

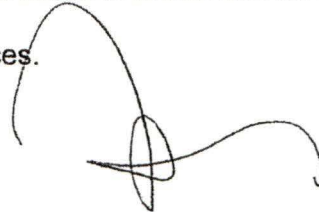
against them.

32. The Defendant, through undersigned counsel, served a copy of this Motion and a letter providing notice of its intent to seek sanctions 21 days prior to the filing of this motion in accordance with §57.105(4), Florida Statutes.

The Defendant moves this Honorable Court for an Order awarding attorney's fees and costs incurred for the preparation of this motion as a result of Plaintiff's untimely filing of his Motion for Partial Summary Judgment, including but not limited to travel time, preparation and attendance at a hearing in this matter. A copy of the 21-day letter is attached hereto as an Exhibit "A."

WHEREFORE, the Plaintiff respectfully requests this Honorable Court enter the relief sought herein for the reasons set forth above and for such other relief as is just and proper under the circumstances.

Respectfully submitted.



---

F. A. (Alex) Ford, Jr., Esquire  
Florida Bar No. 0381845  
Landis Graham French, P.A.  
145 E Rich Ave., Suite C  
DeLand, FL 32724  
Tel: (386) 734-3451  
Fax: (386) 736-1350  
primary email: [aford@landispa.com](mailto:aford@landispa.com)  
secondary email: [kconroy@landispa.com](mailto:kconroy@landispa.com)  
secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)  
Attorney for Defendant Ben F. Johnson

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

JOHN CASABURRO,  
Plaintiff,

vs

HENRY FREDERICK,  
ETC., ET AL.,  
Defendant(s).

Case No: 2019 11091 CIDL  
Division: 01  
Judge: Randell H. Rowe III

**NOTICE OF VOLUNTARY DISMISSAL**

COMES NOW Plaintiff, JOHN CASABURRO, hereby files this Notice of Voluntary Dismissal of his Complaint in the above-styled case as to Ben F. Johnson only.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via E-Portal to Frank Alex Ford, Jr., Esquire at [aford@landispa.com](mailto:aford@landispa.com) and US mailed to Henry Frederick at 500 W Airport Blvd Apt 1307 Sanford, FL 32773 on April 12, 2019.

/s/John Casaburro  
JOHN CASABURRO  
111 Kendra Avenue  
Deland, FL 32724  
386-215-7327



**Re: FEC Case No.: 19-119; Respondent: Ben F. Johnson**   
**Florida Elections Commission** to: Diane Harney  
Sent by: **Donna Malphurs**

04/08/2019 05:23 PM

From: Florida Elections Commission/OAG  
To: "Diane Harney" <dharney@landispa.com>

---

A letter with an amended information was mailed on April 3rd.

"Diane Harney"

Good afternoon Erin Riley: I wanted to verify that...

04/08/2019 05:08:32 PM

From: "Diane Harney" <dharney@landispa.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Diane Harney" <dharney@landispa.com>  
Date: 04/08/2019 05:08 PM  
Subject: FEC Case No.: 19-119; Respondent: Ben F. Johnson

---

Good afternoon Erin Riley:

I wanted to verify that Mr. Casaburro did not file any additional information to correct the stated ground of insufficiency for the above referenced FEC Case, and you have closed the file. Please advise.

Thank you,

Diane Harney, Legal Secretary  
to F.A. (Alex) Ford, Jr., Esquire  
to Kathrine E. Conroy, Esquire  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, Florida 32724  
Phone: 386-734-3451  
Fax: 386-736-1350  
[dharney@landispa.com](mailto:dharney@landispa.com)







**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street  
Collins Building, Suite 224  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539**

[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

April 3, 2019

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Casaburro:

The Florida Elections Commission has received your complaint alleging violations of Florida's election laws.

Complainant alleged that Respondent filed a campaign treasurers report that was false, incorrect, and misleading.

Complainant's allegation relates to a single expenditure item listed as \$1,000 on July 23, 2018, to "Headline Surfer" for "advertising." Complainant claimed that no ads for Respondent were placed in the online periodical in return for the expenditure, and he alleged that the \$1,000 payment was for reporter/publisher Henry Frederick to write an article containing false statements against Complainant. *See* FEC 19-105. As such, Complainant argued that Respondent's report was inaccurate when it described the purpose of the expenditure as "advertising."

However, as noted in the Florida Elections Commission's review of case FEC 19-105, Complainant provided no evidence to support his allegation that Respondent paid Mr. Frederick to make the statements in his news article. Furthermore, in the current complaint, Complainant did not provide any personal information or information other than hearsay to support his assertion that Respondent did not pay for and receive advertising.

Respondent denied the allegations of the complaint and included a weblink to the *Headline Surfer* website showing that a video advertisement in support of Respondent was inserted under the headline for an article posted on August 27, 2018. The video ends with a disclaimer noting it is a political advertisement paid for by Respondent.

A review of the *Headline Surfer* website also indicated that the most recently posted rates for advertising on the website for county candidates was \$1,000. The website also has a politics section in which Mr. Frederick routinely makes his opinions on candidates known, including endorsements.

Based upon the foregoing, it appears that the complaint is not based upon personal information or information other than hearsay. However, Respondent has provided evidence supporting his position that the \$1,000 expenditure was for advertising, as reported by Respondent in his campaign treasurers report.

For these reasons, I find the complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If we do not receive additional information that corrects the stated grounds of insufficiency, this case will be closed. For your convenience, enclosed is a form for your use in submitting additional information. If you submit an additional statement containing facts, you must sign the statement and have your signature notarized. In addition, any additional facts you submit to the Commission must be based on either personal information or information other than hearsay.

Until this case is closed, section 106.25(7), Florida Statutes, provides that the Respondent may not disclose this letter, the complaint, or any document related to this case, unless he or she waives confidentiality in writing. To waive confidentiality, the Respondent must mail or fax a written waiver of confidentiality to Donna Ann Malphurs at the address or fax number listed above.

If you have any questions concerning the complaint, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,



Tim Vaccaro  
Executive Director

TV/med

Enclosure: Additional Information Form

cc: F. A. "Alex" Ford Jr., Attorney for Respondent w/out Enclosure

**FLORIDA ELECTIONS COMMISSION**  
**107 West Gaines Street, Suite 224,**  
**Tallahassee, FL 32399-1050**

**ADDITIONAL COMPLAINT INFORMATION**

**Case Number: FEC 19-119**

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

I swear or affirm that the information in the attached statement is true and correct to the best of my knowledge.

\_\_\_\_\_  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Officer Authorized to Administer  
Oaths or Notary Public

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of  
Notary Public)

Personally Known \_\_\_\_\_ Or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

***Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.***



FEC Case No.: 19-119; Respondent: Ben F. Johnson

Diane Harney

to:

fec@myfloridalegal.com

03/26/2019 05:49 PM

Cc:

"Alex Ford", "Diane Harney"

Hide Details

From: "Diane Harney" <dharney@landispa.com>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>

Cc: "Alex Ford" <aford@landispa.com>, "Diane Harney" <dharney@landispa.com>

1 Attachment



2019.03.26 Motion to Dismiss Complaint for Insufficiency.pdf

Attention Erin Riley:

As per the instructions listed on the complaint received, attached please find our Motion to Dismiss complaint for Insufficiency. I understand we will be notified by letter whether the complaint is determined to be legally sufficient. Please advise if you need additional information. Please confirm receipt.

Thank you,

Diane Harney, Legal Secretary  
to F.A. (Alex) Ford, Jr., Esquire  
to Kathrine E. Conroy, Esquire  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, Florida 32724  
Phone: 386-734-3451  
Fax: 386-736-1350  
[dharney@landispa.com](mailto:dharney@landispa.com)



FLORIDA ELECTIONS COMMISSION  
107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
[fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Case No.: FEC 19-119

BEN F. JOHNSON,

Respondent.

---

**MOTION TO DISMISS COMPLAINT FOR INSUFFICIENCY**

1. This case involves alleged violations of Section 106.07 (5) and 106.19, FS.
2. The Executive Director of the Florida Elections Commission is required to make a determination as the legal sufficiency of the Complaint.
3. Respondent, Johnson ("Respondent" or "Johnson"), maintains that the Complaint is legally insufficient for reasons including, without limitation, as follows:
  - I. Requirements of Rule 2B-1.0025(2) F.A.C.
4. Pursuant to Rule 2B-1.0025(2) F.A.C.:

Upon receipt of a complaint from Commission staff after the completion of the technical and clerical review required by subsection (1), of this rule, the executive director shall determine whether the complaint is legally sufficient. A complaint is legally sufficient if it meets the following criteria:

- a. **The complaint alleges a violation of Chapter 104 or 106, F.S.;**
- b. The complaint contains specific facts upon which the complainant bases the allegation of a violation of law;
- c. The complaint alleges a violation that occurred within two years of the date the complaint is filed with the Commission;
- d. **The complaint is based on personal information or information other than hearsay;** and,
- e. The complaint otherwise complies with the requirements of paragraph (1)(a), of this rule. (Emphasis added)

5. While Respondent denies the allegations of the Complaint and will have a subsequent opportunity to provide evidence in support of his position, Respondent maintains the Complaint fails to meet standards for sufficiency as outlined in the above-cited rule and therefore moves to dismiss for lack of sufficiency.

II. Failure to Allege a Violation of Chapter 104 or 106

A. No Sufficient Allegation of a Violation of F.S. Section 106.07(5)

6. Complainant asserts Respondent has violated F.S. Section 106.07(5), but has not made a sufficient allegation thereof.

7. F.S. Section 106.07(5) provides, in pertinent part:

The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, 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.

8. Complainant has filed a Circuit Court Complaint against Johnson and attached a copy of that complaint to his Complaint herein. Attached as Exhibit A to the Circuit Court complaint is an article from the Headline Surfer ("Article").
9. Complainant apparently believes the Article was paid for by Johnson (but offers no "non hearsay" basis for that belief).
10. Complainant also apparently believes Johnson's report of a \$1,000.00 payment to Headline Surfer for advertising was false, apparently under the belief the payment was for the Article, and was not for advertising (again, with no "non hearsay" basis for this allegation).
11. Even if Johnson's campaign had paid Headline Surfer for the Article rather than for advertising (which it did not), the Complaint fails to allege Johnson knowingly certified an incorrect treasurer's report. Because Complainant has failed to allege Respondent improperly relied upon the campaign treasurer, failed to conduct a formal review of the report for error and admissions based on his knowledge of the campaign, or had actual knowledge of the supposed falsity, the Complainant failed to allege necessary elements of a violation of F.S. Section 106.07(5), and the Complaint is insufficient.<sup>1</sup>

---

<sup>1</sup> It is not the candidate's obligation to act as a surety that the treasurer's report is accurate and correct. As noted in Diaz de la Portilla v. Fla. Elections Comm'n, 857 So. 2d 913 (Fla. 3<sup>rd</sup> DCA 2003):

"The candidate is allowed to rely on the work of the campaign treasurer in maintaining the campaign records and preparing the treasurer's reports, so long as all of the contributions and

*B. No Sufficient Allegation of a Violation of F.S. Section 106.19*

12. Complainant asserts Respondent has violated F.S. Section 106.19, but has not made sufficient allegation thereof.
13. The foregoing arguments under Section II.A. equally apply to the alleged violation of F.S. Section 106.19.
14. F.S. Section 106.19 provides, in pertinent part:
  - 1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:
    - (a) Accepts a contribution in excess of the limits prescribed by s. 106.08;
    - (b) Fails to report any contribution required to be reported by this chapter;
    - (c) Falsely reports or deliberately fails to include any information required by this chapter; or
    - (d) Makes or authorizes any expenditure in violation of s. 106.11(4) or any other expenditure prohibited by this chapter;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
15. The Complainant alleged "Frederick admits there was (sic) no ads for Johnson." While Respondent disputes this allegation, even if there were no ads, there is not an allegation Respondent did not pay for advertising, that he knew there were no ads, or that he otherwise acted "knowingly" in falsely reporting information.
16. F.S. Section 106.19 clearly requires the actions of Johnson must have been taken "knowingly and willingly" for there to be a violation of that section.

---

expenditures are routed through the campaign depository, and the candidate has appointed a campaign treasurer who is qualified to perform the duties of the office. The candidate must, however, conduct a facial review of the report to make sure that there are no errors or omissions based on the candidate's own knowledge of the campaign and its financial affairs."

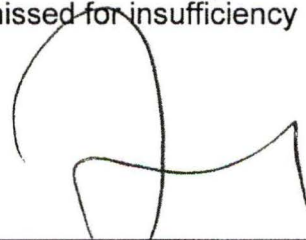
C. Failure of Complaint to be Based on Personal Information/Information Other Than Hearsay

17. Complainant fails to sufficiently allege that his allegations are based on personal information or information other than hearsay, as set forth in Rule 2B-1.0025(2) F.A.C.
18. Specifically, Complainant failed to allege he had personal knowledge (or information other than hearsay) that Johnson paid for the Article, did not pay for advertising, and knowingly provided false reports.
19. Instead, he relies upon the hearsay statement of Henry Frederick that "there was (sic) no ads for Johnson," and the double hearsay statement of Robert Moni that Mr. Moni searched Headline Surfer for Johnson's campaign ads and found none for three (3) months prior to the court filing.
20. Apparently, this alleged failure to advertise was intended to support a leap to the conclusion that Johnson's payment for advertising was, instead, payment for nothing or perhaps payment for the Article (as an advertisement without an appropriate statement of source).
21. As previously pointed out in FEC Case 19-105, the danger of relying upon such hearsay is demonstrated by visiting the following link, where some of Johnson's paid advertising in Headline Surfer appears:  
<https://headlinesurfer.com/content/our-endorsement-school-board-dis-1-jamie-haynes-can-parlay-valuable-classroom-experience>.
22. Besides being based on hearsay, Complainant's account of the facts amounts to mere speculation that the one thousand dollars (\$1,000.00) paid by the Johnson's campaign to Headline Surfer for advertising was, not payment for advertising but, instead, for the Article. Complainant speculates that Johnson knew of this alleged scheme. Thus, speculation piled on top of hearsay is the basis for the Complaint, which is not sufficient under the statute.<sup>2</sup>

III. Conclusion

Accordingly, the Complaint should be dismissed for insufficiency

Dated this 26<sup>th</sup> day of March 2019.



\_\_\_\_\_  
F. A. (Alex) Ford, Jr., Esquire

<sup>2</sup> Complainant correctly states respondent paid Headline Surfer \$1,000 in July 2018. That payment was for advertising.



Florida Bar No. 0381845  
**Landis Graham French, P.A.**  
Post Office Box 48  
DeLand, FL 32721-0048  
Tel: (386) 734-3451  
Fax: (386) 736-1350  
primary email: [aford@landispa.com](mailto:aford@landispa.com)  
secondary email: [dharney@landispa.com](mailto:dharney@landispa.com)  
*Attorney for Respondent, BEN F. JOHNSON*



case FEC19-119/Ben Johnson

Alex Ford

to:

fec@myfloridalegal.com

03/15/2019 02:48 PM

Cc:

"Diane Harney"

Hide Details

From: "Alex Ford" <aford@landispa.com>

To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>

Cc: "Diane Harney" <dharney@landispa.com>

Dear sir or madame,

Please consider this to be my notice of appearance on behalf of Ben F. Johnson in the above referenced matter.

Thanks, and have a great weekend!

F. A. (Alex) Ford, Jr.  
Landis Graham French, P.A.  
145 E. Rich Avenue, Suite C  
DeLand, FL 32724  
(386) 734 3451



Date Produced: 03/18/2019

Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1626 5436 33. Our records indicate that this item was delivered on 03/14/2019 at 12:38 p.m. in DELAND, FL 32720. The scanned image of the recipient information is provided below.

Signature of Recipient :

A handwritten signature in black ink that appears to read "W. Crumshaw".

Address of Recipient :

A handwritten address in black ink that reads "1941 TRINIDAD".

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,  
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 19-119 14 Day Ltr

CR due 04/02



**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539**  
[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

March 11, 2019

**CERTIFIED MAIL 9214 8969 0099 9790 1626 5436 33**

Ben F. Johnson  
2791 Grand Avenue (Glenwood)  
DeLand, FL 32724

**RE: Case No.: FEC 19-119; Respondent: Ben F. Johnson**

Dear Mr. Johnson:

On February 19, 2019, the Florida Elections Commission received the enclosed complaint alleging that you violated Florida's election laws involving Section 104.271(2), Florida Statutes. As you know, a copy of the complaint in FEC 19-105 was mailed to you.

Upon review of the complaint, we have determined the complaint includes allegations that one or more sections of law other than Section 104.271(2) were violated. Pursuant to Rule 2B-1.0041, Florida Administrative Code, we have separated this complaint into two complaints, one of which contains allegations made under Section 104.271(2) (FEC 19-105) and one of which contains all other allegations made by the complaint (FEC 19-119).

Section 106.25(2), Florida Statutes, states:

The respondent shall have 14 days *after receipt* of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period.

If you decide to have counsel represent you in this case, please remind him/her to file a new notice of appearance for this case. If you choose to file a response to the complaint, please send it to my attention at the address listed above. To ensure that we receive your response in a timely manner, you may also want to send it via e-mail to my attention at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com). You will be notified by letter whether the complaint is determined to be legally sufficient.

**Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.**

Ben F. Johnson  
March 11, 2019  
Page 2  
FEC 19-119

Pursuant to section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapter 104 or 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing.

The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website ([www.fec.state.fl.us](http://www.fec.state.fl.us)) or contact us via email at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com).

Sincerely,  
*Erin Riley*  
Deputy Agency Clerk

ENR/dam  
Enclosure: Complaint w/attachments

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®

OFFICIAL USE

Certified Mail® 9214 8969 0099 9790 1626 5436 33

Extra Services & Fees (check box, \$0.50 appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$3.50
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$1.60

Postage  
\$0.00

Total Postage and Fees  
\$5.600

Electronic Return Receipt Requested

Postmark  
Here

Code: 19-119; 14 Day Ltr

Sent To Ben F. Johnson  
Street, Apt. No., 2791 Grand Avenue (Glenwood)  
or PO Box No. DeLand, FL 32724  
City, State, Zip+4

3/12/2019 9:18:44AM

PS Form 3800, April 2015 See Reverse for Instructions

### COMPLAINT

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom it is brought.

**1. PERSON BRINGING COMPLAINT:**

Name: John Casaburro Work Phone: ( ) N/A  
Address: 111 Kendra ave. Home Phone: (386) 215-7327  
City: DeLand County: Volusia State: FL Zip Code: 32724

**2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:**

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Ben F. Johnson  
Address: 2791 Grand ave. (Glenwood) Phone: WORK- 740-5224  
City: DeLand County: Volusia State: FL Zip Code: 32724

If individual is a candidate, list the office or position sought: county council

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No  
Are you alleging a violation of Section 104.271(2), F.S.? (check one)  Yes  No  
Are you alleging a violation of Section 104.2715, F.S.? (check one)  Yes  No

**3. ALLEGED VIOLATION(S):**

Please attach a **concise** narrative statement in which you list the provisions of the Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement: ✓

- ✓• The facts and actions that you believe support the violations you allege;
- ✓• The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- ✓• A copy or picture of any political advertisement(s) you mention in your statement;
- ✓• A copy of each document you mention in your statement;
- ✓• An explanation of why you believe information you reference from websites is relevant; and
- ✓• Any other evidence supporting your allegations.

**SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION**

**Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.**

4. OATH:

STATE OF FLORIDA  
COUNTY OF Volusia

I swear or affirm that the above information is true and correct to the best of my knowledge.

John Casanova  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 13<sup>th</sup> day of  
February, 20 19



Shannon Toomey  
Signature of Officer Authorized to Administer Oaths or Notary Public

Shannon Toomey  
(Print, Type, or Stamp Commissioned Name of Notary Public)  
Personally Known \_\_\_\_\_ Or Produced Identification   
Type of Identification Produced FLDL

5. IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:

- You **MUST** submit this completed complaint form in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/mailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form for **each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments to **each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.





**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street, Suite 224**

**Collins Building**

**Tallahassee, Florida 32399-1050**

**(850) 922-4539**

[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

February 11, 2019

John Casaburro  
111 Kendra Avenue  
DeLand, FL 32724

Dear Mr. Casaburro:

The Florida Elections Commission received your complaint alleging a violation of Florida's election laws. However, your complaint is being returned to you because it does not comply with Rule 2B-1.0025, Florida Administrative Code. In accordance with Rule 2B-1.0025, the complaint is being rejected for the following reason(s):

- Complaint is not filed on FEC Form 1
- Information required by FEC Form 1 is incomplete
- More than one Respondent is named
- Complainant's name is not included
- Exhibits or attachments referenced in the complaint are not attached to each complaint
- Complaint does not include an original signature Correction made
- Complaint is not properly notarized

If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) or at the number listed above. Enclosed is a copy of FEC Form 1, Complaint form, should you decided to refile your complaint.

Sincerely,

*Erin Riley*

Deputy Agency Clerk

ER/dm

Enclosures: Complaint materials  
FEC Form 1 (eff 8/22/17)

Feb 1-2019

Narrative to F.E.C. - Ben F. Johnson

- I Candidate Johnson hired a Internet News Outlet Reporter / Publisher to make many False statements with Malice against complainants, During campaign violating Sec. 104.271, F.S. See enclosed civil Court Complaint Case no. 2019-10091 (exhibit A, etc.
- II- Candidate Johnson Paid said reporter/publisher \$1,000. on 7-23-2018 (EX-H #2 of civil court complaint) to headline surfer (D.B.A. For Henry Frederick, reporter for "advertising". Frederick's admits there was no ads for Johnson. The treasurer report was knowingly incorrect, False and misleading violating sections 106.07(5) + 106.19, F.S.
- III- Witness - Henry Frederick's / Headline Surfer called to settle case on 1-26-19 + admitted.
  - A- There were no Johnson campaign ads posted.
  - B- Admits to fabricating infamous condom picture (386-689-2830 Frederick cell #)
  - C- Admits to Publishing incomplete Police Reports, media events + statements.

Witness - Robert Moni - searched internet for Johnson campaign ads by Frederick's + Found none 3 months prior to court filing

cell 386-235-8785

pg 1 of 1 John Casaburro

In the 7<sup>th</sup> Judicial Circuit Court in and for Volusia County, Florida

John E. Casaburro	X	Case No: <u>2019-10091</u>
Plaintif	X	Div No: <u>CIDT</u>
-vs-	X	COMPLAINT: "
Henry Frederick, AKA Headline Surfer (D.B.A); and Ben F. Johnson	X	For Libel, Slander, Defamation, and Breach of Contract
<u>Defendant's</u>	X	

Comes now Plaintiff, John Casaburro , and here by sue's Defendants Henry Frederick, who owns, writes and is publisher of Headline Surfer, an internet news outlet as a D.B.A (according to State records his prior corporation is unpaid) and Ben F. Johnson while a private citizen.

- I. This is an action that exceeds (fifteen thousand dollars) \$15,000.00 exclusive of attorneys fees, costs and interest.

The Parties

- II. Plaintiff John Casaburro, resides at 111 Kendra Ave, DeLand, FL 32724. Cell phone 386-215-7327.  
III. Defendant Henry Frederick resides at 416 Dorchester Square, Lake Mary, FL 32746 and/or 500 Airport Blvd. West, Unit 1307, Sanford FL 32773. Phone number 386-689-2830.  
IV. Defendant Ben F. Johnson resides at 2791 Grand Ave (Glenwood) DeLand, FL 32720. Office number 386-740-5224 or 943-7026.  
V. Venue is in Volusia County where Plaintiff and Johnson live and where Johnson paid Frederick to trash/slander Plaintiff.

Background (Exhibit -A-)

- VI. On or about July 31, 2018, Defendant Frederick wrote a false and trash article on his newsletter site about Plaintiff, <sup>-a-</sup> such as, I am a monster in my neighbourhood. Truth is I have been President of area HOA (unincorporated) since 2002. The only neighbours that hated me are the drug dealers and their friends that got evicted. See Exhibit B, Letter from good neighbour Mike Densmore and Exhibit C, most recent HOA/neighbourhood petition with 39 good neighbours signing. -B- Frederick claims that plaintiff is in some sort conspiracy with Mike Chitwood, Sheriff and Councilwoman Heather Post. Truth is, I met Post briefly at a GOP event and represented Mike Chitwood as a good cop, not a politician. -C- Frederick accuses Plaintiff of a gross and perverted act of leaving a bloody condom on someone's doorstep. Truth is, picture is bogus. Houses in background do not match the modest homes on my street and the Police car is a City PD. My area is County DeLand, where only Sheriff Deputies cars respond to calls. Picture is clearly a fake.  
VII. Frederick goes on in his article and calls me a "psycho", dishonest and an unethical person because I was a write in candidature for Council at Large.  
VIII. Frederick claims that I had no good standing with the Republican Party. Truth is I have won four

Pg - 1

good service awards, one that is attached as exhibit D.

- IX. Fredericks takes out of context remarks from a biased reporter from 1989 NY, claiming that Plaintiff is a racist. Jews were enslaved as workhorses for 400 years; my people from Naples Italy were fed to lions, hung on a cross and fought to fight in public venues. This was compared to black take care of your work horse mindset of the 1800's USA at a meeting with black civic leaders. Also, as one of the Founders of Fathers Rights in 1980's and as a nationwide leader, I was talking about low employment, family splits, and crime as a leading reason young black men avoided fatherhood and do not marry.
- X. Finally (and there are many other false statements by Frederick) in 1994 Plaintiff was falsely arrested, held overnight at a police station. Charge amounted to a \$45.00 desk appearance fine for disorderly conduct that was paid in court the next morning. I sent Frederick ticket receipt/appeal win that cleared my name of a made up charge with no backing. (See exhibits E & F) Frederick omits facts and findings by Federal Judges to harm Plaintiff with malice.
- XI. Plaintiff has been a political activist since 1978 and a businessman with many achievements. Frederick misquotes me to harm and injure like Plaintiff is some kind of mental case.

Statutes and Jurisdiction in Circuit Court

- XII. a. "Defamation by Implication"; omitting facts are considered to be falsely and (§ 25.05(1) Liable, while recklessly disregarding their falsity.
- b. FL ST 770.01 and 770.02 have been violated by Frederick. Notice was sent by regular US Mail on January 7, 2019 and by email to correct liability and slander.
- c. 770.2 (2)(a) Frederick had 10 days to correct, provide apology and retract his statements of slander and Defendant failed to do so. (See Exhibit G)
- d. Frederick has injured Plaintiff in his reputation, office, business, any future employment (see Cooper v. Miami Herald 31 so 2nd 382, 384 (FL.1947) with false and defamatory (§ 558 (1977 Tort's) Plaintiff is entitled to relief, damages, and costs.
- e. Section 550 of Libel/Defamation has Frederick libel for gross negligence due to faulty and biased research since Johnson paid him at least \$1000.000 out of his campaign funds.
- f. Frederick exposed plaintiff with false reports that caused distrust, hatred, ridicule to the public and Plaintiffs daughter is very upset about my grandchildren being exposed to such lewd and awful falsehoods. (See Thomas v. Jacksonville Television, Inc., 699 so 2nd 800, 803 (FL 1st DCA 1997) .
- g. Defendants Slander with Malice hurt my vendibility with the public and GOP (see Old Plantation Corp v. Maule Industries, Inc., 68 so 2nd 180, 181 (FLA 1953) Special damages apply here by slander, false and malicious statements.
- h. Defendants slander was motivated by ill will and the desire to do harm (Schreidell v. Shoter) Jury trial is demanded for punitive damages.
- i. Attorney fees are due under 285 so 2nd 29, 31 (Clusman v. Lieberman, FLA 4<sup>th</sup> DCA 1973 (sec 633).

Ben F. Johnson's Contribution to Slander with Fredericks and Breach of Contract

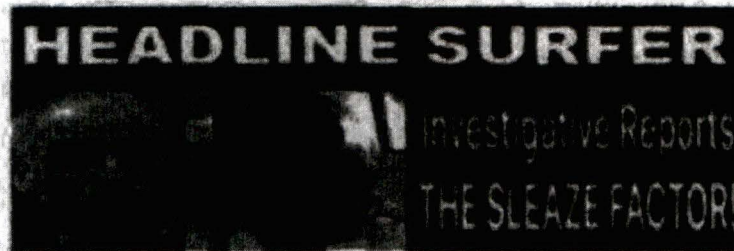
- XIII. Johnson paid Frederick \$1000.00, see campaign Treasurer Report (exhibit H) #2 & 6.
- XIV. Fredericks quoted Johnson as being the victim, Johnson knew or should have known that Frederick was known to be a sleazy reporter with a reputation of mud raking.
- XV. Plaintiff has a mediation settlement agreement with the Republican Party (see Exhibit I) #9, no

slander allowed by members. Johnson has been a member of DeLand Republican Club as a private citizen, club is a sub-connected entity by County RECVC by Charter of the full committee. Johnson has breached this contract, knows the party Chairman well and should have known this or knew and hired Frederick to smear mud around the Plaintiff.

- XVI. Johnson is culpable and is severally and individually liable with both Defendants with Fraudulent and Conspiratorial conduct in concert with each other inflicting harmful slander, defamation with ill will and malice against Plaintiff. Where as in conclusion, Plaintiff asks court for a jury trial for all of the foregoing wrongs and damages in excess of \$500,000.00 (one half million), plus attorneys fees and costs.

ADA Accommodation - Plaintiff suffers from chronic neck and back pain, numb fingers, degenerative eye, light sensitive that causes headaches and lost focus (can not use a computer). Plaintiff requests that court allow/order all pleadings and notice be sent US mail.

Pj-3



*Headline Surfer multimedia presentation / Shown above is John Casaburro, an ogre to his DeLand-area neighbors for years and an enigma over the years in insider politics is now a write-in candidate for countywide elected*

*office taking his cues from vitriolic Volusia Sheriff Mike Chitwood in trying to derail the former sheriff, Ben Johnson, considered an overwhelming favorite to outright win the Aug. 28 primary and succeed retiring At-Large County Councilwoman Joyce Cusack on the dais in DeLand. Not only is Chitwood threatened by the prospect of Johnson's return to elected office, but so too is first-term Councilwoman Heather Post, a former deputy, whose veracity is easily called into question as to the prior illicit use of cocaine as indicated in her personnel file.*

By HENRY FREDERICK  
Headline Surfer

DAYTONA BEACH, Fla. — He was once suspected by a neighboring DeLand family of four of leaving a dripping used condom with blood on it on the welcoming mat of their front porch door as a perverse act of intimidation.

The wife and mom of two little kids discovered it upon returning from an errand — snagging a pair of sterile gloves to pick it up before it could lead to disaster.

Several Volusia County Sheriff's deputies responded and one of them in turn put on a pair of sterile gloves to pick up the nasty find crumpled within the mom's discarded and bunched-up gloves subsequently scooped into an evidence bag to be brought back to headquarters for storage.

One voter who attended a recent political event where Casaburro was distributing his phony sleaze piece reported that the candidate got downright ugly and intimidating when he was challenged to provide proof of the allegations. Naturally, Casaburro was unable to back up his allegations – for the very reason that they have no basis in fact. They aren't true, period.

Instead, Casaburro tried to bully the person demanding to see proof.



"He got so angry at me that he hovered over me in a very threatening manner," said the vote of his encounter with Cassaburro. His name is being withheld by Headline Surfer to spare him further harassment from Casaburro and others like him that are stirring the pot behind the scenes.

For his part, Ben Johnson reports being flooded with phone calls and social media messages from outraged voters. So far, Johnson has taken the high road and purposely keeping his public comments to a minimum.

Certainly, plenty of people are hopping mad about Casaburro's gutter tactics.

"I hate trashy campaigns!" one Johnson supporter wrote in an e-mail to him. "But it really makes me angry when they trash honorable people!"

Another said of the slime piece: "I think it is slander and libel against you." Yet another was even more blunt in a post on Johnson's Facebook campaign page: "Time to crucify this clown."

In a recent story published in the West Volusia Beacon profiling the at-large council race, Casaburro evidently told the bylined writer that this was his first time running for political office. That, as it turns out, also isn't true. But it's certainly understandable why Casaburro would want to run away from his past.

In 1989, while living in New York and running for Mayor of Yonkers, Casaburro made headlines in the New York city newspapers for highly inflammatory and degrading comments suggesting that most African-Americans had it good during this country's slavery era. "Ninety percent of all Blacks lived well and had it good" under slavery, Casaburro was quoted as saying.

The article went on to report that Casaburro degraded the African-American culture by saying: "Most Blacks are encouraged not to marry a woman. They're encouraged to impregnate, not marry her because it's almost an irresponsibility to get married since welfare will take care of her."

Casaburro's racist remarks, outed by Johnson in an NAACP candidate forum ????????????????????

In 1994, the New York Times reported that following a failed Congressional bid in New York, Casaburro was arrested during a prostitution sweep in Manhattan after he struck up a conversation about oral sex and money with a woman who turned out to be an undercover officer.

When he was arrested, Casaburro was reported to be carrying a flier identifying himself as a candidate in the 18th Congressional District race. He was charged with patronizing a prostitute. Casaburro sued then-New York Mayor Rudy Giuliani and the City of New York over the arrest, seeking \$10 million in damages. It didn't take long for the suit to be thrown out.

EX-A-Pg. 2

Mike Densmore  
1075 E. Plymouth Ave  
DeLand, FL 32724  
386-216-1313

Judge GREEN  
Case No. 2013-23504

Dear Sir:

I have been a personal friend and neighbor to John Casaburro for the past 10 years. While living across the street from Mr. Casaburro I found him to be a good neighbor and know that he was instrumental in weeding out many of the unfavorable people from the area. With his help we were able to clean up our street and reduce crime in our area. I have since moved from this neighborhood but still keep in touch with John and see him on his morning walks as he walks down the street. He has on many occasions stopped to pet my dogs and has given them his left over steak bones as a treat to them. It is my opinion that John would never harm anybodies animals and experienced him to be quite the opposite in that respect. Thank you for your time and I wish the best for everyone regarding this matter.

Sincerely,



Michael Densmore

1-14-14

EX-B-





**Mr. John E. Casaburro**  
111 Kendra Avenue  
Deland, FL 32724

Kendra Ave. and surrounding streets unincorporated Homeowners Association C/O Mr. John E. Casaburro, 111 Kendra Ave, Deland FL, 32724. Phone Number: 386-215-7327

To: Volusia County Sheriff Michael J. Chitwood; District #1

Councilman Pat Patterson

County Manager James T. Dinneen Offices at 123 West Indiana Ave. Deland FL, 32720

RE: Children's Safety Issues: Speeding in our area near Deland High School

Gentleman, please be advised: we hereby petition county officials of ongoing speed problems on Kendra Ave, Lindly Blvd., N. Hill Ave (Turn) that endanger our young children, school children, joggers, etc. We suggest the following remedy by the county:

1. Increase Police presence/speed traps (especially right before and after school hours)
2. Install 4 speed mats <sup>(2)</sup> (not bumps) along Kendra Ave.
3. Caution/Small Children at Play signs attached to 25 mph speed limit signs, (2) on Kendra Ave.

We thank you for your consideration with this matter.

4-14-17

John E. Casaburro

EX-C-pg. 1 of 3

Kendra ave. Short cut to DeLand High School (2 blocks)

	Print Name:	Sign Name:	Address: / Phone #
	vacant houses-	108, 103 - Kendra	
1.	John Casaburro	John Casaburro	386-215-7327 111 Kendra
2.	Michele Sidman	Michele Sidman	843-742-8873 109 Kendra Ave.
3.	Carol Izquierdo	Carol Izquierdo	407-754-8568 113 Kendra Ave
4.	Blanche Cook	386-627-5071	123 Kendra Ave DeLand, FL 32724
5.	<del>Blanche Cook</del>		
6.	Chris Baker	386-717-8439	116 Kendra Ave DeLand FL
7.	Chris Baker		
8.	Lindsay Buzenas	386-748-8116	114 Kendra Ave DeLand FL
9.	<del>JJ B</del>		
10.	Kimm Killa	386-624-3972	112 Kendra
11.	<del>Amin Killa</del>		
12.	Ryan Dalka	704-426-2495	104 Kendra
13.	Rosa Torres	(386) 279-9200	106 Kendra Ave
14.	Siantana Marks	386-473-3122	107 Kendra Ave
15.	<del>Shirley</del>		
16.	Edward L. Wellman	386-848-7713	100 Kendra Ave
17.	<del>Edward L. Wellman</del>		
18.	Alison Strickland	386 588 0185	105. Kendra Ave
19.	<del>ALS</del>		
20.	CANDACE PETT	386 736 0969	101 Kendra Ave
21.	<del>Candace Pett</del>		
22.	Cheryl Joyner	(386) 748-2054 Cheryl Joyner	831 Lindley Blvd. (Faces Kendra)

23.	Cherry [unclear]	102 Kendra Ave	386-747-0511
24.	Jana [unclear]	119 Kendra Ave.	386-740-9885-
25.	Paul J. Bely	121 Kendra Ave	386-986-9772)
26.	PATTIE Helzer P. Helzer	816 MONTREVILLE	386-748-3597
27.	Lauri Barkley	1140 Montreville	Face Kendra
28.	Cliff Brown	1050 LINDLEY BLD	386-738-2129. Large prop. owner
29.	Gary Robertson	1040 LINDLEY BLVD	386 276-2369
30.	Randy	1101 N. HILL AVE	386-748-5009
31.	VANDERLIP	28, 29, 30 at Dangerous TURN,	2 speed, need mats
32.	Milaguerdos	113 Kendra Ave	
33.	Miriam W.	114 Kendra Ave	407 430 3511
34.	Roberto	120 Kendra	386-801607
35.	Thomson Scott	109 Kendra Ave	843 742 8874
36.	Steve Scherer	1045 Lindley Blvd	386-747-2107
37.	[unclear]		
38.	Melvin [unclear]	1045 Lindley Blvd	
39.	Pam Palmer	110 Kendra Ave	386 2129847
40.			
41.			
42.			
43.			
44.			
45.	<u>NOTE: S</u>		
46.	ALL LINDLEY OLD N. HILL ave TURN owners signed		
47.	Majority of House hold's on Kendra signed - 20 out of 22		

3-2 weeks ago a school kid was struck by a car on N. HILL AVE.

PG-2

EX-C-pg-3-



I paid a \$45 Fine for Disorderly Conduct  
(there was no prostitution ever) City could not  
produce tape in court, this was nothing more  
than a desk appearance. See Enclosed  
appeal I want to clear my Name. Judge  
said city wronged me a dozen times - False  
arrest, conviction no due process, legal search etc.

Form 908-5031 rev. 9/21/63 (69)

No 362685

RECEIPT FOR FINE  
CRIMINAL COURT

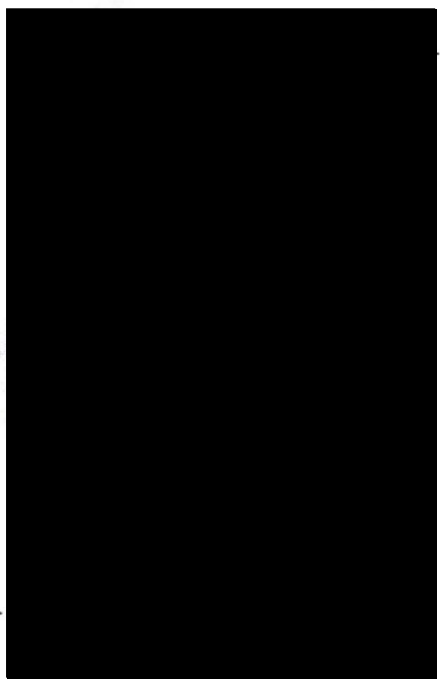
COUNTY OF NY

Part AR.C

Defendant John Cusa Bruno Date 10/28/94

Cal. No. \_\_\_\_\_ Docket No. 94C013407

Fine Imposed \$ \_\_\_\_\_  
MS > 445 - 2 1/11 see  
DATE



in call

EX-E-





Mr. John E. Casaburro  
 111 Kendra Avenue  
 Deland, FL 32724

to: Henry Fredrick  
 headLineSurfer

Jan. 7, 2019

-NOTICE-

Required Request to Remove Slander and  
 DemFamation from your Web Site, Google,  
 Face book, Twitter, etc. And Replace with  
 a Letter of Apology. And Retraction

Dear Mr. Fredrick, I have recently viewed  
 your opinion's of me on the web. You  
 should advise your client that your statements  
 are full of falsehood's, Fake News, items  
 taken out of context, conjecture & hearsay.  
You and your client are liable for this gross  
 Perperation. I have a "no slander" Contract  
 with the Republican Party. Mr. Johnson  
 has legally been a member of the County  
 Executive Committee as a elected official.  
 Also as a Private Citizen & member of the  
 Republican Club of De Land chartered by  
 County. You & he must clean-up- remove  
 this slander ASAP or a Lawyer will enforce  
 a breech of the Contract/mediation agreement  
 & Liable Law's. You will be responsible for  
 Damages, Legal Fees & cost's well over  
 what Johnson paid you.

see Attached proof to some of Falsehood's) your's truly,  
 via-U.S. Mail various addresses. John Casaburro  
 EX-G

#2	<u>Headline Surfer</u> ✓ 416 Dorchester Sq. Lake Mary, FL 327460000	Advertising	Monetary ✓	✓ <u>\$1,000.00</u>
#3	BZ Mailing Services Inc 1901 Mason Ave #103 Daytona Beach, FL 321170000	Advertising	Monetary	\$14,318.13
#4	City Of Deltona 800 Deltona Blvd DeLtona, FL 327250000	Sign Permit	Monetary	\$150.00
#5	PayPal 2211 N. First St., San Jose, CA 951310000	PayPal Fee	Monetary	\$3.20
#6	<u>Ben F. Johnson</u> ✓ 2791 Grand Ave. DeLand, FL 327200000	<u>Reimburse gas</u> ✓	Monetary	\$36.34
#7	West Volusia Beacon 110 W New York Ave DeLand, FL 327200000	Ad in Voter 's Guide	Monetary	\$455.00
<b>Total Expenditures</b>				<b>\$16,362.67</b>

**Campaign Treasurer's Report – Fund Transfers**

Seq# Date	Institution	Transfer Type	Nature of Account Amend	Amount
--------------	-------------	---------------	----------------------------	--------

**Campaign Treasurer's Report – Distributions**

Seq# Date	Vendor	Purpose	Expenditure Related Exp. Amend	Amount
--------------	--------	---------	-----------------------------------	--------

\* Petty cash expenditures are realized when the funds are withdrawn for petty cash. Therefore, the referenced item is not included in the total.

EX-H-



**COPY**

IN THE CIRCUIT COURT, 7<sup>TH</sup> JUDICIAL CIRCUIT,  
IN AND FOR VOLUSIA COUNTY, FLORIDA

JOHN E. CASABURRO,

Plaintiff,

v.

CASE NO.: 2010-32956-CICI

DIVISION: 31 GRAHAM

THE REPUBLICAN EXECUTIVE COMMITTEE  
OF VOLUSIA COUNTY C/O PAUL J. STICH, CHAIRMAN,

Defendant. /

MEDIATION SETTLEMENT AGREEMENT

Come now the parties, Plaintiff JOHN E. CASABURRO (hereinafter "Casaburro"), and Defendant THE REPUBLICAN EXECUTIVE THE REPUBLICAN EXECUTIVE COMMITTEE (hereinafter "RECVC"), who hereby stipulate and agree as follows:

1. RECVC will recognize John E. Casaburro at the April, 2011 general meeting with an award and certificate for his service as the Vice Chairman of the RECVC for 2008-2010 and fund raising chairman in 2009.
2. RECVC will place an article in the next monthly newsletter indicating that John E. Casaburro has never been removed as a member in good standing, and consequently is a member in good standing and inviting all members to attend the recognition ceremony in April, 2011.
3. RECVC will mail a letter to all of the existing roster of the Republican Party Executive Committee, as of March 1, 2011, regarding John E. Casaburro's service as Vice Chairman to the RECVC and state that he has not been removed as a member in good standing, and consequently is a member in good standing with the RECVC.

Exhibit "A"

4. RECVC will provide to John E. Casaburro with tickets for a paid-in-full regular table for 2012 Lincoln Day Dinner.
5. John E. Casaburro shall voluntarily dismiss his cause of action with prejudice within 30 days of execution of this agreement.
6. In the event that RECVC fails to perform any term of this Agreement, the parties agree that John E. Casaburro shall be entitled to collect his attorney's fees and costs in the event of enforcement of such failure to comply.
7. Mutual releases of the RECVC Committee and all board members and John E. Casaburro shall be executed for all actions that have occurred at any time prior to the execution of this agreement.
8. RECVC shall bear all costs of the mediation.
9. The chairman of the RECVC shall present an article in the next monthly newsletter regarding zero tolerance of any member slandering or in any way causing or encouraging the defamation of any member of a Republican Party Committee in Volusia County.
10. This settlement and its terms shall be kept strictly confidential by all parties.
11. RECVC shall reimburse John E. Casaburro for costs totaling \$650.00 within thirty (30) days.

DATED this 22 day of March, 2011.

THE REPUBLICAN EXECUTIVE  
COMMITTEE OF VOLUSIA  
COUNTY

BY: *P. Stich*  
PAUL J. STICH, Chairman

ROBERT S. THURLOW, P.A.

BY: *Robert S. Thurlow*  
ROBERT S. THURLOW, ESQ.  
FL Bar No. 883972  
415 Canal Street  
New Smyrna Beach, FL 32168  
386-425-1530  
Attorney for Defendant

BY: *John E. Casaburro*  
JOHN E. CASABURRO

PRINCIPLE LEGAL OFFICES,  
P.A.

BY: *George Trovato*  
GEORGE TROVATO, ESQ.  
FL Bar No. 0786241  
1709 Providence Blvd.  
Deltona, FL 32725  
386-626-9006  
Attorney for Plaintiff

f:\jkm\Mediation\StichAgreement

EX I - pg - 3 -