

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Wayne Ivey**

**Case No.: FEC 20-595**

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**TO: R.W. Evans, Esquire**  
Allen Norton & Blue, P.A.  
906 North Monroe Street  
Tallahassee, FL 32303

Paul Preston  
911 Fir Street  
Barefoot Bay, FL 32976

**NOTICE OF VIRTUAL HEARING (REVIEW OF PETITION FOR ATTORNEYS FEES AND COSTS)**

A hearing will be held in this case before the Florida Elections Commission **on May 25, 2021 at 8:30 am, EST**, or as soon thereafter as the parties can be heard.

Please note that because of COVID-19, this will be a virtual meeting conducted by remote video or teleconference. Enclosed you will find additional details on joining the video conference via GoToWebinar, **9-Digit Webinar ID 640938187** or via **teleconference by dialing (866) 901-6455** and entering the **meeting access code 278040912**, when prompted. **If you wish to speak before the Commission, you will need to appear by webcam and will be sworn in remotely.** Please be advised that the Commission will consider multiple cases, so you will need to wait until your case is considered. If you have any questions, please contact Commission staff at (850) 922-4539.

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.

**If you are the Complainant**, 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. 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  
May 10, 2021

Please refer to the information below for further instructions related to your particular hearing:

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.



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



## Commission Meeting May 25, 2021 at 8:30AM via GoToWebinar and OpenVoice

In order to participate in the public portion of the May 25, 2021, Florida Elections Commission meeting, please follow the instructions below:

- A. GoToWebinar – Remote Video Conferencing
  1. Open your web browser and search GoToWebinar or enter [www.gotowebinar.com](http://www.gotowebinar.com).
  2. Select "Join" in the upper right corner of the website.
  3. Enter the 9-digit Webinar ID: 640938187 and your email address.
  4. Register your name and email address.
  5. You will automatically join the meeting as an attendee. Attendees are muted and can choose to utilize their webcam.
  
- B. OpenVoice - Teleconference
  1. Call 1-866-901-6455
  2. Enter Access Code 278-040-912
  3. You will automatically join the meeting as an **Attendee**. Attendees are muted.

While this is a public meeting and advanced registration is not mandatory, we ask that if you plan to attend via Video Conference or Teleconference, that you notify our office in advance. This will give the Commission the opportunity to organize the agenda as efficiently as possible. It will be the goal of the Commission to hear cases in which parties are present, first, in order to reduce the standby time of the parties in attendance.

You can call or email our office of your intent to participate or of any questions you may have regarding this meeting. Please provide the case number(s) of interest, when contacting our office.

Thank you,

Commission Staff

## Donna Malphurs

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**From:** Paul Preston <prezpresto@aol.com>  
**Sent:** Monday, April 26, 2021 9:19 AM  
**To:** Donna Malphurs  
**Subject:** Preston - case no. 20-595; repondent lvey - opportunity to report a crime(s)  
**Attachments:** fec.motion2evansA.pdf; fec.motion2evans.sent.pdf

Attached are 2 files asking the Commission to review and report all crime(s) no later than May 3, 2021. let me know if I need to mail these. I did not notarize since Evans did not do his.

according to the Whistle Blower guidelines this matter could going on for 13 years.

the first 3 will be to ensure all crimes are reported and who committed them.

there is good reason for the need to reform our Police Force and with your help it will a be start. as not I am not black.

Paul Preston  
911 Fir St.  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**RE: Case No.: FEC 20-595; Respondent: Wayne Ivey**

Motion to determine if R.W. EVANS' PETITION FOR ATTORNEY FEES AND COST violates Section 8 of Florida's Constitution.

Dear Commissioners,

April 25, 2021

BELOW IS FLORIDA'S ELECTION COMMISSION				
<b>Joni Alexis Poitier</b> Bar #22861 <a href="mailto:japoitier@mppkj.com">japoitier@mppkj.com</a> 904-356-1306	<b>Barbra Stern</b> 526576 <a href="mailto:barbra@sterncnsit.com">barbra@sterncnsit.com</a> 954-743-4710	<b>Kymberlee Curry Smith 22463</b> <a href="mailto:kcs@kcsmithlaw.com">kcs@kcsmithlaw.com</a> 305-776-8423	<b>Jason Todd Allen</b> Bar #25659 <a href="mailto:jallen@dealerlawyer.com">jallen@dealerlawyer.com</a> 850-878-6404	<b>J. Martin Hayes</b> 291714 <a href="mailto:marty@haseyinc.com">marty@haseyinc.com</a> 561-776-9405

MR. EVANS seeks to obtain an enrichment alleging false statements were made in my complaint against Sheriff IVEY.

As documented below the Brevard County Commission of Elections and Florida's Ethic Commission both recommended the matter be addressed by Florida's Election Commission.

Ethics even goes so far as to site other possible violations.

Wells Fargo was the first to blow the whistle when they report OVER60 was in violation of 849 by conduct 50/50 raffles without the mandatory tax-exempt status revoked by the IRS in 2010.

Item 4 of 849 makes conducting a game of chance such as 50/50 raffle with the IRS' approval an unlawful act.

(4) It is unlawful for any organization that, pursuant to the authority granted by this section, promotes, operates, or conducts a drawing by chance:

(a) To design, engage in, promote, or conduct any drawing in which the winner is predetermined by means of matching, instant win, or preselected sweepstakes or otherwise or in which the selection of the winners is in any way rigged;

The White House also asked that a case be submitted.

In IVEY'S campaign flyer he promises to work tirelessly to protect victims and our constitutional rights. Based on the evidence in the Commission possession proves that promise was not kept.

Despite having SECRETARY LEE'S Certification clearly documenting Over60 Softball dissolved in April of 2019, months ahead of the trespass issued against Preston on September 18, 2019.

Florida Today made PRESTON aware of what happened to Gregory Edwards in Ivey's custody giving Preston concerns of what could happen to Preston if arrested based on a trespass involving Over60 who allegedly dissolved and no longer exist in September of 2019 when they caused the trespass to be issued.

Below is part of the January 2019 softball minutes recording Wells Fargo reported they required the league to reestablish themselves as a 501-3C. Note: the IRS revoked the league's 501-C3 status in 2010.

Brian Belanger Gave the Treasurer's Report. It was accepted as presented. The league has \$6598.99 in the bank. Brian brought up the tax status of the league. After discussion, it was decided he should contact John Coffey to help establish the league as a 501-3C entity. This is required by Wells Fargo. Brian will contact Coffey and take appropriate action.

Below is part of the February 2019 softball minutes documenting treasure Brian Belanger reported that after meeting with Mr. Coffey and the Bay's attorney the league would set themselves as a DBA.

Brian went on to discuss the tax status of the league after discussion with Mr. Coffey and the Bay's attorney. It is recommended we set our selves up as a DBA and not as a 501-3C organization. Brian is following up.

Brian went on to discuss the business agreement between the league, ABM (maintenance contractor) and the Bay. It's complicated and is taking some doing. Brian is following up.

Reporting Joe Ziegler's earnings is part of the arrangement. Brian has cleared up several issues and is ironing out our new contract. Joe will receive a 1099 from the Bay and a W9 from the league.

By requesting fees EVANS has tasked the Commission with determining what laws and what rights were violated and report those who violated them.

1. LEE YARBROUGH'S statement issued on 5/4/2019 Over60 is liable for their actions is true or false. Therefore, any fees and cost requested by EVANS is to be paid by Over60. Did YARBROUGH make a false statement? See enclosed.
2. Did SECRETARY LEE'S certification contains false information. enclosed
3. Over60 violated 817 by claiming they dissolved. See enclosed articles of dissolution.
4. The schedules, rosters, and scores published in the newspaper proves 817 was violated.
5. Did EVANS violate 18 1001 by concealing 817 was violated?
6. Did EVANS violate 18 241?
7. Did EVANS violate 5:11 subjecting him to disbarment?
8. Did EVANS violate 6:11 by withholding importation information, either OVER60 did not dissolve, or LEE'S certification contain false information, both can not be true.
9. Identify any State or County EMPLOYEE who violated 876-06 by refusing to execute their oath.
10. Section 8 of Florida's Constitution make any person liable to the State if such person seeks fees while concealing an unlawful act.
  - a. Please confirm an 817 violation has occurred. 1 Violator is \_\_\_\_\_
  - b. Confirm any public OFFICER or employee who breaches the public Trust is liable for all financial benefits.
  - c. Does EVANS have knowledge that 849 was violated, as report by WELLS FARGO?
  - d. The section mandates any public officer or employee who breaches trust for private gain is liable to the State all financial benefits.
  - e. Verify SHERIFF IVEY is an officer bound by this section of Florida's Constitution MAKING HIM LIABLE TO STATE FOR ANY AMOUNT UP AND INCLUDING \$100,000,000.00. the amount of bond mandated by 876-053 (K).
  - f. Verify if a person sues the State for a \$100,000,000.00 IVEY AND EVANS are liable.

- g. Confirm the attached EXHIBIT A notified IVEY he had been deceived; therefore, he has knowledge unlaw acts occurred.
  - h. Did IVEY violate 817?
  - i. Did EVANS violate 817?
11. Did EVANS violate 18 1001?
  12. Did IVEY violate 18 1001?
  13. Report all crimes, if any, no later than May 3, 2021. I want to report the retaliation to other agencies no later than May 4, 2021.
  14. 18 section 4 makes it a crime not to report a crime.
  15. Identify any rules governing lawyers that were violated by EVANS. The are shown below.
  16. Verify OVER60 CLOSED their business in accordance with the enclosed IRS' check list for closing a business.

**Section of 8 of Florida's Constitution** makes any person liable to the State for all financial benefits obtained in violation of this right. Such as seeking to obtain fees while concealing an unlawful act.

**SECTION 8. Ethics in government.**

(c) Any **PUBLIC OFFICER OR EMPLOYEE** who breaches the public trust for private gain and any person or entity inducing such breach shall be **liable to the state for all financial benefits** obtained by such actions.

The manner of recovery and additional damages may be provided by law.

Brevard County Supervisor of Election and Florida Ethics Commission encouraged filing with the Election Commission are shown below. The Ethics Commission even went on to identify other concerns including potential Federal law, civil contract/business entity law violations.

I received an email from the WHITE HOUSE telling me we need to talk. We talked and I was encouraged to submit a case. The case was delayed due to the virus.

In the event EVANS is awarded as much as one cent the case will be revised to include details and request that the concerns the Ethics Commission identified be investigated. Also, the IRS will be notified of the issues.

The filings were based on recommendations by Brevard County Supervisor of Elections Office who released the following on 8/27.2020

In a message dated 8/27/2020 4:29:13 PM Eastern Standard Time, [jdagostino@votebrevard.com](mailto:jdagostino@votebrevard.com) writes:

Mr. Preston,

It is not with in the purview of the Supervisor of Elections to investigate alleged violations of Florida's Election Code. You may wish to consider directing your concerns to the Florida Elections Commission (FEC). I have attached a link to their website for your convenience.

<http://www.fec.state.fl.us/FECWebFi.nsf/pages/Complaints>

Best regards,

**Jennifer D'Agostino**

Candidate Coordinator

Brevard County Supervisor of Elections Office

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 no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

Sincerely,



Tim Vaccaro  
Executive Director

TV/msd

Enclosure: Additional Complaint Information Form 2  
cc: R. W. Evans, Attorney for Respondent w/out Enclosure

Below is Florida Commission on Ethics letter documenting their review revealed possible election law and other matters outside the Commission's jurisdiction gave the Commission concerns.

Dear Mr. Preston:

I am returning your complaint form naming Wayne Ivey (and its attachments) because the matters described therein are not within the jurisdiction of the Florida Commission on Ethics. Rather, your submission potentially concerns election law, Federal law, civil contract/business entity law, and other matters outside the Commission's jurisdiction.

Sincerely,



Chris Anderson  
Executive Director  
Florida Commission on Ethics

Paul Preston  
911 Fir St.  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell



**Paul Preston, I need to talk to you**  
5/31/2020 2:18:31 PM Eastern Standard Time  
[info@ourpresident.com](mailto:info@ourpresident.com)  
[prezpresto@aol.com](mailto:prezpresto@aol.com)

Contact the White House

Thank you for your submission!

OK

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://www.donaldtrump.com/support-center> and submit a case.

SUBMIT A CASE



# SHERIFF WAYNE IVEY

## PROMISES MADE - PROMISES KEPT

When I first asked you to elect me Sheriff, I promised you three things...

1. To lower the crime rate in Brevard County
2. To protect your Constitutional Rights.
3. To work everyday to protect our citizens and pets.



**REDUCED THE CRIME RATE  
BY ALMOST 42%**



**FEWER VICTIMS OF CRIME IN  
OUR COMMUNITY THAN  
ANYTIME IN THE PAST FORTY  
YEARS**



**WORKED TIRELESSLY TO  
PROTECT VICTIMS AND OUR  
CONSTITUTIONAL RIGHTS**



"As sheriff, I strongly believe that it takes a community to protect a community."

Does section 8 of Florida's Constitution confirm **LEE'S** claim?

In a message dated 5/4/2019 3:14:05 PM Eastern Standard Time, [corphelp@DOS.MyFlorida.com](mailto:corphelp@DOS.MyFlorida.com) writes:

Good Afternoon,

The EIN is assigned and regulated by the IRS. Their office would be of better assistance. The Division of Corporations acts in a ministerial filing capacity only. We do not have statutory authority to regulate individual businesses nor do we have investigative capability. (See 607.0125, F.S.). Our function is to file documents, maintain them in the public record and make them available to the public when requested. That does not mean that we do not care that an individual may be holding them self out to be a Corporation/LLC when they are not. If an individual holds them self out to be a Corporation/LLC and they are not, they **are liable severally and individually for any claim** against the business name. That is the penalty. Obviously **someone would be ill advised to conduct** business in this manner but the Division of Corporations does not and cannot pursue an action against a business because it conducts its affairs in this manner. If you have a personal dispute with a business that is not filed on our records you certainly can bring this point out in any legal documents and a court can determine what can be done legally.

**Lee Yarbrough Senior Section Administrator** Florida Department of State Division of Corporations Internet Access Section

# State of Florida Department of State

I certify from the records of this office that BAREFOOT BAY OVER 60 SOFTBALL INC was a corporation organized under the laws of the State of Florida, filed on April 1, 2019, effective March 28, 2019.

The document number of this corporation is P19000029400.

I further certify that said corporation filed a Voluntary Dissolution on April 23, 2019, and that its status is inactive.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Seventeenth day of June, 2020*



*Randy Lee*  
Secretary of State

Tracking Number: 05222461331  
To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.  
<https://services.sos.fla.gov/Filing/CertificateOfStatus/CertificateAuthentication>

## Jury foreman

verify the following:

1) verify Lee's certification documents the league filed as a for-profit corporation effective March 28, 2019 and dissolved on April 23, 2019.

Is the information in Lee's certification accurate?

Yes \_\_\_ No \_\_\_

2) Does Lee's certification provide the legal status of the league? Yes \_\_\_ No \_\_\_

BAREFOOT BAY OVER 60 SOFTBALL INC

### Filing Information

Document Number	P19000029400
FEI/EIN Number	NONE
Date Filed	04/01/2019
Effective Date	03/28/2019
State	FL
Status	INACTIVE
Last Event	VOLUNTARY DISSOLUTION
Event Date Filed	04/23/2019
Event Effective Date	04/23/2019

3) do you see a valid EIN

Yes \_\_\_ No \_\_\_

BAREFOOT BAY OVER 60 SOFTBALL INC

### Filing Information

Document Number	P19000029400
FEI/EIN Number	NONE
Date Filed	04/01/2019
Effective Date	03/28/2019
State	FL
Status	INACTIVE
Last Event	VOLUNTARY DISSOLUTION
Event Date Filed	04/23/2019
Event Effective Date	04/23/2019

The mandatory EIN is missing

Evans should be aware of this violation.

If not he needs report the violation immediately to avoid prosecution.

Supports Lee's claim the league dissolved and 817 was violated.

### ARTICLES OF DISSOLUTION

Pursuant to section 607.1403, Florida Statutes, this Florida corporation submits the following Articles of Dissolution:

FIRST: The name of the corporation as currently filed with the Florida Department of State:  
BAREFOOT BAY OVER 60 SOFTBALL INC

SECOND: The document number of the corporation: P19000029400

THIRD: The date dissolution was authorized: April 23, 2019  
Effective date of dissolution: April 23, 2019

FOURTH: Dissolution was approved by the shareholders. The number of votes cast for dissolution was sufficient for approval.

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: MIKE KILGUS PRESIDENT  
Electronic Signature of Signing Officer, Director, Incorporator or Authorized Representative

EVANS' petition for fees indicates he has read enough information to know either that the softball league did not dissolve as claimed in the above **ARTICLES OF DISSOLUTION** to know 817 was violated as proven by the team rosters, the scores published in the newspaper, the letters sent to Preston threatening arrest and other possible harm. Therefore, the Election Commission being an agency and/or a department of the state is tasked with verifying documents as mandated by item 4 of 92.525 shown below:

**The documents to be verify and the request for admissions and producing of records follow 92.525**

92.525 Verification of documents; perjury by false written declaration, penalty.—

- (1) When it is authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:
  - (a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths; or
  - (b) By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) As used in this section:

**(a) The term administrative agency means any department or agency of the state or any county, municipality, special district, or other political subdivision.**

(b) The term document means any writing including, without limitation, any form, application, claim, notice, tax return, inventory, affidavit, pleading, or paper.

(c) The requirement that a document be verified means that the document must be signed or executed by a person and that the person must state under oath or affirm that the facts or matters stated or recited in the document are true, or words of that import or effect.

#### **VERIFY THE FOLLOWING**

1. **Lee's** Certification documents the league dissolved on April 23, 2019.
2. **Verify** articles of dissolution proves Lee's statements in her certification are true.
3. The team rosters, schedules, and scores published proves 817 was violated.
4. An **817** violation is a 3<sup>rd</sup> degree felony.
5. Document P19000029400 is missing the mandatory EIN
6. EIN 59-2359782 was revoked in 2010
7. EIN 59-2359782 has never been reinstated.
8. **876.05** mandates officers and employees take an oath.
9. **Identify SHAREHOLDERS** who voted to dissolve.
10. **876.06** mandates offenders be immediately removed from payroll.
11. Ensure all violators of 876-06 are immediately removed from payroll.
- 12.

#### **876.05 Public employees; oath.—**

(1) All persons who now or hereafter are employed by or who now or hereafter **are on the payroll** of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:

I, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and **a recipient of public funds as such employee** or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

(2) Said oath shall be filed with the records of the governing official or employing governmental agency prior to the approval **of any voucher for the payment of salary, expenses, or other compensation.**

**13. 876.06** mandates a person who refuses to execute their oath are to be immediately from removed from the payroll.

876.06 Discharge for refusal to execute.—If any person required by ss. 876.05-876.10 to take the oath herein provided for fails to execute the same, the governing authority under which such person is employed shall cause said person to **be immediately discharged**, and his or her name **removed from the payroll**, and such person shall **not be permitted to receive any payment** as an employee or as an officer where he or she was serving.

**14. 876-08** any governing authority [ Preston thinks this includes FL bar, commissions, and county and state employee] who permits an employee to continue on payroll is guilty of a crime.

876.08 Penalty for not discharging.—Any governing authority or person, under whom any employee is serving or by whom employed who shall knowingly or carelessly permit any such employee to continue in employment after failing to comply with the provisions of ss. 876.05-876.10, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

**15. Item (f) 5.11** indicates disbarment is appropriate when a lawyer intentional conduct involves dishonest acts.

**5.11** Disbarment is appropriate when:

- (a) lawyer is convicted of a felony under applicable law; or
  - (b) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or
  - (c) a lawyer engages in the sale, distribution or importation of controlled substances; or
  - (d) a lawyer engages in the intentional killing of another; or
  - (e) a lawyer attempts or conspires or solicits another to commit any of the offenses listed in sections (a)-(d); or
  - (f) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.
- 

**16. 6.11** indicates disbarment is appropriate when a lawyer improperly withhold important information or submits false documents.

**6.11** Disbarment is appropriate when a lawyer:

- (a) with the intent to deceive the court, knowingly makes a false statement or submits a false document; or
  - (b) improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.
- 

**17. 6.21** indicates disbarment is appropriate when a lawyer obtain a benefit [in Preston's opinion this includes attempts to collect a benefit and interferes with a legal proceeding].

**6.21** Disbarment is appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

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**18.** **7.21** can be disbarred (s)he violates a duty owed, like reporting felony acts like 817 violations

**7.1** Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

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**19.** **4-8** mandates lawyers have the duty to maintain integrity of law.

## **4-8 MAINTAINING THE INTEGRITY OF THE PROFESSION**

### **RULE 4-8.4 MISCONDUCT**

A lawyer shall not:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall

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**20.** **4-8.3** mandates lawyers report other lawyer who knows another lawyer has violated the rules. In Preston's opinion includes attempt to collect a benefit and conceals the violation of 817 and other laws and rights

### **RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT**

(a) **Reporting Misconduct of Other Lawyers.** A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate professional authority.

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**21.** **4-5 law firms** including Allen Norton and Blue have the responsibility to ensure their members adhere to Rules of Professional Regulations including those previously identified.

#### 4-5. LAW FIRMS AND ASSOCIATIONS

##### RULE 4-5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS

(a) **Duties Concerning Adherence to Rules of Professional Conduct.** A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers therein conform to the Rules of Professional Conduct.

(b) **Supervisory Lawyer's Duties.** Any lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

22. **Section of 8 of Florida's Constitution** makes any person liable to the State for all financial benefits obtained in violation of this right. Such as seeking to obtain fees while concealing an unlawful act.

##### **SECTION 8. Ethics in government.**

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be **liable to the state for all financial benefits** obtained by such actions. The manner of recovery and additional damages may be provided by law.

23. **110.127** states penalties that if imposed would prohibit employment for a period of 5 years

##### **State/county employee oath:**

###### **110.127 Penalties.—**

(1) Any person who willfully violates any provision of this chapter or of any rules adopted pursuant to the authority herein granted is guilty of a misdemeanor of the second degree, punishable as provided in ~~s. 775.082 or s. 775.083.~~

(2) The provisions of s. ~~112.011~~ to the contrary notwithstanding, any person who is convicted of a misdemeanor under this chapter shall be, for a period of 5 years, ineligible for appointment to or employment in a position in the state service and, if an employee of the state, shall forfeit his or her position.

24. **1001** provides for fines and up 5 years imprisonment for those who conceals or covers up a crime by making false statement or just be remaining silent when having knowledge of a crime.

The statute spells out this purpose in subsection 18 U.S.C. § 1001(a), which states:

- (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
- (1) falsifies, **conceals, or covers up** by any trick, scheme, or device[ , ] a material fact;
  - (2) makes any materially false, fictitious, or fraudulent statement or representation; or
  - (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years

25. Section 24 documents it is unlawful for 2 or more persons injure, oppress, threaten or intimidate a person like Preston who exposed the violation 817.

**Title 18, U.S.C., Section 241 - Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to **conspire to injure, oppress, threaten, or intimidate** any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States

26. 1.380 addresses failure to allow discovery, such as failure to schedule a review of document like the names of shareholders who were reported have voted to dissolve the league.

**RULE 1.380. FAILURE TO MAKE DISCOVERY; SANCTIONS**

(3) Evasive or Incomplete Answer. For purposes of this subdivision an evasive or incomplete answer shall be treated as a failure to answer.

27. 18 U.S.C section 4 provides that if you have knowledge of a felony and you conceal that crime by not reporting it you could face up to a \$250,000 fine, imprisonment up to 3 years or both.

In Preston's opinion could and should involve failure to report the violation of 817, 849, and rights.

When is it a crime not to report a crime.

**Failure to Report a Crime under Federal Law (18 U.S.C. section 4)**

Federal law prohibits **concealing information** about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

You have knowledge of the commission of a felony;

The felony actually occurred; and The felony is a federal offense;

If you **willfully conceal the commission** of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a \$250,000 fine, imprisonment up to three years, or both fine and imprisonment.

**OPPORTUNITY/ACTION TO AVOID PENALTIES**

AFTER verifying the above compare it to Evans' motion for fees and if you find violations of any of the statutes provided above. You can submit a file to the White House via the link shown below:

In your submission include my name [Paul Preston and refence the code name "THE TROJAN AFFAIR" AND copy me or inform me you have submitted fact supporting Preston's case.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldjtrump.com/support-center> and submit a case.

**SUBMIT A CASE**



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

RE: Case No.: FEC 20-595; Respondent: Wayne Ivey

PETITION FOR ATTORNEY'S FEES AND COSTS

COMES NOW Respondent, Sheriff Wayne Ivey ("Sheriff"), by and through undersigned counsel, and pursuant to Section 106.265(6), Florida Statutes, hereby requests an award of attorney's fees and costs, and in support thereof states the following:

1. On November 30, 2020, Complainant Paul Preston ("Complainant" or "Preston") filed a sworn complaint ("Complaint") with the Florida Elections Commission ("Commission"), alleging that the Sheriff violated Florida's elections laws when he did not intervene in a matter regarding the Barefoot Bay Over 60 Softball League Executive Board ("Barefoot Bay"). Additionally, Preston represented that the Sheriff violated the elections laws because an inmate was allegedly mistreated while in the custody of detention officers at the Brevard County Jail. The Executive Director informed Preston on December 21, 2020 that the Complaint was dismissed for legal insufficiency.

2. It is readily apparent that Preston has filed this Complaint with a malicious intent to injure the reputation of the Sheriff with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapters 104 or 106, Florida Statutes. Importantly, Preston previously filed a complaint on September 21, 2020 (FEC 20-407), similarly alleging violations of the elections laws because he had been trespassed by Barefoot Bay and the Sheriff failed to intervene in his dispute. The Commission dismissed this complaint for legal insufficiency on November 25, 2020. In his letter, dated November 25, 2020, the Executive Director stated:

[Preston] submitted a variety of statements and documents citing various statutes, none of which are within the jurisdiction of the

Reviewer, please indicate here what violations EVANS committed if any.

Example: by seeking fees while having knowledge 817 was violated.

Did EVANS violate 1001 by concealing a felony.

Yes \_\_\_ No \_\_\_

Did IVEY violate 10011 by concealing a felony?

Yes \_\_\_ No \_\_\_

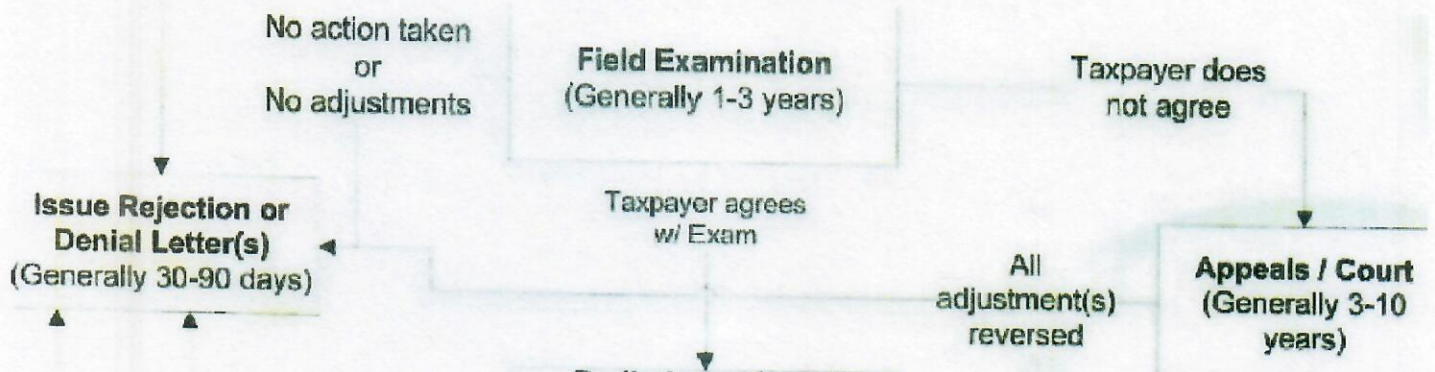
Florida Elections Commission. No cognizable claim under Chapter 104 or 106, F.S., was stated in the complaint. [Preston] submitted numerous other documents and statements supplementing the complaint, many of them duplicative, but none state a cognizable claim under any statute within the Commission's jurisdiction.

3. Notwithstanding the dismissal, Preston once again asserted in the present Complaint that the Sheriff "took no action to fix the matter concerning Barefoot Bay" as grounds for his most recent complaint against the Sheriff. To bolster his attack against the Sheriff, Preston also alleged that the Sheriff violated the elections laws because an inmate was allegedly subjected to excessive force while being restrained. Conspicuously missing from the Complaint is any statutory reference that supports Preston's allegations that the Sheriff violated Florida's elections laws.

4. Preston might be given the benefit of the doubt upon dismissal of the first complaint that his allegations did not constitute a violation of chapters 104 or 106. However, Preston blatantly ignored the Commission's dismissal and, within two weeks after the dismissal, filed yet another complaint making similar accusations against the Sheriff.

5. Section 106.265(6), Fla. Stat., provides that a complainant shall be liable for costs plus reasonable attorneys' fees incurred in the defense of a complaint that is filed with malicious intent to injure the reputation of a public officer or employee 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 Chapters 104 or 106, Fla. Stat. By once again representing to the Commission that the Sheriff violated Chapters 104 or 106 in failing to investigate his trespass and ongoing dispute with Barefoot Bay, Preston's conduct is subject to sanctions under section 106.265(6).

this could take 13 years before arrest are made and fines are collected.



6. Preston has abused the Commission's investigative process as a vehicle to recklessly assert personal attacks against the Sheriff. He filed his Complaint with the malicious intent to injure the Sheriff's reputation and did so by making reckless allegations without regard to the truth and that were material in nature. In *Brown v. State, Commission on Ethics*, 969 So. 2d 553, 560 (Fla. 1st DCA 2007) the First District Court of Appeal upheld an award of attorneys' fees and costs pursuant to 112.317(7) when the complainant filed false and reckless accusations with the Commission, therefore forcing a public official into the legal system where he had no choice but to defend himself.<sup>1</sup> Sheriff Ivey was no less disadvantaged by Preston's complaints. Accordingly, the Sheriff seeks recovery of his attorney's fees incurred in defending the Complaint.

7. For the foregoing reasons, this Commission should conduct such proceedings as may be necessary to determine the appropriate amount of fees to be awarded or refer this matter to the Division of Administrative Hearings for further proceedings and fact-finding as the Commission sees fit.

Respectfully submitted this 29th day of December 2020.

/s/R.W. Evans

**R.W. EVANS, ESQUIRE**

Florida Bar No. 198862

revans@anblaw.com

**ALLEN NORTON & BLUE, P.A.**

906 North Monroe Street

Tallahassee, Florida 32303

<sup>1</sup> In *Brown*, the First District Court of Appeal construed section 112.317(7), Fla. Stat., in awarding costs and attorney fees relating to an ethics complaint. Section 106.265(6), Fla. Stat., is nearly identical to the provisions of section 112.317(7), Fla. Stat., and the legal analysis applied in *Brown* should likewise follow in the instant matter.

3

(850) 561-3503 / (850) 561-0332 (Facsimile)

Counsel for Respondent Wayne Ivey, Sheriff  
of Brevard County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via United States Mail to Paul Preston at 911 Fir Street, Barefoot Bay, Florida 32976 this 29th day of December 2020.

/s/ R.W. Evans

Attorney

4



# Closing a Business Checklist

There are typical actions that are taken when closing a business. You must file an annual return for the year you go out of business. If you have employees, you must file the final employment tax returns, in addition to making final federal tax deposits of these taxes. Also attach a statement to your return showing the name of the person keeping the payroll records and the address where those records will be kept.

The annual tax return for a partnership, corporation, S corporation, limited liability company or trust includes check boxes near the top front page just below the entity information. For the tax year in which your business ceases to exist, check the box that indicates this tax return is a final return. If there are Schedule K-1s, repeat the same procedure on the Schedule K-1.

You will also need to file returns to report disposing of business property, reporting the exchange of like-kind property, and/or changing the form of your business. If you do not have a pre-printed envelope in which to send your taxes, refer to the [Where To File](#) page for a list of addresses. Below is a list of typical actions to take when closing a business, depending on your type of business structure:

## Checklist

- **Make final federal tax deposits**
  - [Electronic Federal Tax Paying System \(EFTPS\)](#)
- **File final quarterly or annual employment tax form.**
  - [Form 940, Employer's Annual Federal Unemployment \(FUTA\) Tax Return \(PDF\)](#)
  - [Form 941, Employer's Quarterly Federal Tax Return \(PDF\)](#)
  - [Form 943, Employer's Annual Tax Return for Agricultural Employees \(PDF\)](#)
  - [Form 943-A, Agricultural Employer's Record of Federal Tax Liability \(PDF\)](#)
- **Issue final wage and withholding information to employees**
  - [Form W-2, Wage and Tax Statement \(PDF\)](#)
- **Report information from W-2s issued.**
  - [Form W-3, Transmittal of Income and Tax Statements \(PDF\)](#)
- **File final tip income and allocated tips information return.**
  - [Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips \(PDF\)](#)
- **Report capital gains or losses.**
  - [Form 1040, U.S. Individual Income Tax Return \(PDF\)](#)

## Related Topics

- [Canceling an EIN - Closing Your Account](#)
- [Closing a Business](#)
- [SBA Advice on Closing a Business](#)
- [State Government Websites](#)

## Videos

- [Closing a Business Video](#)

- [Form 1065, U.S. Partnership Return of Income \(PDF\)](#)
- [Form 1120 \(Schedule D\), Capital Gains and Losses \(PDF\)](#)
- **Report partner's/shareholder's shares.**
  - [Form 1065 \(Schedule K-1\), Partner's Share of Income, Credits, Deductions, etc. \(PDF\)](#)
  - [Form 1120S \(Schedule K-1\), Shareholder's Share of Income, Credits, Deductions, etc. \(PDF\)](#)
- **File final employee pension/benefit plan.**
  - [Form 5500, Annual Return/Report of Employee Benefit Plan](#)
- **Issue payment information to sub-contractors.**
  - [Form 1099-MISC, Miscellaneous Income \(PDF\)](#)
- **Report information from 1099s issued.**
  - [Form 1096, Annual Summary and Transmittal of U.S. Information Returns \(PDF\)](#)
- **Report corporate dissolution or liquidation.**
  - [Form 966, Corporate Dissolution or Liquidation \(PDF\)](#)
- **Consider allowing S corporation election to terminate.**
  - [Form 1120S, Instructions \(PDF\)](#)
- **Report business asset sales.**
  - [Form 8594, Asset Acquisition Statement \(PDF\)](#)
- **Report the sale or exchange of property used in your trade or business.**
  - [Form 4797, Sales of Business Property \(PDF\)](#)



## Alert

Our customer account services phone line – 877-829-5500 – is closed until further notice

You may get help with questions about tax-exempt organizations and tax-exempt status from the IRS Exempt Organizations Division:

**EO Web Site** [ [www.irs.gov/eo](http://www.irs.gov/eo) ]

### IRS TE/GE Customer Service

You may direct technical and procedural questions concerning charities and other nonprofit organizations, including questions about your tax-exempt status and tax liability, to the IRS Tax Exempt and Government Entities Customer Account Services at (877) 829-5500 (toll-free number).

If you prefer to write, you may write us at:

Internal Revenue Service  
Exempt Organizations Determinations  
P.O. Box 2508  
Cincinnati, OH 45201

You may also contact the [Taxpayer Advocate Service](#), an independent organization within the IRS that helps taxpayers resolve problems with the IRS and recommends changes that will prevent problems.



# Exempt Organizations – Affirmation Letters

A tax exempt organization may need a letter to confirm its tax-exempt status or to reflect a change in its name or address. If so, an organization may generally contact [Customer Account Services](#) by phone, letter, or fax to request an *affirmation letter*.

A letter or fax requesting an affirmation letter must include your organization's

- full name
- Employer Identification Number and
- authorized signature (an officer or trustee)

The individual signing the letter must state the capacity in which he or she is signing (for example, "John Smith, President").

An organization may report a name or address change at the same time that it requests an affirmation letter. If you are reporting a [change of address](#), you may attach [Form 8822-B, Change of Address - Business \(PDF\)](#), or may report the change of address by phone, or in the body of the letter or fax requesting an affirmation letter. A letter or fax reporting a change of address must be specific as to the change of address – a new address merely reflected in the letterhead of the correspondence will not suffice. Please include in the letter or fax both your organization's old address and its new address.

If you are reporting a [change of name](#), please be sure to attach the required supporting material. A change of name may not be reported by phone. Therefore, if you are requesting a change of name and an affirmation letter simultaneously, you must do so by mail or by fax.

Note that changes of name or address must be reported on your next [annual return](#), even if separately reported when requesting an affirmation letter.

## Interactive Training

Learn more about the benefits, limitations and expectations of tax-exempt organizations by attending 10 courses at the online [Small to Mid-Size Tax Exempt Organization Workshop](#).

## Additional information

- [How to contact IRS Exempt Organizations](#)

Sheriff Wayne Ivey  
700 S. Park Ave.  
Titusville. FL 32780

August 24, 2020 321-264-5201

## Notification of deception and opportunity to be a qualified candidate for Sheriff

Dear Wayne

On August 15, 2019 we meet met during a meeting with the Realtor's Association. I gave you a notebook that was given to a woman's whose first name was Lindsey. She was supposed to follow up but never did.

Many things have happened here in Barefoot Bay including wrongful death lawsuit, trespasses, and deception.

On September 18, 2019 Matthew Goetz claimed to be representing Board of Trustees the deceived your deputies John Vaughn and Kelly Dobson by falsely representing Mike Kilgus as a valid representative of Barefoot Bay Over 60 Softball.

The deception involving concealing the fact Barefoot Bay Over 60 Softball's shareholders voted to dissolve the league in April of 2019. The details are enclosed.

As member of the board governing the league, I exposed the felony act of the league violating 817 which is a 3<sup>rd</sup> degree felony as well as a violation of 849 which involved fundraiser without the mandatory EIN or IRS approval letter revoked in 2010. Representative Randy Fine assisted by identifying 849 as requirement.

According to the IRS violating 849 is an unlawful act.

To go out of business you must request IRS' approve before going out of business, IRS consent was never requested or provided.

The Deputies were informed of these requirements but failed to correct the problem or report the criminal acts, violating (18 U.S.C. Section 4). For them not to be guilty they need to provide proof the league did not play this year and that the league shareholder did vote to dissolve. But most important they must prove the scores of games play published the newspaper were not played.

These acts and anyone else conspiring to conceal felony acts will be subject to 18 4 and the other guideline shown below including the Right to have a citizen's grievance redressed.

This the situtiation I found myself in if I did not report the crime. You are now faced with the **same decision.**

### **When is it a crime not to report a crime.**

#### Failure to Report a Crime under Federal Law (18 U.S.C. section 4)

Federal law prohibits concealing information about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

You have knowledge of the commission of a felony;

The felony actually occurred; and The felony is a federal offense;

Ivey.Qual.Docx



If you willfully conceal the commission of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a \$250,000 fine, imprisonment up to three years, or both fine and imprisonment.

**817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.**--A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a felony of the third degree

To further aid you in this matter I have included a file labeled evidence4against.

### Which Non-Federal People Must Take State Loyalty Oaths?

	Candidate Oath	Elector Oath	Public Officer Oath	Public Employee Oath	Bar Member Oath	Commissioner Oath
People	-	-	-	-	-	-
Resident	-	-	-	-	-	-
Citizen	-	-	-	-	-	-
Registered Voter		√	-	-	-	-
Candidate for Public Office	√	√	√	-	-	-
Elected Official	√	√	√	√	-	-
Appointed Official	-	-	√	√	-	-
Other	-					

Like you and others who take an oath to govern according to our laws, rights, and rules are subject to 876.06 that provides for the termination of those being paid provide a service the public can trust.

### TO ENSURE YOU ARE A VALID CANDIDATE FOR REELECTION CORRECT OR REPORT THOSE WHO VIOLATED THE PUBLIC'S TRUST. Send it to me

Please review the documents according to 92.525 by submitting you finding in an affidavit.

#### 92.525 Verification of documents; perjury by false written declaration, penalty.—

(1) When it is authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

- (a) Under oath or affirmation taken or administered before an officer authorized under s. [92.50](#) to administer oaths; or
- (b) By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

**(i) New 876.051 Duty of Public Employees to Comply with Public Employee's Oath**

- (1) "Constitutional rights" means all of the rights guaranteed to the people by the either and both the Florida Constitution and the Constitution for the United States of America
- (2) The loyalty oath given by public employees constitutes acknowledgement of the sacred duty to fulfill the functions of employment and neither to abuse or tolerate abuse of the Constitutional rights of the people who have entrusted the public employee with the powers which may seem incidental to government employment. This duty has even more importance because people with power so readily tend to abuse it.
- (3) Public employees shall know the Constitutional rights of the people by heart, and demonstrating such knowledge constitutes the primary qualification for public employment, whether by election, appointment, or hiring.
- (4) All public employees and public officers shall aggressively, rigorously comply with the public employee's oaths they have given, and shall thereby actively protect the people's Constitutional rights when within the power and ability of the public employee to protect said rights. Failure to do so shall incur the penalties of Florida Statute 876.105.

**(ii) 876.06 Discharge for refusal to execute.**

--If any person required by ss. 876.05-876.10 to take the oath herein provided for fails to execute the same, the governing authority under which such person is employed shall cause said person to be immediately discharged, and his or her name removed from the payroll, and such person shall not be permitted to receive any payment as an employee or as an officer where he or she was serving.

First amendment: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." – First Amendment to the U.S. Constitution.

**SECTION 8. Ethics in government.**

(c) Any public officer or employee who breaches their public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

**Title 18, U.S.C., Section 241 - Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States,

Paul Preston 911 Fir Street Barefoot Bay, FL 32976 772-202-4799 [prezpresto@aol.com](mailto:prezpresto@aol.com) 561-756-0233 cell

Ivey.Qual.Docx

*Paul Preston*

Monday, August 24, 2020 10:48:53 AM

1. The certification released by Secretary of State Laure Lee was in truthful. Did they dissolve?
2. The Better Business Bureau finding the matter should be forward to the State Attorney's office
3. That the 2019-2020 schedule does not exist.
4. The advertising for players for the 2020-2021 season was released in error
5. That Barefoot Bay did not order the league closed on March 17, 2020, in conflict with Lee's Certification. Also, the document signed by Mike Kilgus shown below can not exist if Lees statement is false.

**Detail by Document Number**  
 Florida Profit Corporation  
**BAREFOOT BAY OVER 80 SOFTBALL INC**

<b>Filing Information</b>		<b>Principal Address</b>
Document Number	P1900029400	1527 WREN DR BAREFOOT BAY, FL 32916
FEBE Number	NONE	
Date Filed	04/23/2018	<b>Mailing Address</b>
Effective Date	04/23/2018	702 WILSON DR SEBASTIAN, FL 32958
State	FL	
Status	ACTIVE	<b>Registered Agent Name &amp; Address</b>
Last Event	VOLUNTARY DISSOLUTION	RELANDER WIKIN
Event Date Filed	04/23/2018	702 WILSON DR
Event Effective Date	04/23/2018	SEBASTIAN, FL 32958

**ARTICLES OF DISSOLUTION**

Pursuant to section 607.1403, Florida Statutes, this Florida corporation submits the following Articles of Dissolution:

**FIRST:** The name of the corporation as currently filed with the Florida Department of State:  
BAREFOOT BAY OVER 80 SOFTBALL INC

**SECOND:** The document number of the corporation: P1900029400

**THIRD:** The date dissolution was authorized: April 23, 2018  
Effective date of dissolution: April 23, 2018

**FOURTH:** Dissolution was approved by the shareholders. The number of votes cast for dissolution was sufficient for approval.

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: MIKE KILGUS PRESIDENT  
 Electronic Signature of Signing Officer, Director, Incorporator or Authorized Representative

6.

**January 3, 2019 meeting minutes:**

Brian brought up the tax status of the league. After discussion, it was decided he should contact John Coffee to help establish the league as a **501-3C** entity. This is **required by Wells Fargo**. Brian will **contact Coffee** and take appropriate action.

To be a 501-c3 you must be tax-exempt and conduct raffles according to 849.

In a message dated 2/19/2019 10:15:29 AM Eastern Standard Time, [Nancy.Bernier@myfloridahouse.gov](mailto:Nancy.Bernier@myfloridahouse.gov) writes:

Mr. Preston,

Thank you for writing to Representative Fine regarding raffles. The Florida Statute that regulates raffles is Section 849.0935. I hope this information is helpful to you.

This addresses issues with 501-c3 and raffles.

Parts of 849 are shown below, total article can be obtained via email to [prezpresto@aol.com](mailto:prezpresto@aol.com)

**Title XLVI**  
**CRIMES**

**Chapter 849**  
**GAMBLING**

[View Entire Chapter](#)

**849.0935 Charitable, nonprofit organizations; drawings by chance; required disclosures; unlawful acts and practices; penalties.—**

(1) As used in this section, the term:

(a) "Drawing by chance," "drawing," or "raffle" means an enterprise in which, from the entries submitted by the public to the organization conducting the drawing, one or more entries are selected by chance to win a prize. The term "drawing" does not include those enterprises, commonly known as "game promotions," as defined by s. [849.094](#), "matching," "instant winner," or "preselected sweepstakes," which involve the distribution of ~~winning numbers~~, previously designated as such, to the public.

(b) "Organization" means an organization which is exempt from federal income taxation pursuant to 26 U.S.C. s. 501(c)(3), (4), (7), (8), (10), or (19), and which has a **current determination letter from the Internal Revenue Service**, and its bona fide members or officers.

(4) It is unlawful for any organization that, pursuant to the authority granted by this section, promotes, operates, or conducts a drawing by chance:

(7) Any organization that engages in any act or practice in violation of this section commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#). Any organization or other person who sells or offers for sale in this state a ticket or entry blank for a raffle or other drawing by chance, without complying with the requirements of paragraph (3)(d), commits a misdemeanor of the second degree, punishable by fine only as provided in s. [775.083](#).

Part of a sample letter of determination granting tax-exempt status is shown below:

**Dear Applicant:**

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Once granted exempt status a federal EIN number issued. In the Leagues' case EIN 59-2359782 was assigned.

To maintain exempt status a 990 form must be issued annually. Status is revoked if 990s not filed 3 years in a row.

The league failed to file 990 and the exempt status was revoked in 2010.

[Home](#) > [Tax Exempt Organization Search](#) > [Barefoot Bay Over 60 Softball](#)

## Barefoot Bay Over 60 Softball

EIN: 59-2359782 | Barefoot Bay, FL, United States

### Auto-Revocation List

Organizations whose federal tax exempt status was automatically revoked for not filing a Form 990-series return or notice for three consecutive years. Important note: Just because an organization appears on this list, it does not mean the organization is currently revoked, as they may have been reinstated.

**Exemption Type:** 501(c)(4)

**Exemption Reinstatement Date:**

**Revocation Date:** 05-15-2010

**Revocation Posting Date:** 06-09-2011

<p>3. Nature of violation</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Directors/Officers/Persons are using income/assets for personal gain</li> <li><input checked="" type="checkbox"/> Organization is engaged in commercial, for-profit business activities</li> <li><input type="checkbox"/> Income/Assets are being used to support illegal or terrorist activities</li> <li><input type="checkbox"/> Organization is involved in a political campaign</li> <li><input type="checkbox"/> Organization is engaged in excessive lobbying activities</li> <li><input checked="" type="checkbox"/> Organization refused to disclose or provide a copy of Form 990</li> </ul>	<p>Request 990s were not provided because they don't exist.</p> <p>Moreover, you were advised that we have never been a "for profit" organization.</p> <p>below is a statement issued by president Mike Kilgus on May 7, 2019 claiming, "that in fact we are a "non-profit organization." Also alleged is the that the CPA filed incorrect paperwork declaring the League as a for-profit. Admit: if the CPA filed as a non-profit while the tax-exempt status was revoked it would have been fraud.</p>
--	--

Moreover, you were advised that we have never been a "for profit" organization, and that in fact we are a "non-profit" organization. You were also told that our treasurer was in the process of working with a CPA to file paperwork with the state that would allow us to comply with the 501(c)(3) provisions of the IRS code. Unfortunately, the CPA filed the incorrect paperwork, and the entire board was notified that the CPA was in the process of remedying this issue.

<p><b>Detail by Document Number</b></p> <p>Florida Profit Corporation BAREFOOT BAY OVER 60 SOFTBALL INC</p> <p><b>Filing Information</b></p> <table border="0"> <tr><td>Document Number</td><td>P19000029400</td></tr> <tr><td>FEI/EIN Number</td><td>NONE</td></tr> <tr><td>Date Filed</td><td>04/01/2019</td></tr> <tr><td>Effective Date</td><td>03/28/2019</td></tr> <tr><td>State</td><td>FL</td></tr> <tr><td>Status</td><td>ACTIVE</td></tr> </table> <p><b>Principal Address</b></p> <p>1127 WREN DR BAREFOOT BAY, FL 32976</p>	Document Number	P19000029400	FEI/EIN Number	NONE	Date Filed	04/01/2019	Effective Date	03/28/2019	State	FL	Status	ACTIVE	<p>As of April 17, 2019, the League concealed from the members that they are indeed a FOR PROFIT and not a Florida Not For Profit as girls were lead to believe.</p> <p>This conspiracy against rights (concealment) caused harm to Preston and others who were slandered asking their board to comply with their Fiduciary Duty to governor according to by-laws and the U.S. and Florida Constitutes.</p> <p>The combination of conspiracy against rights, unjust suspension of Preston has allowed the board to unjustly control the league.</p> <p>Note the absence of a FEI/EIN number in the filing with the state.</p> <p>In Preston's opinion a player may be suspended from League games but not from the park or practices since anyone want to participate. Including women and under aged persons.</p>
Document Number	P19000029400												
FEI/EIN Number	NONE												
Date Filed	04/01/2019												
Effective Date	03/28/2019												
State	FL												
Status	ACTIVE												



Section 5 of Article 6 of the by-laws mandates that the Treasure have record available for audit.

Therefore, the Treasure is to provide the following within 30 days of the request.

### **Request for Production**

1. **990s** for 2017, 2018, 2019
2. **1099s** for 2017, 2018, 2019 related to field maintenance
3. **Insurance info** including policy number and contact information.
4. **IRS' letter** of determination granting the League tax-exempt status
5. **Valid EIN number** supporting tax-exempt status
6. **The name** of the author writing the May 7, 2019 letter sent to Preston.
7. **W9s** for 2017, 2018, 2019
8. **30-day written notice** related to amending sec. 2 Article 4 of the by-laws.
9. **2/3 approval** of the general membership amending section 2 of article 4.
10. **The case number** referenced in Schreiber's response to Woolrey (sued again)
11. **Names of** parties in the sued again case.
12. **Financial impact** of the sued again case. money received and/or paid.
13. **Copy of payments** to Joe Ziegler.
14. **Copy of** the rule granting the commissioner voting privileges
15. **Meeting minutes** of meeting where members accepted the board's removal of the ISA's rule regulating to pitching net. (article 12 of the by-laws.
16. **A statement** by the League that the 50/50 was legal.
17. **Minutes of** where the shareholders approved the Dissolution of the For-Profit filed with the State under P19000029400.
18. **Coffey** correspondence related to Ron Hopkins and Belanger.
19. **The records** required to conduct an audit mandated by section 5 article 6 of the by-laws
20. **Completed request** for admission shown below.

### **Request for Admission**

1. **Admit** the League filed as a For-Profit with the State on 3/28/19
2. **Admit** the League suspended Preston on 4/4/19 knowing the League knew they were not a 501-c3 or a not-for-profit.
3. **Admit** there is not a valid IRS letter of determination granting tax-exempt status.
4. **Admit** there is not a valid EIN number.
5. **Admit** without the determination letter and valid EIN number the CPA could not file as not-for-profit.
6. **Admit** without the determination letter an EIN number all claims of non-profit are false.
7. **Admit** the 2019 election was illegal.

### **RULE 1.380. FAILURE TO MAKE DISCOVERY; SANCTIONS**

**(3) Evasive or Incomplete Answer.** For purposes of this subdivision an evasive or incomplete answer shall be treated as a failure to answer.

Thank you for being a witness today.

GC202097356 - affidavit with supporting evidence of wrongful acts including felony

8/16/2020 10:09:41 AM Eastern Standard Time

[prez@resto@aol.com](mailto:prez@resto@aol.com)

[imaging@libertymutual.com](mailto:imaging@libertymutual.com)

[NATHALIE.LUBIN@LibertyMutual.com](mailto:NATHALIE.LUBIN@LibertyMutual.com), [dcominsky@flicities.com](mailto:dcominsky@flicities.com), [UJJWAL.DEY@LibertyMutual.com](mailto:UJJWAL.DEY@LibertyMutual.com),  
[PCapman@DRML-Law.com](mailto:PCapman@DRML-Law.com), [taylor.sutton@libertymutual.com](mailto:taylor.sutton@libertymutual.com), [krobbins@saizins.com](mailto:krobbins@saizins.com), [Marissa@DRML-Law.com](mailto:Marissa@DRML-Law.com)

### (k) New 876.053 Public Employee Oath Bonds

- (1) All public employees shall obtain surety bonds to guarantee compliance with their public employee oaths under 876.05.
- (2) Surety bonds shall be provided by private commercial bonding companies that have no government shareholders, and not by any governmental or educational organization or agency.
- (3) Bond amounts shall be stated in ounces of fine silver or fine gold (99.99% pure) based on the value in federal reserve notes at the time of posting the bond.
- (4) Public employees shall pay their own cost of bond insurance premiums, or shall post the bond personally with the Bonding Company.
- (5) Upon receipt of a verified complaint of injury and damage supported by the testimony of at least one witness to the violation of 876.051 by any public employee, the bonding company shall convene a hearing of the plaintiff public employee and the defendant to determine the validity of the complaint and validity of any claim of damage. In the event of an uncontested complaint, the Bonding company shall settle the claim from the bond amount and correspondingly increase the premium of the bonded party. In the event of a contested complaint, the Bonding company shall select a mutually agreeable mediator or arbitrator to settle the facts of the claim and the damage award
- (6) After 3 verified, substantiated complaints resulting in rulings against a public employee, the bonding company shall have the right to terminate the bond for said employee.
- (7) Any person who cannot obtain bond or supply sufficient bond posting shall not have entitlement to service as a public employee, and the employing agency shall discharge said public employee forthwith, whether said employee has been elected, appointed, or hired. The Secretary of State shall discharge unbonded elected state officers and County Commissioners, and the county commission shall discharge unbonded elected county and municipal officers.
- (8) No public employees shall have immunity from such discharge for failure to have bonds.
- (9) Bond Amounts – the following types of public employees shall post the bond amounts shown:
  - a. Senior Public Officers - Governor, Lieutenant Governor, Supreme Court Justices - \$100,000,000.00



Thursday, July 16, 2015

152



Motion to Appoint Trustee To Manage The Affairs of The Spanish Isles Property Owners Association Filed by Creditor Paul Preston . (

Tuesday, January 26, 2016

425



Order Granting Motion to Set Aside Confirmation Order for Debtors Failure to Satisfy a Condition Precedent and Granting Motion to Appoint Chapter 11 Trustee. (Leonard, Dawn)

4. On January 25, 2017, the Trustee initiated an adversary proceeding against KBR in before the Bankruptcy Court styled Margaret J. Smith, Chapter 11 Trustee v. Kaye Bender Rembaum, P.L., Adversary Pro. No.: 17-01035-EPK (the "Adversary Proceeding"). Through the Adversary Proceeding, Trustee brought claims against Kaye Bender for professional negligence, breach of fiduciary duty, breach of contract, the avoidance and recovery of fraudulent transfers, and disallowance of the Original Claim.

**II. SETTLEMENT AND COMPROMISE**

7. Through this Motion, the Parties seek to resolve all disputes between them upon the following terms and conditions as set forth in the Settlement Agreement<sup>1</sup>:

- a. **Payment.** In full and final settlement of the Adversary Action, Levine and/or Levine PA, within five (5) days of the entry of the Order approving this Settlement Agreement shall remit to the Trustee one lump sum payment of Twenty Thousand dollars and 0/100 cents (\$20,000.00).

below are false statements made by Elam and the fact he was disbarred, not harassment, as you know the son is a sex offender

875



Correspondence by Creditor Paul Preston . (Adam, Lorraine)

**Matches in the PDF document**

**Elam.** do you want to make an appearance? **MR. ELAM:** Yes, ma'am. Brett **Elam** on behalf of Spanish Isles. It's the secured debt...

**Elam.** do you want to make an appearance? **MR. ELAM:** Yes, ma'am. Brett **Elam** on behalf of Spanish Isles. It's the secured debt...

**ELAM:** (inaudible ) **PRESTON:** -- 2005. Her son --- **ELAM** This is harassment, and -- **PRESTON:** No, no, no..

<<<-----

**Brett A. Elam**

Disbarred

Not Eligible to Practice Law in Florida

Bar Number:

ET0836

Affidavit

AFFIDAVIT RELATED TO BAREFOOT BAY SOFTBALL 2019-2020 SEASON

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_ )

BEFORE ME, the undersigned authority, this day personally appeared \_\_\_\_\_ who after being duly sworn, deposes and says: I verified the following:

1. Having reviewed Florida's Secretary of State Laurel Lee's Certification declaring the league dissolved in April of 2019 does not reflect the action of the League. The League did not dissolve.
2. P19000029400 indicates the Shareholders voted to dissolve the League but was not informed of a meeting were the vote was taken nor the names of the Shareholders.
3. P19000029400 notes submitting false information to the Division violates 817 which is a 3<sup>rd</sup> degree felony. If the League played in 2020 a felony occurred if you believe Lee.
4. The January 2019 meeting minutes documents Wells Fargo gave notification the League need to comply with 501-C3 requirements. This was necessary because the IRS revoked the League tax-exempt status granted by EIN 59-2359782
5. Player and Executive Board Member Paul Preston attempted to ensure the proper action was taken, the meeting minutes claims the League viewed Preston's action as improper and inappropriate.
6. Controlling League members conspired to ostracized Preston by making uncomplimentary comments and encouraged others to give Preston the cold shoulder.
7. Preston was suspended and trespass when Preston tried to present the facts Lee published.
8. P19000029400 shows Brian Belanger as a League officer despite not be qualified because he left the Bay in 2017, to be a league officer you must be a year-round resident.
9. I reviewed the file: evidence4and.aginst and find Florida's Secretary of State Lee's certification correctly documents the improper action of Barefoot Bay Over60 Softball INC. and BOT.
10. I confirm the Executive Summary supports Lee's certification and the information presented by the BBB, the division's Lee Yarbrough, Sean Toner, and the IRS all record wrongful acts by Over60 & BOT.
11. I understand making false statements or knowingly fail to report a crime subject me to prosecution.

FURTHER AFFIANT SAYETH NAUGHT:                      SIGNATURE \_\_\_\_\_

For: \_\_\_\_\_

SWORN TO and SUBSCRIBED before me on this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Print name of Notary Public

My commission Expires:

Affidavit

The statute spells out this purpose in subsection , which states:

- (a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—
  - (1) falsifies, conceals, or covers up by any trick, scheme, or device[ , ] a material fact;
  - (2) makes any materially false, fictitious, or fraudulent statement or representation; or
  - (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, **imprisoned not more than 5 years or, ...**

This statute makes it unlawful for **two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state,** territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States.

**817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.**--A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a felony of the third degree

When is it a crime not to report a crime.

**Failure to Report a Crime under Federal Law (18 U.S.C. section 4)**  
 Federal law prohibits concealing information about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

- You have knowledge of the commission of a felony;
- The felony actually occurred; and The felony is a federal offense;

If you willfully conceal the commission of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a **\$250,000 fine**, imprisonment up **to three years**, or both fine and imprisonment.

# *State of Florida*

## *Department of State*

I certify from the records of this office that BAREFOOT BAY OVER 60 SOFTBALL INC was a corporation organized under the laws of the State of Florida, filed on April 1, 2019, effective March 28, 2019.

The document number of this corporation is P19000029400.

I further certify that said corporation filed a Voluntary Dissolution on April 23, 2019, and that its status is inactive.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Seventeenth day of June, 2020*



*Raunold R. R. R.*  
**Secretary of State**

Tracking Number: 0522245613C1

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

OV60 Claim 10

NOTE: Gotez fasley represent Kilgus a valid president of a league he knew had been dissolve by Kilgus. 1001 violation give him 5 years. obstructed justice. the narrative is blank

# BREVARD COUNTY SHERIFF'S OFFICE TRESPASS WARNING

CR NUMBER: 2019-00204-334 DATE: 9/13/2019 TIME: 0750

ADDRESS OF OCCURRENCE: 1127 GREEN CIRCLE

LOCATION OF OCCURRENCE (Business Name): BARFOOT PAI SOFTWARE FIELD

OWNER OR AGENT: MARTIN GONZALEZ PHONE NUMBER (772) 494-9985

ADDRESS: 1127 GREEN CIRCLE RACE/SEX: W/M DOB: 9/29/84

SUSPECT:  
(Last) PRESTON (First) PAUL (M.I.) R

RACE: W SEX: M HEIGHT: 5-07 WEIGHT: \_\_\_\_\_ EYES: \_\_\_\_\_ DOB: 3/11/43

ADDRESS: 911 FIR ST

CITY: BARFOOT PAI STATE: FLORIDA ZIP: 32976

OCCUPATION: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_

**A WARNING has been given to the suspect named above, pursuant to 810.08 or 810.09 F.S. informing said suspect that they are no longer authorized, licensed, or invited to remain on these premises; that he/she is barred from said premises as an undesirable person; and that should they return to the premises, they will be subject to arrest for the crime of Trespass.**

**I have read, or had read to me, the above warning, and I understand that if I return to the premises mentioned above, I will be subject to arrest for the crime of Trespass, 810.08 or 810.09 Florida Statutes.**

REFUSED TO SIGN (Suspect)

**WE HEREBY CERTIFY that the above warning was issued to the above named suspect.**

[Signature] (Owner or Agent)

[Signature] (Officer/ID#)

**NOTE TO OWNER OR AGENT: This warning is to be kept accessible and legible by you, so that the suspect can be arrested for Trespass at a later date, should (s)he again come onto your property.**

NARRATIVE:

Thursday, July 16, 2015

152

Motion to Appoint Trustee To Manage The Affairs of The Spanish Isles Property Owners Association Filed by Creditor Paul Preston . (

Tuesday, January 26, 2016

425

Order Granting Motion to Set Aside Confirmation Order for Debtors Failure to Satisfy a Condition Precedent and Granting Motion to Appoint Chapter 11 Trustee. (Leonard, Dawn)

4. On January 25, 2017, the Trustee initiated an adversary proceeding against KBR in before the Bankruptcy Court styled Margaret J. Smith, Chapter 11 Trustee v. Kaye Bender Rembaum, P.L., Adversary Pro. No.: 17-01035-EPK (the "Adversary Proceeding"). Through the Adversary Proceeding, Trustee brought claims against Kaye Bender for professional negligence, breach of fiduciary duty, breach of contract, the avoidance and recovery of fraudulent transfers, and disallowance of the Original Claim.

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**ELAM:** (inaudible) PRESTON: -- 2005. Her son --- **ELAM:** This is harassment, and -- PRESTON: No, no, no.

<<-----

# Brett A. Elam

Disbarred

Not Eligible to Practice Law in Florida

Bar Number:

576606

From: Paul Preston  
To: prezpresto@aol.com; fec@myfloridalegal.com  
Subject: Re: FEC compensation Preston  
Date: Monday, March 22, 2021 7:41:11 AM  
Attachments: 6.png

Donna, please note the correction shown below. it is 18 241 not 14 241

<del>14 241</del> it is 18 241	Rights	50,000	Per each person, state, or county official who conspired to deny Preston right to have his appeal heard before a Special Magistrate where the shareholder could be cross-examined. And all player who played could testify the played.
-----------------------------------	--------	--------	---

Paul Preston  
911 Fir St  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell

In a message dated 3/9/2021 8 00:48 PM Eastern Standard Time, prezpresto@aol com writes:

Donna please process.

Attached is a file that I mailed today.

Many issues remain regarding Secretary of State Lauri Lee's certification that notified the public of the violation of 817.

If true many conspired to conceal the violation of 817 which is a 3<sup>rd</sup> degree felony.

Having review Lee's certification and the Articles of Dissolution and other support evidence in the file I realized that if know a crime was committed and I if concealed it I would violate 18 1001 and face jail time so I blew the whistle exposing the violation and was retaliated against.

So now like me many others are now faced with possible jail time if they conceal the crime.

The RS' whistle blower process included in the file claims it could take 6 or more years to investigate and complete the process.

With your help we can aid the Governor in his fight to protect his family, our family, our state, and country.

Therefore, I am asking you to complete the yes or no question on page 8 of the file and return it to me so I can include your findings in an amendment to the FEDS. Please reply by March 15, 2021.

The White House's review also wanted case filed.

Please review the Gregory Edwards abuse by clicking on the link.

<https://www.floridatoday.com/story/news/2020/11/17/expert-finds-brevard-sheriffs-reports-edwards-case-misleading/6310226002/>

Paul Preston  
911 Fir St  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell

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

Subject: case no. FEC 20-595

Dear Commissioners, March 9, 2021

BELOW IS FLORIDA'S ELECTION COMMISSION

<b>Joni Alexis Poitier</b> <b>Bar #22861</b> <a href="mailto:japoitier@mppkj.com">japoitier@mppkj.com</a> <b>904-356-1306</b>	<b>Barbra Stern</b> <b>526576</b> <a href="mailto:barbra@sterncnslt.com">barbra@sterncnslt.com</a> <b>954-743-4710</b>	<b>Kymerlee Curry</b> <b>Smith 22463</b> <a href="mailto:kcs@kcsmithlaw.com">kcs@kcsmithlaw.com</a> <b>305-776-8423</b>	<b>Jason Todd Allen</b> <b>Bar #25659</b> <a href="mailto:jallen@dealerlawyer.com">jallen@dealerlawyer.com</a> <b>850-878-6404</b>	<b>J. Martin Hayes</b> <b>291714</b> <a href="mailto:marty@haseyinc.com">marty@haseyinc.com</a> <b>561-776-9405</b>
--	---	--	---	--

**Petition for Compensation and reporting a crime.**

A person like me, Paul Preston who blows the whistle on unlaw(s) and criminal act(s) is supposed to be protected from prosecution.

The process may take several years as documented in the enclosed flow chart documenting the process.

I content the trespass issued against me was in retaliation for reporting the finding documented in Secretary of State Lauri Lee's Certification and document P1900029000 stating the Over60 Softball League dissolved.

The roster shows approximately 80 players played after the league allegedly dissolved. The rosters alone with the scores being published in the newspaper clearly confirms the violation of 817 which is a 3rd degree felony.

Come now due to the Sheriff Wayne Ivey counsel (R.W Evans Bar Id 198862) seeking fees and cost inflicting stress and potential financial lost to Paul Preston by seeking what is an unjust enrichment if you believe Florida Secretary Lee's Certification Over60 softball dissolved on April 23, 2019 and the articles of dissolution alleging Over60 dissolved.

Even after being informed he had been deceived Ivey took no action to correct the problem that caused the trespass to be issued when Matt Goetz having knowledge that the league did not dissolved as reported to the State. To date no action has been taken against Goetz or to rectify the problem.

During his campaign for reelection Ivey advertised promises made – promises kept. Reduce the crime rate? If you do not expose crimes such as 3r degree felony/817 violation **IS THAT A PROMISE KEPT?**

Work tirelessly to protect victims and our constitutional rights. **IS THAT A PROMISE KEPT? Is that false advertising? Did this aid in his reelection,** if not why did he so state?

for there to be no wrongdoings just provide the following. Our rule 18 1001 was violated and send them to prison.

1. Lee's certification falsely Over60 reported they dissolved.
2. Produce the shareholders' names and the meeting minutes where they voted to dissolve.
3. Prove the scores published in the newspaper were not played
4. Show the closed bank account where all funds were distributed.
5. That EIN 59-2359782 was reinstated.



# SHERIFF WAYNE IVEY

## PROMISES MADE - PROMISES KEPT

When I first asked you to elect me Sheriff, I promised you three things...

1. To lower the crime rate in Brevard County
2. To protect your Constitutional Rights.
3. To work everyday to protect our citizens and pets.



**REDUCED THE CRIME RATE  
BY ALMOST 42%**



**FEWER VICTIMS OF CRIME IN  
OUR COMMUNITY THAN  
ANYTIME IN THE PAST FORTY  
YEARS**



**WORKED TIRELESSLY TO  
PROTECT VICTIMS AND OUR  
CONSTITUTIONAL RIGHTS**



"As sheriff, I strongly believe that it takes a community to protect a community."

In the email shown below Governor Ron DeSantis claims to be a fighter who will fight for his family, our state, and our country.

**The Free State of Florida**

2/22/2021 5:36:39 PM Eastern Standard Time

[info@rondesantis.com](mailto:info@rondesantis.com)

[prezpresto@aol.com](mailto:prezpresto@aol.com)

*the Internet (Details)*

**I am a fighter - a fighter for my family, your family, our state, and our country.**

Keep fighting,

Governor Ron DeSantis


When he is provided your reply will he report crimes. When he does, he will have protected all of us including his family, our family, our state, and country. Will the Commission? Will the Commission report crimes that could

prevent the libeling the state for an amount of \$100,000,000.00 as provided by (K) New 876.053 Public Employee Oath Bond

(9) Bond Amounts – the following types of public employees shall post the bond amounts shown:

- a. Senior Public Officers - Governor, Lieutenant Governor, Supreme Court Justices - \$100,000,000.00

According to the IRS it may take 6 or more years, I believe we can prove retaliation before then. It will also prevent people who are willing to join a conspiracy against rights.

<p style="text-align: center;"><b>State of Florida Department of State</b></p> <p>I certify from the records of this office that BAREFOOT BAY OVER 60 SOFTBALL INC was a corporation organized under the laws of the State of Florida, filed on April 1, 2019, effective March 28, 2019.</p> <p>The document number of this corporation is P19000029400.</p> <p>I further certify that said corporation filed a Voluntary Dissolution on April 23, 2019, and that its status is inactive.</p> <div style="text-align: center; margin-top: 20px;"> <p><i>Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Seventeenth day of June, 2020</i></p>  <p><i>Ronald R. Lee</i> Secretary of State</p> </div> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Tracking Number: 0522145613CU</p> <p>To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.</p> <p><a href="https://services.mashd.org/Filings/CertificateOfStatus/CertificateAuthentication">https://services.mashd.org/Filings/CertificateOfStatus/CertificateAuthentication</a></p> </div>	<p><b>Jury foreman</b> verify the following:</p> <p>1) verify Lee's certification documents the league filed as a for-profit corporation effective March 28, 2019 and dissolved on April 23, 2019.</p> <p>Is the information in Lee's certification accurate? Yes ___ No ___</p> <p>2) Does Lee's certification provide the legal status of the league? Yes ___ No ___</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">BAREFOOT BAY OVER 60 SOFTBALL INC</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Filing Information</b></td> </tr> <tr> <td>Document Number</td> <td>P19000029400</td> </tr> <tr> <td>FEI/EIN Number</td> <td>NONE</td> </tr> <tr> <td>Date Filed</td> <td>04/01/2019</td> </tr> <tr> <td>Effective Date</td> <td>03/28/2019</td> </tr> <tr> <td>State</td> <td>FL</td> </tr> <tr> <td>Status</td> <td>INACTIVE</td> </tr> <tr> <td>Last Event</td> <td>VOLUNTARY DISSOLUTION</td> </tr> <tr> <td>Event Date Filed</td> <td>04/23/2019</td> </tr> <tr> <td>Event Effective Date</td> <td>04/23/2019</td> </tr> </table> <p>3) do you see a valid EIN Yes ___ No ___</p>	BAREFOOT BAY OVER 60 SOFTBALL INC		<b>Filing Information</b>		Document Number	P19000029400	FEI/EIN Number	NONE	Date Filed	04/01/2019	Effective Date	03/28/2019	State	FL	Status	INACTIVE	Last Event	VOLUNTARY DISSOLUTION	Event Date Filed	04/23/2019	Event Effective Date	04/23/2019
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When is it a crime not to report a crime? See 18 U.S.C. section 4 below:

**Failure to Report a Crime under Federal Law (18 U.S.C. section 4)**

Federal law prohibits concealing information about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

You have knowledge of the commission of a felony;

The felony actually occurred; and The felony is a federal offense;

If you willfully conceal the commission of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to **a \$250,000 fine, imprisonment up to three years, or both fine and imprisonment.**

BAREFOOT BAY OVER 60 SOFTBALL INC		
<b><u>Filing Information</u></b>		
<b>Document Number</b>	P19000029400	The mandatory EIN is missing
<b>FEI/EIN Number</b>	NONE	Evans should be aware of this violation.
<b>Date Filed</b>	04/01/2019	
<b>Effective Date</b>	03/28/2019	If <u>not</u> he needs report the violation immediately to avoid prosecution.
<b>State</b>	FL	
<b>Status</b>	INACTIVE	Supports Lee's claim the league dissolved and 817 was violated.
<b>Last Event</b>	VOLUNTARY DISSOLUTION	
<b>Event Date Filed</b>	04/23/2019	
<b>Event Effective Date</b>	04/23/2019	

### ARTICLES OF DISSOLUTION

Pursuant to section 607.1403, Florida Statutes, this Florida corporation submits the following Articles of Dissolution:

**FIRST:** The name of the corporation as currently filed with the Florida Department of State:

BAREFOOT BAY OVER 60 SOFTBALL INC

**SECOND:** The document number of the corporation: P19000029400

**THIRD:** The date dissolution was authorized: April 23, 2019

Effective date of dissolution: April 23, 2019

**FOURTH:** Dissolution was approved by the shareholders. The number of votes cast for dissolution was sufficient for approval.

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: MIKE KILGUS

PRESIDENT

Electronic Signature of Signing Officer, Director, Incorporator or Authorized Representative

## 2019-2020 SEASON

DATE	9:00	10:15	11:30	DATE	9:00	10:15	11:30
OCT Tue 15	6-4	3-2	5-1	JAN Tue 28	1-3	4-2	5-6
Thurs 17	5-3	1-4	6-2	Thurs 30	4-5	2-1	6-3
Tue 22	4-2	5-6	1-3	FEB Tue 4	5-2	3-4	6-1
Thurs 24	2-1	6-3	4-5	Thurs 6	2-3	1-5	4-6
				Tue 11	4-1	2-6	3-5
OCT Tue 29	4-3	6-1	5-2	Thurs 13	6-5	3-1	2-4
Thurs 31	1-5	4-6	2-3	Tue 18	3-6	5-8	1-2
NOV Tue 5	2-6	3-5	4-1	Thurs 20	4-3	6-1	5-2
Thurs 7	3-1	2-4	6-5	Tue 25	1-5	4-6	2-3
Tue 12	5-4	1-2	3-6	Thurs 27	6-2	5-3	1-4
Thurs 14	2-5	4-3	1-6	MAR Tue 3	3-1	2-4	6-5
Tue 19	3-2	5-1	6-4	Thurs 5	5-4	1-2	3-6
Thurs 21	1-4	6-2	5-3	PLAYOFFS			

Barefoot Bay Senior Softball  
March 16 at 9:33 PM

Based on the current health concerns of the country, because of the Coronavirus, the Senior Bay Softball Executive Board along with the newly elected incoming board met tonight after receiving a directive from the Bay. Based on the directive, and a vote of the board, it was decided that the playoffs would not continue and the softball season would be officially ended. Furthermore, all practices will be suspended until further notice.



Jury foreman  
, verify the following:

1) the league schedule shows the league played after submitting statements that they dissolved.

Yes \_\_\_ No \_\_\_

2) season ended on March 16, 2020 due to the virus.

Yes \_\_\_ No \_\_\_

scores were published in the Tattler newspaper

Yes \_\_\_ No \_\_\_

3) The rosters for 2019-2020 & 2020-2021

### Contact the White House

Thank you for your submission!

OK

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldtrump.com/support-center> and submit a case.

SUBMIT A CASE

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldtrump.com/support-center> and submit a case.

SUBMIT A CASE

OV60 Claim 10

NOTE: Gotez fasley represent Kilgus a valid president of a league he knew had been dissolve by Kilgus. 1001 violation give him 5 years. obstructed justice. the narrative is blank

### BREVARD COUNTY SHERIFF'S OFFICE TRESPASS WARNING

CR NUMBER: 2019-00244334 DATE: 9/19/2019 TIME: 0750

ADDRESS OF OCCURRENCE: 1127 Wilson Circle

LOCATION OF OCCURRENCE (Business Name): TREASURY FOR SOFTBALL FIELD

OWNER OR AGENT: MARTIN BOWETZ PHONE NUMBER (321) 494-9985

ADDRESS: 1127 Wilson Circle RACE/SEX: W/M DOB: 9/10/54

SUSPECT:  
(Last) ROCKSON (First) PAUL (M.I.) R

RACE: W SEX: M HEIGHT: 5-07 WEIGHT: \_\_\_\_\_ EYES: \_\_\_\_\_ DOB: 3/11/43

ADDRESS: 911 FIR ST

CITY: BRAESON ISL STATE: FLORIDA ZIP: 32976

OCCUPATION: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_

A WARNING has been given to the suspect named above, pursuant to 810.08 or 810.09 F.S. informing said suspect that they are no longer authorized, licensed, or invited to remain on these premises; that he/she is barred from said premises as an undesirable person; and that should they return to the premises, they will be subject to arrest for the crime of Trespass.

I have read, or had read to me, the above warning, and I understand that if I return to the premises mentioned above, I will be subject to arrest for the crime of Trespass, 810.08 or 810.09 Florida Statutes.

REFUSED TO SIGN (Suspect)

WE HEREBY CERTIFY that the above warning was issued to the above named suspect.

[Signature] (Owner or Agent)

[Signature] (Officer/ID#)


NOTE TO OWNER OR AGENT: This warning is to be kept accessible and legible by you, so that the suspect can be arrested for Trespass at a later date, should (s)he again come onto your property.

NARRATIVE:

As noted in Document P19000029000, the State warns submitting false information to the Department of State violates 817 which is described as a 3<sup>rd</sup> degree felony.

The non-existence Over60 caused thru Barefoot Bay's property Service Manager Matt Goetz to cause a deceived Brevard County Deputy to issue an unjust trespass on me, Paul Preston.

Violation                  Support                  compensation

817.155	Articles of Dissolution 18 U.S.C. section 4	\$250,000	KRS and Over60 officers identified in the Articles of Dissolution, EACH
18 U.S.C. SECTION 4	Lee's Certification Rosters, schedules & scores & 18 1001	\$250,000	Matt Goetz false statements made to get the trespass. Goetz represented ab origination that dissolved but did not. Alone with Ivey if they did know it when the trespass was issued, they know it now and continued to conspire to conceal the violation 817. See trespass.
18 U.S.C. SECTION 4	Evidence previous provided to FEC	\$250,000	From each state, county, or agent of the state. Could include commissioner
14 241	Rights	50,000	Per each person, state, or county official who conspired to deny Preston right to have his appeal heard before a Special Magistrate where the shareholder could be cross-examined. And all player who played could testify the played.
760.021	Discrimination	10,000	See above 
		?	Court cost

#### Title 18, U.S.C., Section 241 - Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States

#### ,760.021 Enforcement.—

(1) The Attorney General may commence a civil action for damages, injunctive relief, civil penalties not to exceed \$10,000 per violation, and such other relief as may be appropriate under the laws of this state if the

Attorney General has reasonable cause to believe that any person or group:

(a) Has engaged in a pattern or practice of discrimination as defined by the laws of this state.

The statute spells out this purpose in subsection 18 U.S.C. § 1001(a), which states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device[ , ] a material fact;

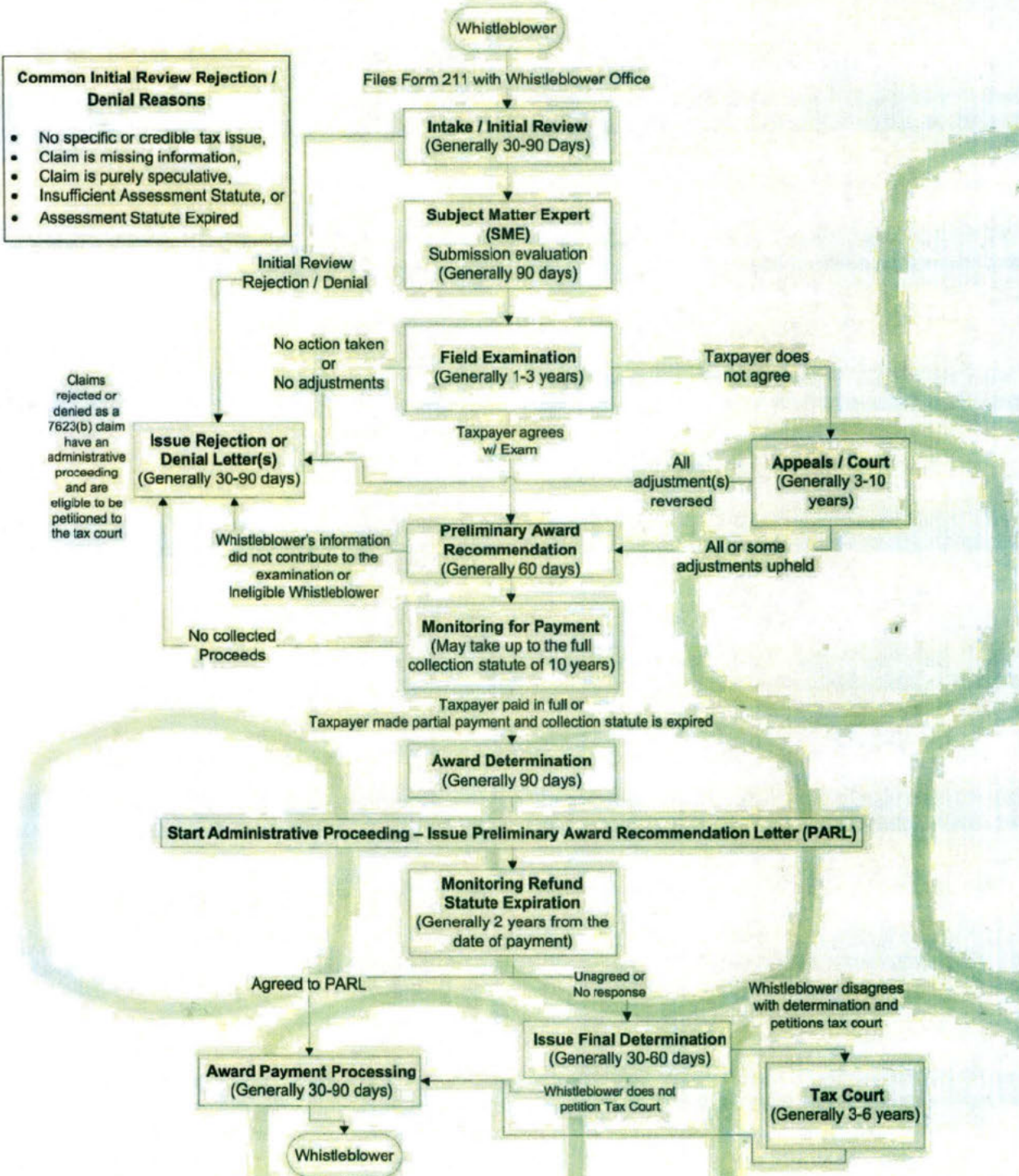
(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years or, ...

Commissioners, please complete the yes or no questions below and include it in your response.

<b>Joni Alexis Poitier</b>	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
<b>Barbra Stern</b>	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
Kymerlee Curry Smith	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
Jason Todd Allen	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
J. Martin Hayes	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___

# Whistleblower Process Timeline



- Common Initial Review Rejection / Denial Reasons**
- No specific or credible tax issue,
  - Claim is missing information,
  - Claim is purely speculative,
  - Insufficient Assessment Statute, or
  - Assessment Statute Expired

Claims rejected or denied as a 7623(b) claim have an administrative proceeding and are eligible to be petitioned to the tax court





**From:** [Timothy Vaccaro](#)  
**To:** [Donna Malphurs](#)  
**Subject:** FW: FEC compensation Preston  
**Date:** Wednesday, March 10, 2021 9:29:59 AM  
**Attachments:** [fec.my.req.4.compensation.pdf](#)

---

FYI

Tim Vaccaro  
Executive Director  
Florida Elections Commission  
107 West Gaines Street  
The Collins Building, Suite 224  
Tallahassee, FL 32399-1050  
(850) 922-4539

---

**From:** Joni Poitier <[japoitier@mppkj.com](mailto:japoitier@mppkj.com)>  
**Sent:** Wednesday, March 10, 2021 8:04 AM  
**To:** Timothy Vaccaro <[Timothy.Vaccaro@myfloridalegal.com](mailto:Timothy.Vaccaro@myfloridalegal.com)>  
**Cc:** Ed Tellechea <[Ed.Tellechea@myfloridalegal.com](mailto:Ed.Tellechea@myfloridalegal.com)>  
**Subject:** FW: FEC compensation Preston

---

**From:** Paul Preston <[prezpresto@aol.com](mailto:prezpresto@aol.com)>  
**Sent:** Tuesday, March 9, 2021 7:52 PM  
**To:** Joni Poitier <[japoitier@mppkj.com](mailto:japoitier@mppkj.com)>  
**Subject:** FEC compensation Preston

---

Subject: FEC compensation

Attached is a file that I mailed today.

Many issues remain regarding Secretary of State Lauri Lee's certification that notified the public of the violation of 817.

If true many conspired to conceal the violation of 817 which is a 3<sup>rd</sup> degree felony.

Having review Lee's certification and the Articles of Dissolution and other support evidence in the file I realized that if know a crime was committed and I if concealed it I would violate 18 1001 and face jail time so I blew the whistle

exposing the violation and was retaliated against.

So now like me many others are now faced with possible jail time if they conceal the crime.

The IRS' whistle blower process included in the file claims it could take 6 or more years to investigate and complete the process.

With your help we can aid the Governor in his fight to protect his family, our family, our state, and country.

Therefore, I am asking you to complete the yes or no question on page 8 of the file and return it to me so I can include your findings in an amendment to the FEDS. Please reply by March 15, 2021.

The White House's review also wanted case filed.

Please review the Gregory Edwards abuse by clicking on the link.

<https://www.floridatoday.com/story/news/2020/11/17/expert-finds-brevard-sheriffs-reports-edwards-case-misleading/6310226002/>

Paul Preston  
911 Fir St.  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell

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

Subject: case no. FEC 20-595

Dear Commissioners,                      March 9, 2021

BELOW IS FLORIDA'S ELECTION COMMISSION				
<b>Joni Alexis Poitier</b> <b>Bar #22861</b> <a href="mailto:japoitier@mppkj.com">japoitier@mppkj.com</a> <b>904-356-1306</b>	<b>Barbra Stern</b> <b>526576</b> <a href="mailto:barbra@sterncnsit.com">barbra@sterncnsit.com</a> <b>954-743-4710</b>	<b>Kymerlee Curry</b> <b>Smith 22463</b> <a href="mailto:kcs@kcsmithlaw.com">kcs@kcsmithlaw.com</a> <b>305-776-8423</b>	<b>Jason Todd Allen</b> <b>Bar #25659</b> <a href="mailto:jallen@dealerlawyer.com">jallen@dealerlawyer.com</a> <b>850-878-6404</b>	<b>J. Martin Hayes</b> <b>291714</b> <a href="mailto:marty@haseyinc.com">marty@haseyinc.com</a> <b>561-776-9405</b>

**Petition for Compensation and reporting a crime.**

A person like me, Paul Preston who blows the whistle on unlaw(s) and criminal act(s) is supposed to be protected from prosecution.

The process may take several years as documented in the enclosed flow chart documenting the process.

I content the trespass issued against me was in retaliation for reporting the finding documented in Secretary of State Lauri Lee's Certification and document P1900029000 stating the Over60 Softball League dissolved.

The roster shows approximately 80 players played after the league allegedly dissolved. The rosters alone with the scores being published in the newspaper clearly confirms the violation of 817 which is a 3rd degree felony.

Come now due to the Sheriff Wayne Ivey counsel (R.W Evans Bar Id 198862) seeking fees and cost inflicting stress and potential financial lost to Paul Preston by seeking what is an unjust enrichment if you believe Florida Secretary Lee's Certification Over60 softball dissolved on April 23, 2019 and the articles of dissolution alleging Over60 dissolved.

Even after being informed he had been deceived Ivey took no action to correct the problem that caused the trespass to be issued when Matt Goetz having knowledge that the league did not dissolved as reported to the State. To date no action has been taken against Goetz or to rectify the problem.

During his campaign for reelection Ivey advertised promises made – promises kept. Reduce the crime rate? If you do not expose crimes such as 3r degree felony/817 violation **IS THAT A PROMISE KEPT?**

Work tirelessly to protect victims and our constitutional rights. **IS THAT A PROMISE KEPT? Is that false advertising? Did this aid in his reelection,** if not why did he so state?

for there to be no wrongdoings just provide the following. Our rule 18 1001 was violated and send them to prison.

1. Lee's certification falsely Over60 reported they dissolved.
2. Produce the shareholders' names and the meeting minutes where they voted to dissolve.
3. Prove the scores published in the newspaper were not played
4. Show the closed bank account where all funds were distributed.
5. That EIN 59-2359782 was reinstated.

# SHERIFF WAYNE IVEY

## PROMISES MADE - PROMISES KEPT

When I first asked you to elect me Sheriff, I promised you three things...

- 1. To lower the crime rate in Brevard County
- 2. To protect your Constitutional Rights.
- 3. To work everyday to protect our citizens and pets.



**REDUCED THE CRIME RATE BY ALMOST 42%**



**FEWER VICTIMS OF CRIME IN OUR COMMUNITY THAN ANYTIME IN THE PAST FORTY YEARS**

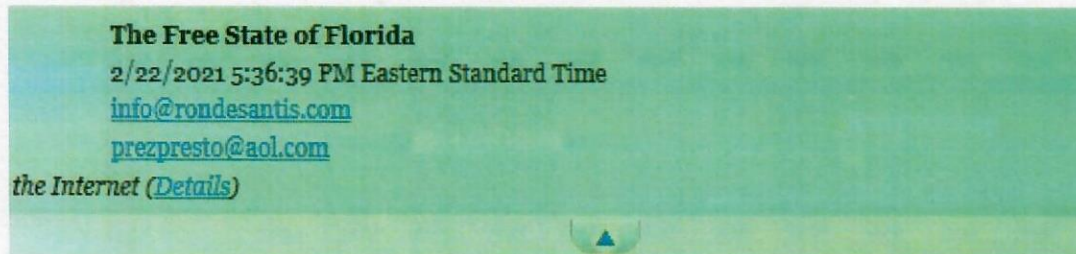


**WORKED TIRELESSLY TO PROTECT VICTIMS AND OUR CONSTITUTIONAL RIGHTS**



"As sheriff, I strongly believe that it takes a community to protect a community."

In the email shown below Governor Ron DeSanctis claims to be a fighter who will fight for his family, our state, and our country.



**I am a fighter - a fighter for my family, your family, our state, and our country.**

Keep fighting,

Governor Ron DeSantis

When he is provided your reply will he report crimes. When he does, he will have protected all of us including his family, our family, our state, and country. Will the Commission? Will the Commission report crimes that could

prevent the labeling the state for an amount of \$100,000,000.00 as provided by (K) New 876.053 Public Employee Oath Bond

**(9) Bond Amounts – the following types of public employees shall post the bond amounts shown:**

- a. Senior Public Officers - Governor, Lieutenant Governor, Supreme Court Justices - \$100,000,000.00

According to the IRS it may take 6 or more years, I believe we can prove retaliation before then. It will also prevent people who are willing to join a conspiracy against rights.

**State of Florida  
Department of State**

I certify from the records of this office that BAREFOOT BAY OVER 60 SOFTBALL, INC was a corporation organized under the laws of the State of Florida, filed on April 1, 2019, effective March 28, 2019.

The document number of this corporation is P19000029400.

I further certify that said corporation filed a Voluntary Dissolution on April 23, 2019, and that its status is inactive.

*Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Seventeenth day of June, 2020*



*Randy Be*  
Secretary of State

Tracking Number: 05224061301

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.  
<https://services.usdoj.org/Filing/CertificateOfStatus/CertificateAuthentication>

**Jury foreman**  
verify the following:

1) verify Lee's certification documents the league filed as a for-profit corporation effective March 28, 2019 and dissolved on April 23, 2019.

Is the information in Lee's certification accurate?  
Yes \_\_\_ No \_\_\_

2) Does Lee's certification provide the legal status of the league? Yes \_\_\_ No \_\_\_

BAREFOOT BAY OVER 60 SOFTBALL, INC	
Filing Information	
Document Number	P19000029400
FE/EIN Number	NONE
Date Filed	04/01/2019
Effective Date	03/28/2019
State	FL
Status	INACTIVE
Last Event	VOLUNTARY DISSOLUTION
Event Date Filed	04/23/2019
Event Effective Date	04/23/2019

3) do you see a valid EIN  
Yes \_\_\_ No \_\_\_

When is it a crime not to report a crime? See 18 U.S.C. section 4 below:

**Failure to Report a Crime under Federal Law (18 U.S.C. section 4)**

Federal law prohibits concealing information about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

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The felony actually occurred; and The felony is a federal offense;

If you willfully conceal the commission of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a **\$250,000 fine, imprisonment up to three years, or both fine and imprisonment.**

BAREFOOT BAY OVER 60 SOFTBALL INC		
<b>Filing Information</b>		
<b>Document Number</b>	P19000029400	The mandatory EIN is missing
<b>FEI/EIN Number</b>	NONE	Evans should be aware of this violation.
<b>Date Filed</b>	04/01/2019	
<b>Effective Date</b>	03/28/2019	If <u>not</u> he needs report the violation immediately to avoid prosecution.
<b>State</b>	FL	
<b>Status</b>	INACTIVE	Supports Lee's claim the league dissolved and 817 was violated.
<b>Last Event</b>	VOLUNTARY DISSOLUTION	
<b>Event Date Filed</b>	04/23/2019	
<b>Event Effective Date</b>	04/23/2019	

### ARTICLES OF DISSOLUTION

Pursuant to section 607.1403, Florida Statutes, this Florida corporation submits the following Articles of Dissolution:

**FIRST:** The name of the corporation as currently filed with the Florida Department of State:  
BAREFOOT BAY OVER 60 SOFTBALL INC

**SECOND:** The document number of the corporation: P19000029400

**THIRD:** The date dissolution was authorized: April 23, 2019  
Effective date of dissolution: April 23, 2019

**FOURTH:** Dissolution was approved by the shareholders. The number of votes cast for dissolution was sufficient for approval.

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: MIKE KILGUS

PRESIDENT

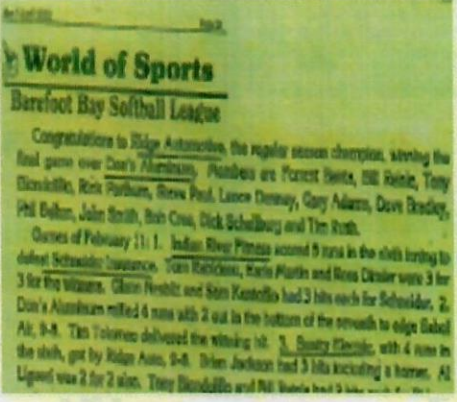
Electronic Signature of Signing Officer, Director, Incorporator or Authorized Representative

2019-2020 SEASON											
DATE			9:00	10:15	11:30	DATE			9:00	10:15	11:30
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	Tue	22	4-2	5-6	1-3	FEB	Tue	4	5-2	3-4	6-1
	Thurs	24	2-1	6-3	4-5		Thurs	6	2-3	1-5	4-6
							Tue	11	4-1	2-6	3-5
OCT	Tue	29	4-3	6-1	5-2		Thurs	13	6-5	3-1	2-4
	Thurs	31	1-5	4-6	2-3		Tue	18	3-6	5-4	1-2
NOV	Tue	5	2-6	3-5	4-1		Thurs	20	4-3	6-1	5-2
	Thurs	7	3-1	2-4	6-5		Tue	25	1-5	4-6	2-3
	Tue	12	5-4	1-2	1-6		Thurs	27	6-2	5-3	1-4
	Thurs	14	2-5	4-3	1-6	MAR	Tue	3	3-1	2-4	6-5
	Tue	19	3-2	5-1	6-4		Thurs	5	5-4	1-2	3-6
	Thurs	21	1-4	6-2	5-3		PLAYOFFS				

### Barefoot Bay Senior Softball

March 16 at 9:33 PM ·

Based on the current health concerns of the country, because of the Coronavirus, the Senior Bay Softball Executive Board along with the newly elected incoming board met tonight after receiving a directive from the Bay. Based on the directive, and a vote of the board, it was decided that the playoffs would not continue and the softball season would be officially ended. Furthermore, all practices will be suspended until further notice.



**World of Sports**  
Barefoot Bay Softball League

Congratulations to Ridge Automotive, the regular season champion, winning the final game over Don's Aluminum. Players are Forrest Banta, Bill Reinke, Tony Donatello, Rick Parham, Steve Paul, Lance Denny, Gary Adams, Dave Bradley, Phil Baker, John Smith, Ben Cox, Dick Schulberg and Tim Roth.

Games of February 11: 1. Indian River Pines scored 5 runs in the sixth inning to defeat Schwab's Insurance. Tom Karkonen, Kevin Martin and Ross Dinsler were 3 for 3 for the Wizards. Glenn Ferrell and Sam Kostello had 3 hits each for Schwab's. 2. Don's Aluminum rolled 4 runs with 2 out in the bottom of the seventh to edge Babal AI, 9-4. Tim Tolonen delivered the winning hit. 3. Country Electric, with 4 runs in the sixth, got by Ridge Auto, 9-4. Brian Jackson had 3 hits including a homer. Al Ligert was 2 for 2 also. Tony Donatello and Phil Baker had 2 hits each for Ridge.

Jury foreman, verify the following:

- 1) the league schedule shows the league played after submitting statements that they dissolved.  
Yes \_\_\_ No \_\_\_
- 2) season ended on March 16, 2020 due to the virus.  
Yes \_\_\_ No \_\_\_
- 3) The rosters for 2019-2020 & 2020-2021 scores were published in the Tattler newspaper.  
Yes \_\_\_ No \_\_\_

**Contact the White House**

Thank you for your submission!

**OK**

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldtrump.com/support-center> and submit a case.

**SUBMIT A CASE**

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldtrump.com/support-center> and submit a case.

**SUBMIT A CASE**



OV6D Claim 1D

NOTE: Gotez fasley represent Kilgus a valid president of a league he knew had been dissolve by Kilgus. 1001 violation give him 5 years. obstructed justice. the narrative is blank

### BREVARD COUNTY SHERIFF'S OFFICE TRESPASS WARNING

CR NUMBER: 2019-00244324 DATE: 9/18/2019 TIME: 0750

ADDRESS OF OCCURRENCE: 1127 Wilson Circle

LOCATION OF OCCURRENCE (Business Name): FOREST 2nd SORIANO FIELD

OWNER OR AGENT: MARION BOYER PHONE NUMBER (321) 494-9985

ADDRESS: 1127 Wilson Circle RACE/SEX: W/M DOB: 9/26/54

SUSPECT:  
(Last) ROSSON (First) PAUL (M.I.) R

RACE: W SEX: M HEIGHT: 507 WEIGHT: \_\_\_\_\_ EYES: \_\_\_\_\_ DOB: 3/11/43

ADDRESS: 911 FIR ST

CITY: ROSSON FLA STATE: FLORIDA ZIP: 32976

OCCUPATION: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_

A WARNING has been given to the suspect named above, pursuant to 810.08 or 810.09 F.S. informing said suspect that they are no longer authorized, licensed, or invited to remain on these premises; that he/she is barred from said premises as an undesirable person; and that should they return to the premises, they will be subject to arrest for the crime of Trespass.

I have read, or had read to me, the above warning, and I understand that if I return to the premises mentioned above, I will be subject to arrest for the crime of Trespass, 810.08 or 810.09 Florida Statutes.

REFUSED TO SIGN (Suspect)

WE HEREBY CERTIFY that the above warning was issued to the above named suspect.

[Signature] (Owner or Agent)

[Signature] (Officer/ID#)

NOTE TO OWNER OR AGENT: This warning is to be kept accessible and legible by you, so that the suspect can be arrested for Trespass at a later date, should (s)he again come onto your property.

NARRATIVE:  
[Empty box for narrative]

As noted in Document P19000029000, the State warns submitting false information to the Department of State violates 817 which is described as a 3<sup>rd</sup> degree felony.

The non-existence Over60 caused thru Barefoot Bay's property Service Manager Matt Goetz to cause a deceived Brevard County Deputy to issue an unjust trespass on me, Paul Preston.

Violation                      Support                      compensation

817.155	Articles of Dissolution 18 U.S.C. section 4	\$250,000	KRS and Over60 officers identified in the Articles of Dissolution, EACH
18 U.S.C. SECTION 4	Lee's Certification Rosters, schedules & scores & 18 1001	\$250,000	Matt Goetz false statements made to get the trespass. Goetz represented ab origination that dissolved but did not. Alone with lvey if they did know it when the trespass was issued, they know it now and continued to conspire to conceal the violation 817. See trespass.
18 U.S.C. SECTION 4	Evidence previous provided to FEC	\$250,000	From each state, county, or agent of the state. Could include commissioner
14 241	Rights	50,000	Per each person, state, or county official who conspired to deny Preston right to have his appeal heard before a Special Magistrate where the shareholder could be cross-examined. And all player who played could testify the played.
760.021	Discrimination	10,000	See above
		?	Court cost

#### Title 18, U.S.C., Section 241 - Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States

#### ,760.021 Enforcement.—

(1) The Attorney General may commence a civil action for damages, injunctive relief, civil penalties not to exceed \$10,000 per violation, and such other relief as may be appropriate under the laws of this state if the

Attorney General has reasonable cause to believe that any person or group:

(a) Has engaged in a pattern or practice of discrimination as defined by the laws of this state.

The statute spells out this purpose in subsection 18 U.S.C. § 1001(a), which states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or device[ , ] a material fact;

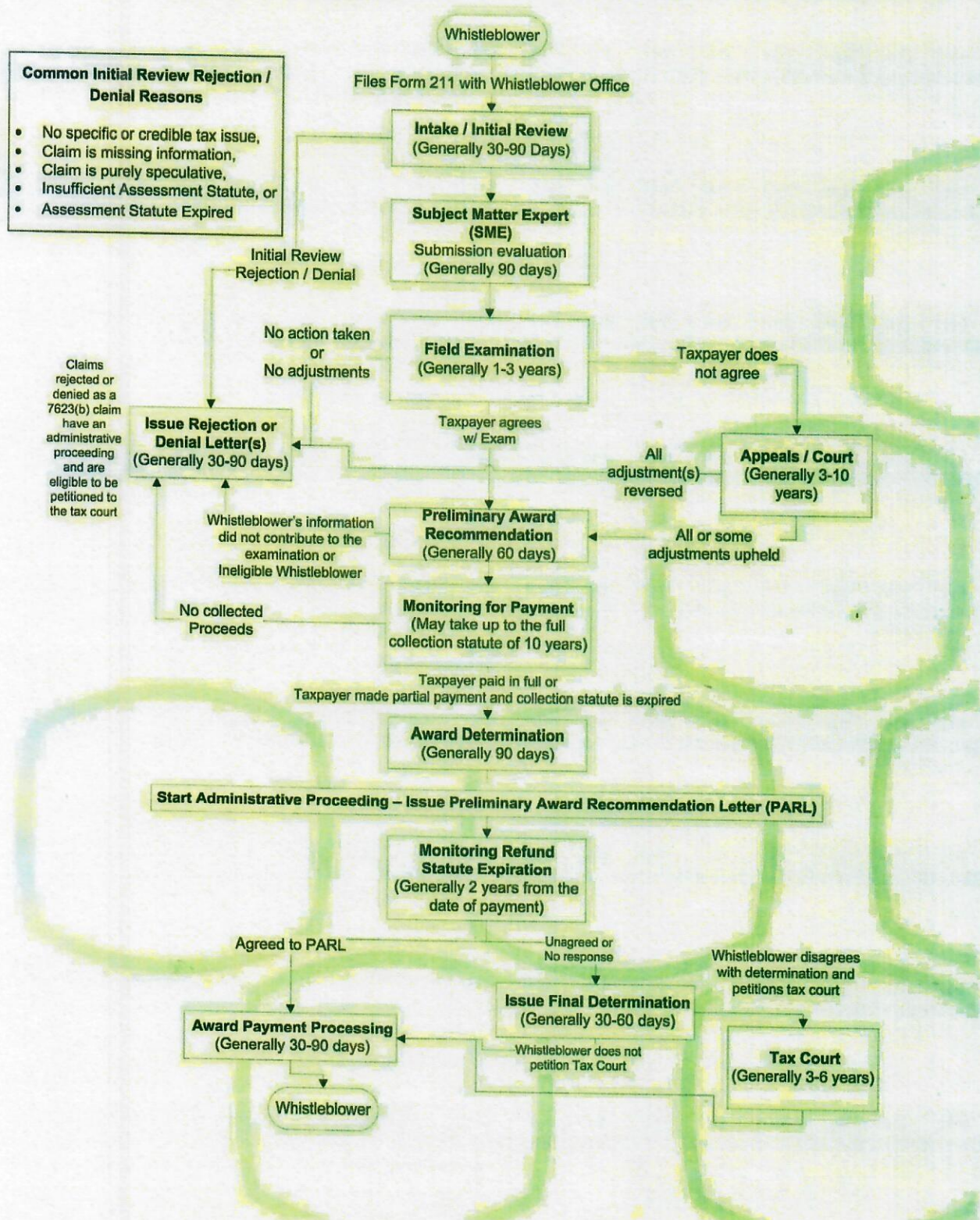
(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years or, ...

Commissioners, please complete the yes or no questions below and include it in your response.

<b>Joni Alexis Poitier</b>	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
<b>Barbra Stern</b>	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
Kymberlee Curry Smith	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
Jason Todd Allen	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___
J. Martin Hayes	Do you know of any crime that has occurred? Did you report it? Did you find fault with Lee's certification?	Yes ___ No ___ please check Yes ___ No ___ Yes ___ No ___

# Whistleblower Process Timeline





Subject: **Inspection - Roofing**  
Date: 3/9/2021 1:40:34 PM Eastern Standard Time  
From: Romania.Douglas@homeadvisor.com  
To: prezpresto@aol.com

Good Day Paul

Thank you for including HomeAdvisor in your search for a professional to assist with getting your Inspection - Roofing

As discussed earlier, please see the below list of professionals that may be able to help you. Please feel free to reach out to these professionals directly. Keep in mind that the professionals on this list may not be screened professionals in the HomeAdvisor network.

If there is anything else that I can assist you with, please reach out to me directly at 1-747-758-4337 or at my email [romania.douglas@homeadvisor.com](mailto:romania.douglas@homeadvisor.com)

Company Name	Name	City	State	Rating (Total)	Phone Number
M.G.M. Contracting, Inc.	Michael Mila	Cocoa	FL	4.62 (15)	(321) 525-2045 
Lewis Roofing	Darrell Lewis	Longwood	FL	4.96 (16)	(407) 410-1800 
Ridgeline Roofing, LLC	Joseph Giampietro	Vero Beach	FL	5.00 (2)	(772) 643-0745 
Star Pro Roofing, Inc.	Richard Sulzer	Palm Bay	FL	4.37 (5)	(321) 802-4496 
Edificium Construction, LLC	Edward "Eddie" Lechner	Vero Beach	FL	4.55 (39)	(772) 559-0192 
Property Renovations and Construction	Brian Haire	Melbourne	FL	4.49 (82)	(321) 421-6374 
Thompsons Remodeling & Home Repair, Inc.	Robert Thompson	Vero Beach	FL	4.71 (14)	(772) 564-8008 

Thanks for choosing HomeAdvisor have a lovely day.

## Donna Malphurs

---

**From:** Paul Preston <prezpresto@aol.com>  
**Sent:** Thursday, February 4, 2021 6:03 PM  
**To:** Donna Malphurs  
**Subject:** Re: FEC 20-595

confirmed.

Great, the DOJ also is delaying things due to the January 6 stuff. the code name for the case is "The Trojan Affair"

Before May some may get a call or be asked "do you know a felony act occurred". There is little doubt 817 was violated. so failure to report a crime can result in a fine of \$250,000 and imprisonment up to three years or both.

In addition to 18 U.S.C sec 4, 1001 can get you 5 years if you remain silent or cover up a felony by any trick or in my opinion concealing a crime by remaining silent is a trick. attempting to get money when the Secretary of State releases a certification saying Over60 dissolved when schedules, roster and scores reported in the newspaper clearly proves 817 was violated, if you believe her like I DO. i PUT MY FAITH IN HER. I am not a lawyer but I trust our Governor and Secretary to enforce our laws and rights.

**817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.--**A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a felony of the third degree

### **When is it a crime not to report a crime.**

#### **Failure to Report a Crime under Federal Law (18 U.S.C. section 4)**

Federal law prohibits concealing information about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

You have knowledge of the commission of a felony;

The felony actually occurred; and The felony is a federal offense;

If you willfully conceal the commission of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a \$250,000 fine, imprisonment up to three years, or both fine and imprisonment.

Overview[[edit](#)]

The statute spells out this purpose in subsection [18 U.S.C. § 1001\(a\)](#), which states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

(1) falsifies, conceals, or covers up by any trick, scheme, or [device](#) , ] a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, **imprisoned not more than 5 years or, ...**

Trump asked me to submit a file. If he was still there I am sure jail time would in someones future

## Contact the White House

Thank you for your submission!

OK

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://www.donaldtrump.com/support-center> and submit a case.

SUBMIT A CASE

Paul Preston  
911 Fir St.  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell

In a message dated 2/4/2021 3:28:28 PM Eastern Standard Time, Donna.Malphurs@myfloridalegal.com writes:

Dear Mr. Evans,

Attached is a letter notifying you that we have rescheduled your petition for fees case to be heard at our May 18, 2021 meeting.

If you have any questions, please let me know.

Sincerely,

**Donna Ann Malphurs**

Agency Clerk/RMLO/Public Information Officer

Florida Elections Commission



Main line: 850-922-4539

Direct Dial: 850-404-5609

## Donna Malphurs

---

**From:** Donna Malphurs  
**Sent:** Thursday, February 4, 2021 3:28 PM  
**To:** REvans@anblaw.com  
**Cc:** prezpresto@aol.com  
**Subject:** FEC 20-595  
**Attachments:** 18. 20-595\_Ltr to Atty Evans RE pet for fees resch to May 2021 mtg\_02-04-21.pdf

Dear Mr. Evans,

Attached is a letter notifying you that we have rescheduled your petition for fees case to be heard at our May 18, 2021 meeting.

If you have any questions, please let me know.

Sincerely,

**Donna Ann Malphurs**

Agency Clerk/RMLO/Public Information Officer  
Florida Elections Commission  
Main line: 850-922-4539  
Direct Dial: 850-404-5609



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

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



February 4, 2021

R. W. Evans, Esquire  
Allen Norton & Blue, P.A.  
906 N. Monroe Ste.  
Tallahassee, FL 32303

**RE: Case No.: 20-595; Respondent: Wayne Ivey**

Dear Mr. Evans:

On January 20, 2021, the Florida Elections Commission notified you that we anticipate hearing your petition for fees and costs at the Commission's February 23, 2021 meeting. However, we have since determined that **your petition will be heard at our May 18, 2021 meeting**. A notice of hearing will be mailed approximately 14 days prior to the hearing date.

If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) or at the number listed above.

Sincerely,  
**Donna Ann Malphurs**  
Donna Ann Malphurs

/dm

cc: Paul Preston, Complainant

Date Produced: 01/25/2021

Florida Elections Commission:

The following is the delivery information for Certified Mail™/RRE item number 9214 8969 0099 9790 1636 7838 83. Our records indicate that this item was delivered on 01/22/2021 at 10:17 a.m. in SEBASTIAN, FL 32976. The scanned image of the recipient information is provided below.

Signature of Recipient :



Address of Recipient :

**911 FIR ST SEBASTIAN, FL  
32976**

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: 20-595 Pet for Fees to C



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



January 20, 2021

R. W. Evans, Esquire  
Allen Norton & Blue, P.A.  
906 N. Monroe Ste.  
Tallahassee, FL 32303

**RE: Case No.: 20-595; Respondent: Wayne Ivey**

Dear Mr. Evans:

On December 21, 2020, the Florida Elections Commission notified Paul Preston that the complaint he filed on November 30, 2020 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of legal insufficiency, this case is now closed.

In your email dated December 29, 2020, you requested an award of attorney's fees and costs pursuant to Rule 2B-1.0045, Florida Administrative Code. We anticipate hearing your petition for fees and costs at the Commission's February 23, 2021 meeting. A notice of hearing will be mailed approximately 14 days prior to the hearing date.

If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) or at the number listed above.

Sincerely,

*Donna Ann Malphurs*

Donna Ann Malphurs

DM/med

cc: Paul Preston, Complainant w enclosure: Petition for Fees and Costs



Preston v. Sheriff Ivey Case No. 20-595 Jessica Grimsley to: fec@myfloridalegal.com  
12/29/2020 03:24 PM  
Cc: "Wayne Evans"  
From: "Jessica Grimsley" <jgrimsley@anblaw.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Wayne Evans" <REvans@anblaw.com>

1 Attachment



Petition for Fees.pdf

Good afternoon Ms. Donovan,

I have attached the Respondent's "request for attorney's fees and costs" in regards to the matter referenced above. Please let me know if you need anything else. Have a great day.

Thank you,

Jessa



**Jessica Grimsley**  
**Legal Assistant | Allen Norton & Blue, P.A.**  
850-561-3503  
906 N. Monroe Street | Tallahassee, FL 32303  
*The Management Labor & Employment Firm*

ALLEN NORTON & BLUE, P.A. 2018

**Best Lawyers**

**worklaw** network.

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**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**RE: Case No.: FEC 20-595; Respondent: Wayne Ivey**

**PETITION FOR ATTORNEY'S FEES AND COSTS**

**COMES NOW Respondent**, Sheriff Wayne Ivey (“Sheriff”), by and through undersigned counsel, and pursuant to Section 106.265(6), Florida Statutes, hereby requests an award of attorney’s fees and costs, and in support thereof states the following:

1. On November 30, 2020, Complainant Paul Preston (“Complainant” or “Preston”) filed a sworn complaint (“Complaint”) with the Florida Elections Commission (“Commission”), alleging that the Sheriff violated Florida’s elections laws when he did not intervene in a matter regarding the Barefoot Bay Over 60 Softball League Executive Board (“Barefoot Bay”). Additionally, Preston represented that the Sheriff violated the elections laws because an inmate was allegedly mistreated while in the custody of detention officers at the Brevard County Jail. The Executive Director informed Preston on December 21, 2020 that the Complaint was dismissed for legal insufficiency.

2. It is readily apparent that Preston has filed this Complaint with a malicious intent to injure the reputation of the Sheriff with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapters 104 or 106, Florida Statutes. Importantly, Preston previously filed a complaint on September 21, 2020 (FEC 20-407), similarly alleging violations of the elections laws because he had been trespassed by Barefoot Bay and the Sheriff failed to intervene in his dispute. The Commission dismissed this complaint for legal insufficiency on November 25, 2020. In his letter, dated November 25, 2020, the Executive Director stated:

[Preston] submitted a variety of statements and documents citing various statutes, none of which are within the jurisdiction of the

Florida Elections Commission. No cognizable claim under Chapter 104 or 106, F.S., was stated in the complaint. [Preston] submitted numerous other documents and statements supplementing the complaint, many of them duplicative, but none state a cognizable claim under any statute within the Commission's jurisdiction.

3. Notwithstanding the dismissal, Preston once again asserted in the present Complaint that the Sheriff "took no action to fix the matter concerning Barefoot Bay" as grounds for his most recent complaint against the Sheriff. To bolster his attack against the Sheriff, Preston also alleged that the Sheriff violated the elections laws because an inmate was allegedly subjected to excessive force while being restrained. Conspicuously missing from the Complaint is any statutory reference that supports Preston's allegations that the Sheriff violated Florida's elections laws.

4. Preston might be given the benefit of the doubt upon dismissal of the first complaint that his allegations did not constitute a violation of chapters 104 or 106. However, Preston blatantly ignored the Commission's dismissal and, within two weeks after the dismissal, filed yet another complaint making similar accusations against the Sheriff.

5. Section 106.265(6), Fla. Stat., provides that a complainant shall be liable for costs plus reasonable attorneys' fees incurred in the defense of a complaint that is filed with malicious intent to injure the reputation of a public officer or employee 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 Chapters 104 or 106, Fla. Stat. By once again representing to the Commission that the Sheriff violated Chapters 104 or 106 in failing to investigate his trespass and ongoing dispute with Barefoot Bay, Preston's conduct is subject to sanctions under section 106.265(6).



6. Preston has abused the Commission's investigative process as a vehicle to recklessly assert personal attacks against the Sheriff. He filed his Complaint with the malicious intent to injure the Sheriff's reputation and did so by making reckless allegations without regard to the truth and that were material in nature. In *Brown v. State, Commission on Ethics*, 969 So. 2d 553, 560 (Fla. 1st DCA 2007) the First District Court of Appeal upheld an award of attorneys' fees and costs pursuant to 112.317(7) when the complainant filed false and reckless accusations with the Commission, therefore forcing a public official into the legal system where he had no choice but to defend himself.<sup>1</sup> Sheriff Ivey was no less disadvantaged by Preston's complaints. Accordingly, the Sheriff seeks recovery of his attorney's fees incurred in defending the Complaint.

7. For the foregoing reasons, this Commission should conduct such proceedings as may be necessary to determine the appropriate amount of fees to be awarded or refer this matter to the Division of Administrative Hearings for further proceedings and fact-finding as the Commission sees fit.

Respectfully submitted this 29th day of December 2020.

/s/R.W. Evans

**R.W. EVANS, ESQUIRE**

Florida Bar No. 198862

revans@anblaw.com

**ALLEN NORTON & BLUE, P.A.**

906 North Monroe Street

Tallahassee, Florida 32303

---

<sup>1</sup> In *Brown*, the First District Court of Appeal construed section 112.317(7), Fla. Stat., in awarding costs and attorney fees relating to an ethics complaint. Section 106.265(6), Fla. Stat., is nearly identical to the provisions of section 112.317(7), Fla. Stat., and the legal analysis applied in *Brown* should likewise follow in the instant matter.

(850) 561-3503 / (850) 561-0332 (Facsimile)

Counsel for Respondent Wayne Ivey, Sheriff  
of Brevard County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via United States Mail to Paul Preston at 911 Fir Street, Barefoot Bay, Florida 32976 this 29th day of December 2020.

/s/ R.W. Evans \_\_\_\_\_  
Attorney

9214 8969 0099 9790 1636 7838 83

\$0.500

\$3.55

\$1.70

\$0.00

\$5.750

Electronic Return Receipt Requested

Paul Preston  
911 Fir Street  
Barefoot Bay, FL 32976

1/20/2021 12:00:56PM

Code: 20-595; Pet for Fees to C



9214 8969 0099 9790 1636 7838 83

Paul Preston  
911 Fir Street  
Barefoot Bay, FL 32976

Molly Donovan  
Florida Elections Commission  
107 West Gaines St, Suite 224  
Tallahassee, FL 32399-6596



**FEC 20-595 - closing letter and pet for fees**  
**Florida Elections Commission** to: Paul Preston  
Sent by: **Donna Malphurs**

01/20/2021 01:51 PM

Mr. Preston,

This case (FEC 20-595) is now closed. As you know, Attorney RW Evans filed a petition for attorney's fees and costs, and you have responded to his petition. A copy of the closing letter and the petition for fees is attached for your convenience. Pursuant to policy, we are also providing you with a copy of the petition via certified mail for your records.

If you have any questions, please let me know.

Sincerely,

Donna Ann Malphurs  
Agency Clerk/Public Information Officer

\*\*\*\*Now that this case is closed, a copy of the file contents will be provided to you as part of your public records request that is in process.\*\*\*\*



15. 20-595\_certified mail copy of closing letter to Atty Evans w pet for fees\_01-20-21.pdf



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



January 20, 2021

R. W. Evans, Esquire  
Allen Norton & Blue, P.A.  
906 N. Monroe Ste.  
Tallahassee, FL 32303

**RE: Case No.: 20-595; Respondent: Wayne Ivey**

Dear Mr. Evans:

On December 21, 2020, the Florida Elections Commission notified Paul Preston that the complaint he filed on November 30, 2020 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of legal insufficiency, this case is now closed.

In your email dated December 29, 2020, you requested an award of attorney's fees and costs pursuant to Rule 2B-1.0045, Florida Administrative Code. We anticipate hearing your petition for fees and costs at the Commission's February 23, 2021 meeting. A notice of hearing will be mailed approximately 14 days prior to the hearing date.

If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) or at the number listed above.

Sincerely,

*Donna Ann Malphurs*

Donna Ann Malphurs

DM/med

cc: Paul Preston, Complainant w enclosure: Petition for Fees and Costs



Preston v. Sheriff Ivey Case No. 20-595 Jessica Grimsley to: fec@myfloridalegal.com  
12/29/2020 03:24 PM  
Cc: "Wayne Evans"  
From: "Jessica Grimsley" <jgrimsley@anblaw.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Wayne Evans" <REvans@anblaw.com>

1 Attachment



Petition for Fees.pdf

Good afternoon Ms. Donovan,

I have attached the Respondent's "request for attorney's fees and costs" in regards to the matter referenced above. Please let me know if you need anything else. Have a great day.

Thank you,

Jessa



**Jessica Grimsley**  
**Legal Assistant | Allen Norton & Blue, P.A.**  
850-561-3503  
906 N. Monroe Street | Tallahassee, FL 32303  
*The Management Labor & Employment Firm*

ALLEN NORTON & BLUE, P.A. 2018



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**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**RE: Case No.: FEC 20-595; Respondent: Wayne Ivey**

**PETITION FOR ATTORNEY'S FEES AND COSTS**

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1. On November 30, 2020, Complainant Paul Preston (“Complainant” or “Preston”) filed a sworn complaint (“Complaint”) with the Florida Elections Commission (“Commission”), alleging that the Sheriff violated Florida’s elections laws when he did not intervene in a matter regarding the Barefoot Bay Over 60 Softball League Executive Board (“Barefoot Bay”). Additionally, Preston represented that the Sheriff violated the elections laws because an inmate was allegedly mistreated while in the custody of detention officers at the Brevard County Jail. The Executive Director informed Preston on December 21, 2020 that the Complaint was dismissed for legal insufficiency.

2. It is readily apparent that Preston has filed this Complaint with a malicious intent to injure the reputation of the Sheriff with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapters 104 or 106, Florida Statutes. Importantly, Preston previously filed a complaint on September 21, 2020 (FEC 20-407), similarly alleging violations of the elections laws because he had been trespassed by Barefoot Bay and the Sheriff failed to intervene in his dispute. The Commission dismissed this complaint for legal insufficiency on November 25, 2020. In his letter, dated November 25, 2020, the Executive Director stated:

[Preston] submitted a variety of statements and documents citing various statutes, none of which are within the jurisdiction of the

Florida Elections Commission. No cognizable claim under Chapter 104 or 106, F.S., was stated in the complaint. [Preston] submitted numerous other documents and statements supplementing the complaint, many of them duplicative, but none state a cognizable claim under any statute within the Commission's jurisdiction.

3. Notwithstanding the dismissal, Preston once again asserted in the present Complaint that the Sheriff "took no action to fix the matter concerning Barefoot Bay" as grounds for his most recent complaint against the Sheriff. To bolster his attack against the Sheriff, Preston also alleged that the Sheriff violated the elections laws because an inmate was allegedly subjected to excessive force while being restrained. Conspicuously missing from the Complaint is any statutory reference that supports Preston's allegations that the Sheriff violated Florida's elections laws.

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6. Preston has abused the Commission's investigative process as a vehicle to recklessly assert personal attacks against the Sheriff. He filed his Complaint with the malicious intent to injure the Sheriff's reputation and did so by making reckless allegations without regard to the truth and that were material in nature. In *Brown v. State, Commission on Ethics*, 969 So. 2d 553, 560 (Fla. 1st DCA 2007) the First District Court of Appeal upheld an award of attorneys' fees and costs pursuant to 112.317(7) when the complainant filed false and reckless accusations with the Commission, therefore forcing a public official into the legal system where he had no choice but to defend himself.<sup>1</sup> Sheriff Ivey was no less disadvantaged by Preston's complaints. Accordingly, the Sheriff seeks recovery of his attorney's fees incurred in defending the Complaint.

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Respectfully submitted this 29th day of December 2020.

/s/R.W. Evans  
**R.W. EVANS, ESQUIRE**  
Florida Bar No. 198862  
revans@anblaw.com  
**ALLEN NORTON & BLUE, P.A.**  
906 North Monroe Street  
Tallahassee, Florida 32303

---

<sup>1</sup> In *Brown*, the First District Court of Appeal construed section 112.317(7), Fla. Stat., in awarding costs and attorney fees relating to an ethics complaint. Section 106.265(6), Fla. Stat., is nearly identical to the provisions of section 112.317(7), Fla. Stat., and the legal analysis applied in *Brown* should likewise follow in the instant matter.

(850) 561-3503 / (850) 561-0332 (Facsimile)

Counsel for Respondent Wayne Ivey, Sheriff  
of Brevard County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via United States Mail to Paul Preston at 911 Fir Street, Barefoot Bay, Florida 32976 this 29th day of December 2020.

/s/ R.W. Evans \_\_\_\_\_  
Attorney

9214 8969 0099 9790 1636 7838 83

\$0.500

\$3.55

\$1.70

\$0.00

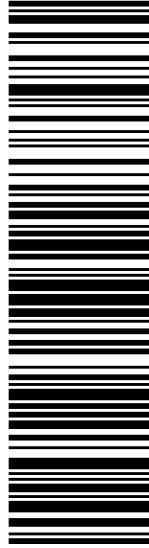
\$5.750

Electronic Return Receipt Requested

Paul Preston  
911 Fir Street  
Barefoot Bay, FL 32976

1/20/2021 12:00:56PM

Code: 20-595; Pet for Fees to C



9214 8969 0099 9790 1636 7838 83

Paul Preston  
911 Fir Street  
Barefoot Bay, FL 32976

Molly Donovan  
Florida Elections Commission  
107 West Gaines St, Suite 224  
Tallahassee, FL 32399-6596



# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



January 20, 2021

R. W. Evans, Esquire  
Allen Norton & Blue, P.A.  
906 N. Monroe Ste.  
Tallahassee, FL 32303

**RE: Case No.: 20-595; Respondent: Wayne Ivey**

Dear Mr. Evans:

On December 21, 2020, the Florida Elections Commission notified Paul Preston that the complaint he filed on November 30, 2020 was legally insufficient. Since the Commission did not receive any additional information that corrected the stated grounds of legal insufficiency, this case is now closed.

In your email dated December 29, 2020, you requested an award of attorney's fees and costs pursuant to Rule 2B-1.0045, Florida Administrative Code. We anticipate hearing your petition for fees and costs at the Commission's February 23, 2021 meeting. A notice of hearing will be mailed approximately 14 days prior to the hearing date.

If you have any questions, please contact us at [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com) or at the number listed above.

Sincerely,  
**Donna Ann Malphurs**  
Donna Ann Malphurs

DM/med  
cc: Paul Preston, Complainant w enclosure: Petition for Fees and Costs

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

**ADDITIONAL COMPLAINT INFORMATION**

**Case Number: FEC 20-407**

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 Indian River

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

Paul Croston  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 5<sup>th</sup> day of January, 2021.

Mrs. Wright  
Signature of Officer Authorized to Administer

Oaths or Notary Public

Marilyn Wright  
(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 Form 2 (5/17)  
Rules 2B-1.0025 & 2B-1.009, F.A.C.

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

RE: Case No.: FEC 20-595; Respondent: Wayne Ivey

Objection to R.W. Evans' PETITION FOR ATTORNEY FEES AND COST.

Brevard County Supervisor of Election and Florida Ethics Commission encouraged filing with the Election Commission are shown below. The Ethics Commission even went on to identify other concerns including potential Federal law, civil contract/business entity law violations.

I received an email telling me we need to talk. We talked and I was encouraged to submit a case. The case was delayed due to the virus.

In the event **EVANS** is awarded as much as one cent the case will be revised to include details and request that the concerns the Ethics Commission identified be investigated. Also, the IRS will be notified of the issues.

The filings were based on recommendations by Brevard County Supervisor of Elections Office who released the following on 8/27.2020

In a message dated 8/27/2020 4:29:13 PM Eastern Standard Time,  
[jdagostino@votebrevard.com](mailto:jdagostino@votebrevard.com) writes:

Mr. Preston,

It is not within the purview of the Supervisor of Elections to investigate alleged violations of Florida's Election Code. You may wish to consider directing your concerns to the Florida Elections Commission (FEC). I have attached a link to their website for your convenience.

<http://www.fec.state.fl.us/FECWebFi.nsf/pages/Complaints>

Best regards,

**Jennifer D'Agostino**

Candidate Coordinator

**Brevard County Supervisor of Elections Office**

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 no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

Sincerely,



Tim Vaccaro  
Executive Director

TV:med

Enclosure: Additional Complaint Information Form 2  
cc: R. W. Evans, Attorney for Respondent w/out Enclosure

Below is Florida Commission on Ethics letter documenting their review revealed possible election law and other matters outside the Commission's jurisdiction gave the Commission concerns.

Dear Mr. Preston:

I am returning your complaint form naming Wayne Ivey (and its attachments) because the matters described therein are not within the jurisdiction of the Florida Commission on Ethics. Rather, your submission potentially concerns election law, Federal law, civil contract/business entity law, and other matters outside the Commission's jurisdiction.

Sincerely,

  
Chris Anderson  
Executive Director  
Florida Commission on Ethics

<p>Paul Preston 911 Fir St. Barefoot Bay, FL 32976 772-202-4799 561-756-0233 cell</p>		<p><b>Paul Preston, I need to talk to you</b> 5/31/2020 2:18:31 PM Eastern Standard Time <a href="mailto:info@ourpresident.com">info@ourpresident.com</a> <a href="mailto:prezpresto@aol.com">prezpresto@aol.com</a></p>
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### Contact the White House

Thank you for your submission!

OK

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://www.donaldtrump.com/support-center> and submit a case.

SUBMIT A CASE

In a message dated 5/4/2019 3:14:05 PM Eastern Standard Time, [corphelp@DOS.MyFlorida.com](mailto:corphelp@DOS.MyFlorida.com) writes:

**Good Afternoon,**

The EIN is assigned and regulated by the IRS. Their office would be of better assistance. The Division of Corporations acts in a ministerial filing capacity only. We do not have statutory authority to regulate individual businesses nor do we have investigative capability. (See 607.0125, F.S.). Our function is to file documents, maintain them in the public record and make them available to the public when requested. That does not mean that we do not care that an individual may be holding them self out to be a Corporation/LLC when they are not. If an individual holds them self out to be a Corporation/LLC and they are not, they **are liable severally and individually for any claim** against the business name. That is the penalty. Obviously **someone would be ill advised to conduct** business in this manner but the Division of Corporations does not and cannot pursue an action against a business because it conducts its affairs in this manner. If you have a personal dispute with a business that is not filed on our records you certainly can bring this point out in any legal documents and a court can determine what can be done legally.

**Lee Yarbrough Senior Section Administrator** Florida Department of State Division of Corporations Internet Access Section

# State of Florida Department of State

I certify from the records of this office that BAREFOOT BAY OVER 60 SOFTBALL, INC was a corporation organized under the laws of the State of Florida, filed on April 1, 2019, effective March 28, 2019.

The document number of this corporation is P19000029400.

I further certify that said corporation filed a Voluntary Dissolution on April 23, 2019, and that its status is inactive.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Seventeenth day of June, 2020*



*Randy R...*  
Secretary of State

Tracking Number: 0522145613C1

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sosbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

## Jury foreman

verify the following:

1) verify Lee's certification documents the league filed as a for-profit corporation effective March 28, 2019 and dissolved on April 23, 2019.

Is the information in Lee's certification accurate?

Yes \_\_\_ No \_\_\_

2) Does Lee's certification provide the legal status of the league? Yes \_\_\_ No \_\_\_

BAREFOOT BAY OVER 60 SOFTBALL INC

### Filing Information

Document Number	P19000029400
FEI/EIN Number	NONE
Date Filed	04/01/2019
Effective Date	03/28/2019
State	FL
Status	INACTIVE
Last Event	VOLUNTARY DISSOLUTION
Event Date Filed	04/23/2019
Event Effective Date	04/23/2019

3) do you see a valid EIN

Yes \_\_\_ No \_\_\_

BAREFOOT BAY OVER 60 SOFTBALL INC

### Filing Information

Document Number	P19000029400
FEI/EIN Number	NONE
Date Filed	04/01/2019
Effective Date	03/28/2019
State	FL
Status	INACTIVE
Last Event	VOLUNTARY DISSOLUTION
Event Date Filed	04/23/2019
Event Effective Date	04/23/2019

The mandatory EIN is missing

Evans should be aware of this violation.

If not he needs report the violation immediately to avoid prosecution.

Supports Lee's claim the league dissolved and 817 was violated.



## ARTICLES OF DISSOLUTION

Pursuant to section 607.1403, Florida Statutes, this Florida corporation submits the following Articles of Dissolution:

- FIRST: The name of the corporation as currently filed with the Florida Department of State:  
BAREFOOT BAY OVER 60 SOFTBALL INC
- SECOND: The document number of the corporation: P19000029400
- THIRD: The date dissolution was authorized: April 23, 2019  
Effective date of dissolution: April 23, 2019
- FOURTH: Dissolution was approved by the shareholders. The number of votes cast for dissolution was sufficient for approval.

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: MIKE KILGUS PRESIDENT  
Electronic Signature of Signing Officer, Director, Incorporator or Authorized Representative

Evans' petition for fees indicates he has read enough information to know either that the softball league did not dissolve as claimed in the above **ARTICLES OF DISSOLUTION** to know 817 was violated as proven by the team rosters, the scores published in the newspaper, the letters sent to Preston threatening arrest and other possible harm. Therefore, the Election Commission being an agency and/or a department of the state is tasked with verifying documents as mandated by item 4 of 92.525 shown below:

**The documents to be verify and the request for admissions and producing of records follow 92.525**

92.525 Verification of documents; perjury by false written declaration, penalty.—

- (1) When it is authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:
- (a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths; or
- (b) By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) As used in this section:

**(a) The term administrative agency means any department or agency of the state or any county, municipality, special district, or other political subdivision.**

(b) The term document means any writing including, without limitation, any form, application, claim, notice, tax return, inventory, affidavit, pleading, or paper.

(c) The requirement that a document be verified means that the document must be signed or executed by a person and that the person must state under oath or affirm that the facts or matters stated or recited in the document are true, or words of that import or effect.

#### **VERIFY THE FOLLOWING**

1. **Lee's** Certification documents the league dissolved on April 23, 2019.
2. **Verify** articles of dissolution proves Lee's statements in her certification are true.
3. The team rosters, schedules, and scores published proves 817 was violated.
4. An **817** violation is a 3<sup>rd</sup> degree felony.
5. Document P19000029400 is missing the mandatory EIN
6. EIN 59-2359782 was revoked in 2010
7. EIN 59-2359782 has never been reinstated.
8. **876.05** mandates officers and employees take an oath.

#### **876.05 Public employees; oath.—**

(1) All persons who now or hereafter are employed by or who now or hereafter **are on the payroll** of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:

I, , a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and **a recipient of public funds as such employee** or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

(2) Said oath shall be filed with the records of the governing official or employing governmental agency prior to the approval **of any voucher for the payment of salary, expenses, or other compensation.**

9. **876.06** mandates a person who refuses to execute their oath are to be immediately from removed from the payroll.

876.06 Discharge for refusal to execute.—If any person required by ss. 876.05-876.10 to take the oath herein provided for fails to execute the same, the governing authority under which such person is employed shall cause said person to **be immediately discharged**, and his or her name **removed from the payroll**, and such person shall **not be permitted to receive any payment** as an employee or as an officer where he or she was serving.

10. **876-08** any governing authority [ Preston thinks this includes FL bar, commissions, and county and state employee] who refuses to permit an employee to continue on payroll is guilty of a crime.

876.08 Penalty for not discharging.—Any governing authority or person, under whom any employee is serving or by whom employed who shall knowingly or carelessly permit any such employee to continue in employment after failing to comply with the provisions of ss. 876.05-876.10, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

11. **Item (f) 5.11** indicates disbarment is appropriate when a lawyer intentional conduct involves dishonest acts.

**5.11** Disbarment is appropriate when:

- (a) lawyer is convicted of a felony under applicable law; or
  - (b) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or
  - (c) a lawyer engages in the sale, distribution or importation of controlled substances; or
  - (d) a lawyer engages in the intentional killing of another; or
  - (e) a lawyer attempts or conspires or solicits another to commit any of the offenses listed in sections (a)-(d); or
  - (f) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.
- 

12. **6.11** indicates disbarment is appropriate when a lawyer improperly withhold important information or submits false documents.

**6.11** Disbarment is appropriate when a lawyer:

- (a) with the intent to deceive the court, knowingly makes a false statement or submits a false document; or
  - (b) improperly withholds material **information, and** causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.
-

13. 6.21 indicates disbarment is appropriate when a lawyer obtain a benefit [in Preston's this includes attempts to collect a benefit and interferes with a legal proceeding].

**6.21** Disbarment is appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

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14. 7.21 can be disbarred (s)he violates a duty owed, like reporting felony acts like 817 violations

**7.1** Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

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15. 4-8 mandates lawyers have the duty to maintain integrity of law.

## **4-8 MAINTAINING THE INTEGRITY OF THE PROFESSION**

### ***RULE 4-8.4 MISCONDUCT***

A lawyer shall not:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall

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16. 4-8.3 mandates lawyers report other lawyer who knows another lawyer has violated the rules. In Preston's opinion includes attempt to collect a benefit and conceals the violation of 817 and other laws and rights

### ***RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT***

(a) **Reporting Misconduct of Other Lawyers.** A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate professional authority.

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17. 4-5 law firms including Allen Norton and Blue have the responsibility to ensure their members adhere to Rules of Professional Regulations including those previously identified.

**4-5. LAW FIRMS AND ASSOCIATIONS**  
**RULE 4-5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS**

(a) **Duties Concerning Adherence to Rules of Professional Conduct.** A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers therein conform to the Rules of Professional Conduct.

(b) **Supervisory Lawyer's Duties.** Any lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

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18. Section of 8 of Florida's Constitution makes any person liable to the State for all financial benefits obtained in violation of this right. Such as seeking to obtain fees while concealing an unlawful act.

**SECTION 8. Ethics in government.**

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be **liable to the state for all financial benefits** obtained by such actions. The manner of recovery and additional damages may be provided by law.

19. 110.127 states penalties that if imposed would prohibit employment for a period of 5 years

**State/county employee oath:**

**110.127 Penalties.—**

(1) Any person who willfully violates any provision of this chapter or of any rules adopted pursuant to the authority herein granted is guilty of a misdemeanor of the second degree, punishable as provided in ~~s. 775.082~~ or ~~s. 775.083~~.

(2) The provisions of s. ~~112.011~~ to the contrary notwithstanding, any person who is convicted of a misdemeanor under this chapter shall be, for a period of 5 years, ineligible for appointment to or employment in a position in the state service and, if an employee of the state, shall forfeit his or her position.

20. 1001 provides for fines and up 5 years imprisonment for those who conceals or covers up a crime by making false statement or just be remaining silent when having knowledge of a crime.

The statute spells out this purpose in subsection 18 U.S.C. § 1001(a), which states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, **conceals, or covers up** by any trick, scheme, or device[ , ] a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years

**21. Section 24** documents it is unlawful for 2 or more persons injure, oppress, threaten or intimidate a person like Preston who exposed the violation 817.

### **Title 18, U.S.C., Section 241 - Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to **conspire to injure, oppress, threaten, or intimidate** any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States

**22. 1.380** addresses failure to allow discovery, such as failure to schedule a review of document like the names of shareholders who were reported have voted to dissolve the league.

#### **RULE 1.380. FAILURE TO MAKE DISCOVERY; SANCTIONS**

(3) Evasive or Incomplete Answer. For purposes of this subdivision an evasive or incomplete answer shall be treated as a failure to answer.

**23. 18 U.S.C section 4** provides that if you have knowledge of a felony and you conceal that crime by not reporting it you could face up to a \$250,000 fine, imprisonment up to 3 years or both. **In Preston's opinion** could and should involve failure to report the violation of 817, 849, and rights.

When is it a crime not to report a crime.

#### **Failure to Report a Crime under Federal Law (18 U.S.C. section 4)**

Federal law prohibits **concealing information** about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

You have knowledge of the commission of a felony;

The felony actually occurred; and The felony is a federal offense;

If you **willfully conceal the commission** of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a \$250,000 fine, imprisonment up to three years, or both fine and imprisonment.

#### **OPPORTUNITY/ACTION TO AVOID PENALTIES**

AFTER verifying the above compare it to Evans' motion for fees and if you find violations of any of the statutes provided above. You can submit a file to the White House via the link shown below:

In your submission include my name [Paul Preston and refence the code name "THE TROJAN AFFAIR" AND copy me or inform me you have submitted fact supporting Preston's case.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldjtrump.com/support-center> and submit a case.

**SUBMIT A CASE**

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**RE: Case No.: FEC 20-595; Respondent: Wayne Ivey**

**PETITION FOR ATTORNEY'S FEES AND COSTS**

**COMES NOW Respondent**, Sheriff Wayne Ivey ("Sheriff"), by and through undersigned counsel, and pursuant to Section 106.265(6), Florida Statutes, hereby requests an award of attorney's fees and costs, and in support thereof states the following:

1. On November 30, 2020, Complainant Paul Preston ("Complainant" or "Preston") filed a sworn complaint ("Complaint") with the Florida Elections Commission ("Commission"), alleging that the Sheriff violated Florida's elections laws when he did not intervene in a matter regarding the Barefoot Bay Over 60 Softball League Executive Board ("Barefoot Bay"). Additionally, Preston represented that the Sheriff violated the elections laws because an inmate was allegedly mistreated while in the custody of detention officers at the Brevard County Jail. The Executive Director informed Preston on December 21, 2020 that the Complaint was dismissed for legal insufficiency.

2. It is readily apparent that Preston has filed this Complaint with a malicious intent to injure the reputation of the Sheriff with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapters 104 or 106, Florida Statutes. Importantly, Preston previously filed a complaint on September 21, 2020 (FEC 20-407), similarly alleging violations of the elections laws because he had been trespassed by Barefoot Bay and the Sheriff failed to intervene in his dispute. The Commission dismissed this complaint for legal insufficiency on November 25, 2020. In his letter, dated November 25, 2020, the Executive Director stated:

[Preston] submitted a variety of statements and documents citing various statutes, none of which are within the jurisdiction of the

Reviewer, please indicate here what violations Evans committed if any.

Example: by seeking fees while having knowledge 817 was violated.

Did he violate 1001 by concealing a felony.

Yes \_\_\_ No \_\_\_

Florida Elections Commission. No cognizable claim under Chapter 104 or 106, F.S., was stated in the complaint. [Preston] submitted numerous other documents and statements supplementing the complaint, many of them duplicative, but none state a cognizable claim under any statute within the Commission's jurisdiction.

3. Notwithstanding the dismissal, Preston once again asserted in the present Complaint that the Sheriff "took no action to fix the matter concerning Barefoot Bay" as grounds for his most recent complaint against the Sheriff. To bolster his attack against the Sheriff, Preston also alleged that the Sheriff violated the elections laws because an inmate was allegedly subjected to excessive force while being restrained. Conspicuously missing from the Complaint is any statutory reference that supports Preston's allegations that the Sheriff violated Florida's elections laws.

4. Preston might be given the benefit of the doubt upon dismissal of the first complaint that his allegations did not constitute a violation of chapters 104 or 106. However, Preston blatantly ignored the Commission's dismissal and, within two weeks after the dismissal, filed yet another complaint making similar accusations against the Sheriff.

5. Section 106.265(6), Fla. Stat., provides that a complainant shall be liable for costs plus reasonable attorneys' fees incurred in the defense of a complaint that is filed with malicious intent to injure the reputation of a public officer or employee 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 Chapters 104 or 106, Fla. Stat. By once again representing to the Commission that the Sheriff violated Chapters 104 or 106 in failing to investigate his trespass and ongoing dispute with Barefoot Bay, Preston's conduct is subject to sanctions under section 106.265(6).



6. Preston has abused the Commission's investigative process as a vehicle to recklessly assert personal attacks against the Sheriff. He filed his Complaint with the malicious intent to injure the Sheriff's reputation and did so by making reckless allegations without regard to the truth and that were material in nature. In *Brown v. State, Commission on Ethics*, 969 So. 2d 553, 560 (Fla. 1st DCA 2007) the First District Court of Appeal upheld an award of attorneys' fees and costs pursuant to 112.317(7) when the complainant filed false and reckless accusations with the Commission, therefore forcing a public official into the legal system where he had no choice but to defend himself.<sup>1</sup> Sheriff Ivey was no less disadvantaged by Preston's complaints. Accordingly, the Sheriff seeks recovery of his attorney's fees incurred in defending the Complaint.

7. For the foregoing reasons, this Commission should conduct such proceedings as may be necessary to determine the appropriate amount of fees to be awarded or refer this matter to the Division of Administrative Hearings for further proceedings and fact-finding as the Commission sees fit.

Respectfully submitted this 29th day of December 2020.

/s/R.W. Evans

**R.W. EVANS, ESQUIRE**

Florida Bar No. 198862

revans@anblaw.com

**ALLEN NORTON & BLUE, P.A.**

906 North Monroe Street

Tallahassee, Florida 32303

<sup>1</sup> In *Brown*, the First District Court of Appeal construed section 112.317(7), Fla. Stat., in awarding costs and attorney fees relating to an ethics complaint. Section 106.265(6), Fla. Stat., is nearly identical to the provisions of section 112.317(7), Fla. Stat., and the legal analysis applied in *Brown* should likewise follow in the instant matter.

3

(850) 561-3503 / (850) 561-0332 (Facsimile)

Counsel for Respondent Wayne Ivey, Sheriff  
of Brevard County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via United States Mail to Paul Preston at 911 Fir Street, Barefoot Bay, Florida 32976 this 29th day of December 2020.

/s/ R.W. Evans

Attorney

4

STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

RE: Case No.: FEC 20-595; Respondent: Wayne Ivey

Request for admissions

Admit the following don't exist

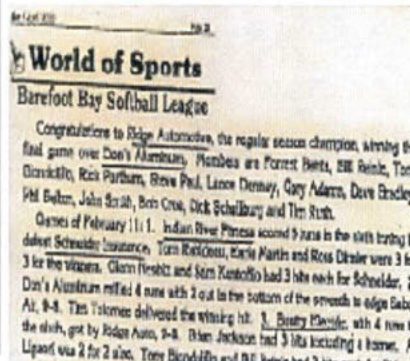
- 1) IRS' letter granting tax-exempt Status
- 2) Documents related to reinstating EIN 59-2359782, including checks supporting the reinstatement.
- 3) The meeting minutes where the shareholder voted to dissolve the league.
- 4) The sign in sheet of the meeting where the shareholder voted to dissolve.
- 5) Name of at least 25 shareholders who voted to dissolve.
- 6) Checks issued to showing funds were disbursed as mandated per dissolution.
- 7) Bank statement showing a zero balance reflecting the dissolution.
- 8) The tickets used to raise funds related to 50/50 or Split pot
- 9) Names of those participating in the slit pot.
- 10) documentation such as 1099s, W2s or any other form showing Joe Zeigler reported his income from field maintenance to the IRS.
- 11) The 990 forms filed with the IRS in 2017, 2018, 2019
- 12) The registration forms showing all officers of the softball league were/are year-round district residents in 2018, 2019, 2020.
- 13) The document(s) sent to the IRS requesting the IRS' consent to dissolve.
- 14) Copy of the IRS consent to dissolve.

**Requested action**

1. Ensure the law firm of Allen Norton & Blue comply with 4-5 their Responsibility identified in Rule 4-5.1 by reporting any violated committed by R.W. Evans. Did Evans violate? Yes \_\_\_\_ No \_\_\_\_
2. Ensure the law firm of Allen Norton & Blue does not join a conspiracy to conceal unlawful acts.
3. FEC, is to issue a statement, did Lee make false statements in her certification claiming the league dissolved.
4. FEC, issue a statement if the league played after informing the State they dissolved.
5. FEC, Identify all persons guilty of concealing unlawful acts.
6. **FEC**, describing how it would be possible for Lee and the League both make true statements when one says they dissolve and the league action documents they generated schedules, team roster, and scores published in the newspaper.

2019 - 2020 SEASON

DATE	9:00	10:15	11:30	DATE	9:00	10:15	11:30
OCT Tue 15	6-4	3-2	5-1	JAN Tue 28	1-3	4-2	5-6
Thrs 17	5-3	1-4	6-2	Thrs 30	4-5	2-1	6-3
Tue 22	4-2	5-6	1-3	FEB Tue 4	5-2	3-4	6-1
Thrs 24	2-1	6-3	4-5	Thrs 6	2-3	1-5	4-6
				Tue 11	4-1	2-6	3-5
OCT Tue 29	4-3	6-1	5-2	Thrs 13	6-5	3-1	2-4
Thrs 31	1-5	4-6	2-3	Tue 18	1-6	5-4	1-2
NOV Tue 5	2-6	3-5	4-1	Thrs 20	4-3	6-1	5-2
Thrs 7	3-1	2-4	6-5	Tue 25	1-5	4-6	2-3
Tue 12	5-4	1-2	3-6	Thrs 27	6-2	5-3	1-4
Thrs 14	2-5	4-3	1-6	MAR Tue 3	3-1	2-4	6-5
Tue 19	3-2	5-1	6-4	Thrs 5	5-4	1-2	3-6
Thrs 21	1-4	6-2	5-1	PLAYOFFS			



Barefoot Bay Senior Softball  
March 16 at 9:33 PM ·

Based on the current health concerns of the country, because of the Coronavirus, the Senior Bay Softball Executive Board along with the newly elected incoming board met tonight after receiving a directive from the Bay. Based on the directive, and a vote of the board, it was decided that the playoffs would not continue and the softball season would be officially ended. Furthermore, all practices will be suspended until further notice.

This table documents the Softball League did not dissolve as Kilgus claims, therefore FS 817 was violated constituting a 3<sup>rd</sup> degree felony.

2019 - 2020 SEASON

DATE	9:00	10:15	11:30	DATE	9:00	10:15	11:30
OCT Tue 15	6-4	3-2	5-1	JAN Tue 28	1-3	4-2	5-6
Thrs 17	5-3	1-4	6-2	Thrs 30	4-5	2-1	6-3
Tue 22	4-2	5-6	1-3	FEB Tue 4	5-2	3-4	6-1

(Sheet 1)

TEAM #1	TEAM #2	TEAM #3	TEAM #4	TEAM #5	TEAM #6
1E. Martin	S. Bryant	Rainie	S. Kentoffo	Verbeekhus	DeGennaro
2D. Dineu	T. Mazono	F. Banta	R. Dufosse	Korman	Talomo
3B. Acker	Armstrong	Biondillo	Higgins	Garnes	C. Lewis
4S. Farnell	C. Krough	Parham	Schleifer	Belanger	Phillips

The BBB, several State employees recommended that the violation of 817 should be sent to the Attorney General for prosecution. I was waiting for the rosters and schedule to be issued before I complete the prosecution package.

Jury foreman  
, verify the following:

1) the league schedule shows the league played after submitting statements that they dissolved.  
Yes \_\_\_\_ No \_\_\_\_

2) season ended on March 16, 2020 due to the virus.  
Yes \_\_\_\_ No \_\_\_\_

scores were published in the Tattler newspaper  
Yes \_\_\_\_ No \_\_\_\_

3) The rosters for 2019-2020 & 2020-2021 seasons proves a felony occurred.  
Yes \_\_\_\_ No \_\_\_\_

Mr Paul Preston  
911 Fir St  
Sebastian FL 32976-7325



RECEIVED

2021 JAN 11 A 11:45

STATE OF FLORIDA  
ELECTIONS COMMISSION

Florida Election Commission  
107 West Gaines Street  
Collins Building, Suite 224  
Tallahassee, FL 32399-1050



Re: FEC 20-595 -- Response to Petition for Fees Paul Preston to: fec 01/06/2021 10:36 AM

From: "Paul Preston" <prezpresto@aol.com>

To: fec@myfloridalegal.com

Please respond to "Paul Preston" <prezpresto@aol.com>

see red: thanks for the info.

In a message dated 1/6/2021 10:17:16 AM Eastern Standard Time, fec@myfloridalegal.com writes:

Dear Mr. Preston,

Thank you for your response to the Petition for Fees. This email and attachments will be included with the materials provided to the members of the Commission when hearing Mr. Evan's Petition for Fees. It is anticipated that this Petition will be heard at the Commission's next available hearing, which is currently scheduled for February 23, 2021, in Tallahassee. A notice of hearing will be issued approximately 14 days prior the meeting date.

In regards to your email message, it is unclear to me what you are asking for. Please clarify your request. I think I sent 2 other files but I don't have a hard copy or the files. If mailed them be fore me a copy.

Sincerely,

Donna Ann Malphurs  
Agency Clerk

cc: RW Evans, Attorney for Respondent

▼ "Paul Preston" ---01/06/2021 06:43:05 AM---Donna the files are in the mail. I believe included 2 more but can't find the file or hard copy. if

From: "Paul Preston" <prezpresto@aol.com>

To: [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)

Date: 01/06/2021 06:43 AM

Subject: Preston - object to Evans' attempt to collect an unjust enrichment

Donna

the files are in the mail. I believe included 2 more but can't find the file or hard copy. if get please them to me

I might file a counter suit unless these felony acts are reported and concealer prosecuted

Paul Preston  
911 Fir St.  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell

[attachment "irsADD12.26.2020.docx" deleted by Donna Malphurs/OAG]  
[attachment "fec.my.reply2 evans.docx" deleted by Donna Malphurs/OAG]



**FEC 20-595 -- Response to Petition for Fees** 

**Florida Elections Commission** to: Paul Preston

Sent by: **Donna Malphurs**

Cc: REvans

01/06/2021 10:17 AM

Dear Mr. Preston,

Thank you for your response to the Petition for Fees. This email and attachments will be included with the materials provided to the members of the Commission when hearing Mr. Evan's Petition for Fees. It is anticipated that this Petition will be heard at the Commission's next available hearing, which is currently scheduled for February 23, 2021, in Tallahassee. A notice of hearing will be issued approximately 14 days prior the meeting date.

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Sincerely,

Donna Ann Malphurs  
Agency Clerk

cc: RW Evans, Attorney for Respondent

"Paul Preston"

Donna the files are in the mail. I believe include...

01/06/2021 06:43:05 AM

From: "Paul Preston" <prezpresto@aol.com>  
To: fec@myfloridalegal.com  
Date: 01/06/2021 06:43 AM  
Subject: Preston - object to Evans' attempt to collect an unjust enrichment

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Barefoot Bay, FL 32976  
772-202-4799  
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[attachment "irsADD12.26.2020.docx" deleted by Donna Malphurs/OAG] [attachment "fec.my.reply2 evans.docx" deleted by Donna Malphurs/OAG]



Preston - object to Evans' attempt to collect an unjust enrichment  
Paul Preston to: fec  
01/06/2021 06:43 AM  
From: "Paul Preston" <prezpresto@aol.com>  
To: fec@myfloridalegal.com  
Please respond to "Paul Preston" <prezpresto@aol.com>

2 Attachments



irsADD12.26.2020.docx fec.my.reply2 evans.docx

Donna

the files are in the mail. I believe included 2 more but can't find the file or hard copy. if get please them to me

I might file a counter suit unless these felony acts are reported and concealer prosecuted

Paul Preston  
911 Fir St.  
Barefoot Bay, FL 32976  
772-202-4799  
561-756-0233 cell



Department of the Treasury  
Internal Revenue Services  
Tax Exempt and Government Entities  
Mail Stop 4910 DAL  
1100 Commerce Street  
Dallas, TX 75242-1027

Subject: additional information related to Barefoot Bay Over60 Softball. RE. your letter dated 6/10/2019

Dear Sean E. O-Reilly,


12.28.2020

You will find additional information in this package that among other things will offer evidence that a felony act occurred and proof I was retaliated against for exposing the violation of 849 and 817 that could lead to my death at the hands of Brevard's County Sheriff Wayne Ivey. Ivey has caused concerns by having a prisoner die in his custody. See Florida Today's article revealing they had to sue to get the video of the prisoner last moments that ended with tasers in his back, pepper spray in his eyes with his hand cuffed behind this back and a bag over his head. You can view the 2-hour ordeal online.

C:\Users\Paul\Documents\CaptureWiz\Recordings\sugar\_video\_016.cwm watch the man die

I have received threaten calls and an aggressive person who came to my home in a threatening manner, but the Sheriff has refused to issue the paperwork to get the phone numbers and to trespass the aggressive person who was identified.

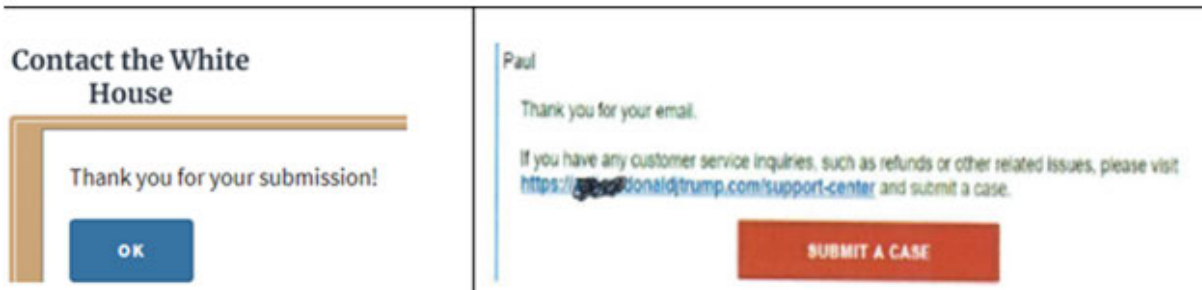
Action requested: 1) expose those who knows a crime was committed but failure to report the crime. (2) prevent further harm. (3) determine if liberty Mutual (4) confirm a conspiracy against rights occurred. See file sds.opportunity.todd2.docx

 <b>Department of the Treasury</b> <b>Internal Revenue Service</b> <b>Tax Exempt and Government Entities</b> Room 855, MC 4910DAL 1100 Commerce Street Dallas, TX 75242-1100	Date: 05/21/2019
PAUL PRESTON 911 FIR STREET BAREFOOT FL 32976	
Dear MR PRESTON:	
Thank you for the information you submitted on 05/13/2019. The IRS has an ongoing audit program to ensure compliance with the Internal Revenue Code (IRC). We'll consider the information you submitted in this program.	
IRC Section 6103 requires that tax returns and return information must be confidential, and disclosure cannot be made except as authorized by the IRC. Therefore, we can't disclose whether we have initiated an investigation based on the information you submitted, and we can't disclose the status of any investigation. If you later have additional information you think is relevant to this matter, please attach a copy of this letter to the information and send it to the address shown above.	
We appreciate your bringing this matter to our attention. If you have questions, call IRS Customer Account Services at 877-829-5500.	
Sincerely, <i>Sean E. O'Reilly</i> Sean E. O'Reilly Acting Director, Compliance Planning & Classification	
Letter 4426 (Rev. 4-2019) Catalog Number 25761K	

I was asked to submit a case. I delayed submitting the case until recently because of the virus.



Now with less than 30 days left the case may not get reviewed in time and I would prefer the State expose these actions that dishonors the blood of those who gave all. Failure to expose and prosecute the violators could make the State libel for \$100,000,000? See bonding requirements for our governor.

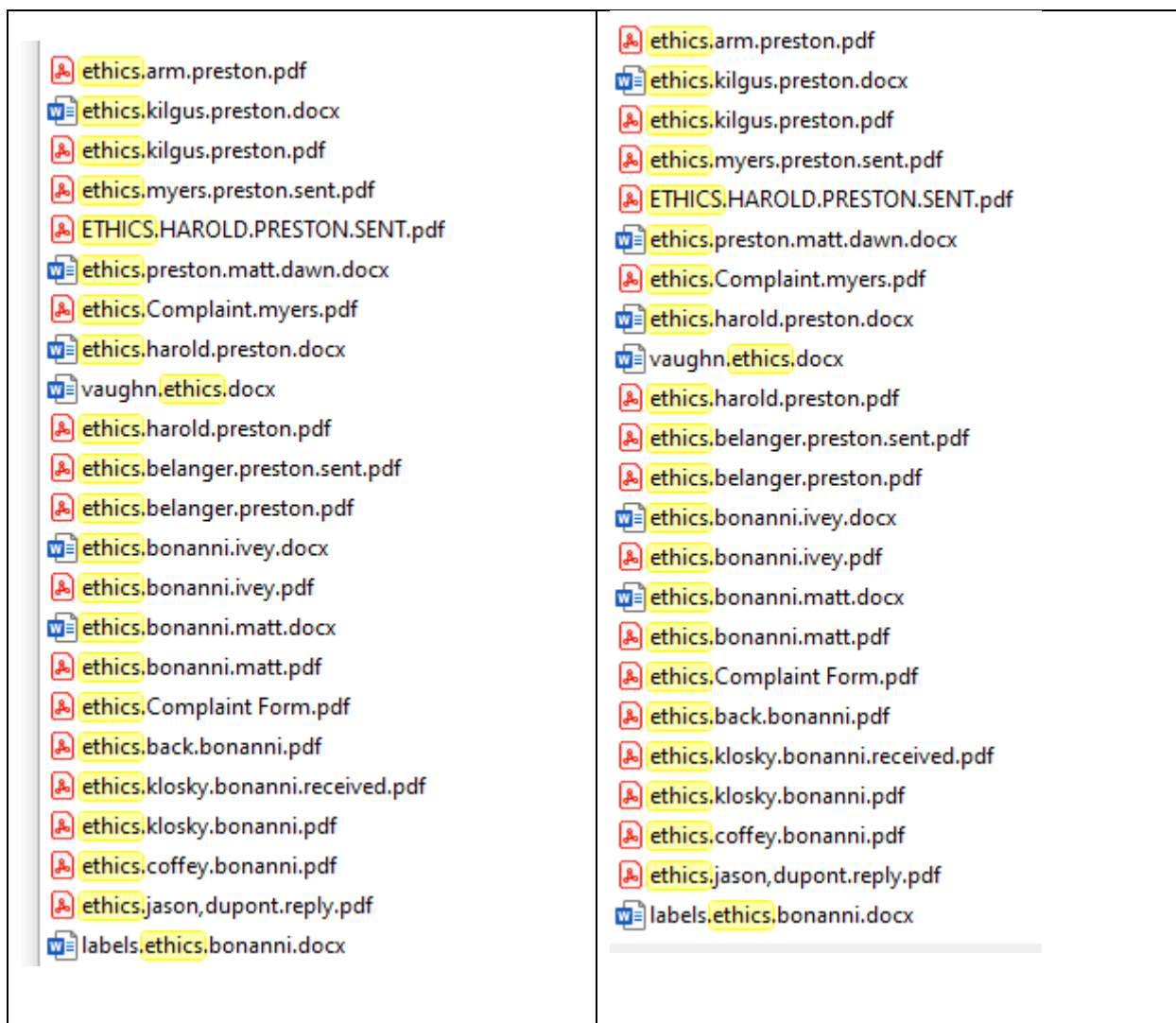


Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldjtrump.com/support-center> and submit a case.

**SUBMIT A CASE**



**Date:** 7/18/2020 9:57:48 AM Eastern Standard Time  
**From:** [prezpresto@aol.com](mailto:prezpresto@aol.com)  
**To:** [ron.thomas@bcso.us](mailto:ron.thomas@bcso.us)  
*Sent from the Internet (Details)*

Subject: Fwd: Preston - input

I will present you as witness against others you know to be concealing crime and rights violations. If you prefer to be a defendant do nothing. other wise send me a copy of the softball league's meeting minutes where the shareholder voted to dissolved or a couple of statements. (1) the league violated 817 by submitting false report to the state Claiming they dissolved. (2) or that felony act are being concealed. (3) or issue a statement Representative Randy Fine made false statement when his office reported to conduct 50/50 raffles you need to be compliant with 849. Also issue the trespass against Carey as requested.

Subject: Preston - input

Below are request to issued a trespass an aggressive individual for my porpoerty.

This failure to act causes emotional stress and exposing any resident in Brevard County to similar incidents.

**Subject:** Preston - trespass of carey  
**Date:** 7/19/2020 9:33:29 AM Eastern Standard Time  
**From:** prezpresto@aol.com  
**To:** wendy.crowne@bcso.us  
*Sent from the Internet (Details)*

PLEASE serve the trespass

Reminder: AOL will never ask you for your password or billing information

**Subject:** Preston - carey  
**Date:** 7/19/2020 9:33:01 AM Eastern Standard Time  
**From:** prezpresto@aol.com  
**To:** ron.thomas@bcso.us  
*Sent from the Internet (Details)*

Please serve the trespass on Peter Carey

Below is Florida Election Commission emails. They claim not in the purview.

Dec 1	To: fec@myfloridaleg...	Re: Preston - FEC 20-407 notoraised addition
Dec 1	To: fec@myfloridaleg...	Preston - FEC 20-407 notoraised addition
Nov 25	To: fec@myfloridaleg...	Re: Preston - unblock please
Nov 25	To: fec@myfloridaleg...	Preston - unblock please
Nov 25	To: fec@myfloridaleg...	(no subject)
Nov 24	To: fec@myfloridaleg...	Re: Ivey - new complaint
Nov 24	To: fec@myfloridaleg...	Re: Ivey - new complaint
Nov 24	To: fec@myfloridaleg...	Re: Ivey - new complaint
Nov 24	To: fec@myfloridaleg...	Ivey - new complaint
Nov 24	To: fec@myfloridaleg...	Fwd: Ivey - pulic office is a public trust?

This part of the emails sent to State representative Randy Fine. His staff of Nancy Bernien and Anna Budko. See <file:randy.fine.Bsco.carey.docx>

Date	From	Subject
Dec 2	To: randy.fine@myflo...	Fwd: SALES REPRESENTATIVE jobs in PALM BAY as high as \$
Oct 7	To: randy.fine@myflo...	Fwd: Preston - Ivey
Sep 21	To: randy.fine@myflo...	Fwd: [Peek at the Week] Peek at the Week
Aug 7	To: randy.fine@myflo...	Preston - grants
Jul 21	To: randy.fine@myflo...	Preston - Information on UVC Systems
Jul 20	To: randy.fine@myflo...	Preston 1968
Jul 20	To: randy.fine@myflo...	Preston Fwd: august 15th meeting with Ivey
Jul 18	To: randy.fine@myflo...	Fwd: Preston - notification - confirming you are a witness
Jul 18	To: randy.fine@myflo...	Fwd: Preston - input
Jul 17	To: randy.fine@myflo...	Preston - barefoot bay drains and input
Jul 15	To: randy.fine@myflo...	Fwd: UVC -Cleaning machines
Jul 15	To: randy.fine@myflo...	Fwd: UVC -Cleaning machines
Jul 11	To: randy.fine@myflo...	Preston - evidence
Jul 11	To: randy.fine@myflo...	Preston - randy, action items 14,15, 16
Jul 11	To: randy.fine@myflo...	Fwd: GC202097356 Preston - BOT meeting concealing - vi
Jul 11	To: randy.fine@myflo...	Preston Fwd: GC202097356 -revised action items 2-7 ( 3 bi
Jul 11	To: randy.fine@myflo...	Preston Fwd: GC202097356 Fwd: compliance with Bay Po
Jul 11	To: randy.fine@myflo...	Preston Fwd: GC202097356 - 13909 for IRS complaints
Jul 11	To: randy.fine@myflo...	Preston Fwd: GC202097356 -revised action items 2-7 ( 3 bi
Jul 11	To: randy.fine@myflo...	Preston Fwd: gc202097356 action items 8 to 13
Jul 11	To: randy.fine@myflo...	Preston - emails
Jul 11	To: randy.fine@myflo...	Preston - action register review
Jul 10	To: randy.fine@myflo...	Fwd: Preston - Barefoot Bay softball dissolved
Jul 9	To: randy.fine@myflo...	Fwd: Preston v SDSINC wrongful acts & 92.525 affidavit

Below is county commissioner John Tobia

Dec 19	To: john.tobia@bcpa...	Re: Preston - Message for BCPAO Field Operations Dept.
Nov 24	To: john.tobia@myflo...	Preston Fwd: Ivey - new complaint
Sep 21	To: john.tobia@brev...	Fwd: [Peek at the Week] Peek at the Week
Sep 14	To: john.denninghoff...	Preston - redress grievances
Sep 11	To: john.tobia@brev...	Barefoot Bay - update please
Sep 1	To: john.tobia@brev...	Re: Preston - BOT meeting concealing - video - 92.525 request
Aug 26	To: john.tobia@brev...	Preston - BOT meeting concealing - video - 92.525 request

This is from the Ethics commission claiming not in their purview. As in all public departments they claim not to be involved. Disregarding their oath. Per 876 a public official failure to execute their oath mandates they be removed from payroll. As for the Election Commission and county officials.

In this situation is it possible for anyone to be harmed or even killed and it not be covered up? Yes \_\_\_ No \_\_\_

Dear Mr. Preston:

I am returning your complaint form naming Wayne Ivey (and its attachments) because the matters described therein are not within the jurisdiction of the Florida Commission on Ethics. Rather, your submission potentially concerns election law, Federal law, civil contract/business entity law, and other matters outside the Commission's jurisdiction.

The above is from Ethics Chair Chris Anderson

Below is what could happen to me if they want to conceal a felony. The coroner has been asked to consider homicide, if I died.



this what happened to a prisoner in Ivey custody. He never survived

Nov 25	To: d2.commissioner...	Fwd: Barefoot Bay wrongful acts
Nov 17	To: d1.commissioner...	Barefoot Bay wrongful acts
Sep 22	To: D5.Comissioner@...	Barefoot Bay - Preston - action item 1.d5
Sep 22	To: d4.commissioner...	Barefoot Bay - Preston - action itme 1.d4
Sep 22	To: d3.commissioner...	Barefoot Bay - Preston - action 1.d2
Sep 22	To: d2.commissioner...	Barefoot Bay - Preston - action item 1
Sep 22	To: D1.Commissioner...	Brefoot Bay - attachments - sorry I didn't attache before
Sep 22	To: D1.Commissioner...	Barefoot Bay - your action register - itme 1.d1
Sep 21	To: john.tobia@brev...	Fwd: [Peek at the Week] Peek at the Week
Sep 20	To: D1.Commissioner...	Fwd: Preston - witness? Barefoot Bay
Sep 19	To: frank.abbate@bre...	Preston - witness? Barefoot Bay
Sep 14	To: frank.abbate@bre...	Preston - redress greivances
Sep 14	To: john.denninghoff...	Preston - redress grievances
Sep 14	To: Eden.Bentley@br...	Re: Preston - convene a hearing
Sep 11	To: eden.bentley@Br...	Preston - convene a hearing
Sep 11	To: eden.bentley@Br...	Preston - request for correspndence
Sep 11	To: Billy.Prasad@brev...	Re: Barefoot Bay - update please
Sep 11	To: john.tobia@brev...	Barefoot Bay - update please
Sep 8	To: eden.bentley@Br...	Fwd: [General Information] Peek at the Week
Sep 8	To: eden.bentley@Br...	Preston - threats
Sep 8	To: eden.bentley@Br...	Fwd: League Meeting March 2020
Sep 8	To: Eden.Bentley@br...	Re: Preston - short version of player affidavit
Sep 8	To: eden.bentley@Br...	Preston - short version of player affidavit
Sep 7	To: eden.bentley@Br...	Preston - cover letters
Sep 7	To: eden.bentley@Br...	Preston - affidavit

Files included: Sds.Oportunity.Todd2.Docx Randy.Fine.Bsco.Carey.Docx edwards.ivey.archer.pdf  
 Liberty.Mutual.Moore.Lubin.Docx Insruance.Complaint.Docx

Note: it comes down to did Florida's Secretary Lee make false statements or is all of rust?  
 Did Joe Zeigler ever report his earnings for maintaining the softball filed. 2009 to 2020?  
 Did the IRS give consent to go out of business?  
 Was EIN 59-2359782 ever reinstated?

I believe you will find Lee's statements in her certification are true.

Paul Preston 772-202-4799 [prezpresto@aol.com](mailto:prezpresto@aol.com) 561-756-0233

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**RE: Case No.: FEC 20-595; Respondent: Wayne Ivey**

Objection to R.W. Evans' PETITION FOR ATTORNEY FEES AND COST.

Brevard County Supervisor of Election and Florida Ethics Commission encouraged filing with the Election Commission are shown below. The Ethics Commission even went on to identify other concerns including potential Federal law, civil contract/business entity law violations.

I received an email telling me we need to talk. We talked and I was encouraged to submit a case. The case was delayed due to the virus.

In the event **EVANS** is awarded as much as one cent the case will be revised to include details and request that the concerns the Ethics Commission identified be investigated. Also, the IRS will be notified of the issues.

The filings were based on recommendations by Brevard County Supervisor of Elections Office who released the following on 8/27.2020

**In a message dated 8/27/2020 4:29:13 PM Eastern Standard Time, [jdagostino@votebrevard.com](mailto:jdagostino@votebrevard.com) writes:**

**Mr. Preston,**

**It is not within the purview of the Supervisor of Elections to investigate alleged violations of Florida's Election Code. You may wish to consider directing your concerns to the Florida Elections Commission (FEC). I have attached a link to their website for your convenience.**

**<http://www.fec.state.fl.us/FECWebFi.nsf/pages/Complaints>**

**Best regards,**

**Jennifer D'Agostino**

**Candidate Coordinator**

**Brevard County Supervisor of Elections Office**

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 no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

Sincerely,



Tim Vaccaro  
Executive Director

TV/and

Enclosure: Additional Complaint Information Form 2  
as: R. W. Evans, Attorney for Respondent w/out Inclusion

Below is Florida Commission on Ethics letter documenting their review revealed possible election law and other matters outside the Commission's jurisdiction gave the Commission concerns.

Dear Mr. Preston:

I am returning your complaint form naming Wayne Ivey (and its attachments) because the matters described therein are not within the jurisdiction of the Florida Commission on Ethics. Rather, your submission potentially concerns election law, Federal law, civil contract/business entity law, and other matters outside the Commission's jurisdiction.

Sincerely,

  
Chris Anderson  
Executive Director  
Florida Commission on Ethics

<p>Paul Preston 911 Fir St. Barefoot Bay, FL 32976 772-202-4799 561-756-0233 cell</p>	<p>OFFICIAL TRUMP <b>Trump Executive Member</b> 2019-2020 Paul Preston</p>	<p><b>Paul Preston, I need to talk to you</b> 5/31/2020 2:18:31 PM Eastern Standard Time <a href="mailto:info@ourpresident.com">info@ourpresident.com</a> <a href="mailto:prezpresto@aol.com">prezpresto@aol.com</a></p>
---	--	--

Contact the White House

Thank you for your submission!

OK

Paul

Thank you for your email.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://www.donaldtrump.com/support-center> and submit a case.


SUBMIT A CASE

In a message dated 5/4/2019 3:14:05 PM Eastern Standard Time, [corphelp@DOS.MyFlorida.com](mailto:corphelp@DOS.MyFlorida.com) writes:

**Good Afternoon,**

The EIN is assigned and regulated by the IRS. Their office would be of better assistance. The Division of Corporations acts in a ministerial filing capacity only. We do not have statutory authority to regulate individual businesses nor do we have investigative capability. (See 607.0125, F.S.). Our function is to file documents, maintain them in the public record and make them available to the public when requested. That does not mean that we do not care that an individual may be holding them self out to be a Corporation/LLC when they are not. If an individual holds them self out to be a Corporation/LLC and they are not, they **are liable severally and individually for any claim** against the business name. That is the penalty. Obviously **someone would be ill advised to conduct** business in this manner but the Division of Corporations does not and cannot pursue an action against a business because it conducts its affairs in this manner. If you have a personal dispute with a business that is not filed on our records you certainly can bring this point out in any legal documents and a court can determine what can be done legally.

**Lee Yarbrough Senior Section Administrator** Florida Department of State Division of Corporations Internet Access Section

<p style="text-align: center;"><b>State of Florida Department of State</b></p> <p>I certify from the records of this office that BAREFOOT BAY OVER 60 SOFTBALL INC was a corporation organized under the laws of the State of Florida, filed on April 1, 2019, effective March 28, 2019.</p> <p>The document number of this corporation is P19000029400.</p> <p>I further certify that said corporation filed a Voluntary Dissolution on April 23, 2019, and that its status is inactive.</p> <p style="text-align: center;"><i>Given under my hand and the Great Seal of the State of Florida at Tallahassee, the Capital, this the Seventeenth day of June, 2020</i></p>  <p style="text-align: center;"><i>Ronald R. Lee</i> Secretary of State</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Tracking Number: 052240613CU</p> <p>To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.</p> <p><a href="https://services.sosfla.org/Filings/CertificateOfStatus/CertificateAuthentication">https://services.sosfla.org/Filings/CertificateOfStatus/CertificateAuthentication</a></p> </div>	<p>Jury foreman verify the following:</p> <p>1) verify Lee’s certification documents the league filed as a for-profit corporation effective March 28, 2019 and dissolved on April 23, 2019.</p> <p>Is the information in Lee’s certification accurate? Yes ___ No ___</p> <p>2) Does Lee’s certification provide the legal status of the league? Yes ___ No ___</p> <p>BAREFOOT BAY OVER 60 SOFTBALL INC</p> <p><u>Filing Information</u></p> <table border="0"> <tr><td>Document Number</td><td>P19000029400</td></tr> <tr><td>FEI/EIN Number</td><td>NONE</td></tr> <tr><td>Date Filed</td><td>04/01/2019</td></tr> <tr><td>Effective Date</td><td>03/28/2019</td></tr> <tr><td>State</td><td>FL</td></tr> <tr><td>Status</td><td>INACTIVE</td></tr> <tr><td>Last Event</td><td>VOLUNTARY DISSOLUTION</td></tr> <tr><td>Event Date Filed</td><td>04/23/2019</td></tr> <tr><td>Event Effective Date</td><td>04/23/2019</td></tr> </table> <p>3) do you see a valid EIN Yes ___ No ___</p>	Document Number	P19000029400	FEI/EIN Number	NONE	Date Filed	04/01/2019	Effective Date	03/28/2019	State	FL	Status	INACTIVE	Last Event	VOLUNTARY DISSOLUTION	Event Date Filed	04/23/2019	Event Effective Date	04/23/2019
Document Number	P19000029400																		
FEI/EIN Number	NONE																		
Date Filed	04/01/2019																		
Effective Date	03/28/2019																		
State	FL																		
Status	INACTIVE																		
Last Event	VOLUNTARY DISSOLUTION																		
Event Date Filed	04/23/2019																		
Event Effective Date	04/23/2019																		
<p>BAREFOOT BAY OVER 60 SOFTBALL INC</p> <p><u>Filing Information</u></p> <table border="0"> <tr><td>Document Number</td><td>P19000029400</td></tr> <tr><td>FEI/EIN Number</td><td>NONE</td></tr> <tr><td>Date Filed</td><td>04/01/2019</td></tr> <tr><td>Effective Date</td><td>03/28/2019</td></tr> <tr><td>State</td><td>FL</td></tr> <tr><td>Status</td><td>INACTIVE</td></tr> <tr><td>Last Event</td><td>VOLUNTARY DISSOLUTION</td></tr> <tr><td>Event Date Filed</td><td>04/23/2019</td></tr> <tr><td>Event Effective Date</td><td>04/23/2019</td></tr> </table>	Document Number	P19000029400	FEI/EIN Number	NONE	Date Filed	04/01/2019	Effective Date	03/28/2019	State	FL	Status	INACTIVE	Last Event	VOLUNTARY DISSOLUTION	Event Date Filed	04/23/2019	Event Effective Date	04/23/2019	<p>The mandatory EIN is missing</p> <p>Evans should be aware of this violation.</p> <p>If not he needs report the violation immediately to avoid prosecution.</p> <p>Supports Lee’s claim the league dissolved and 817 was violated.</p>
Document Number	P19000029400																		
FEI/EIN Number	NONE																		
Date Filed	04/01/2019																		
Effective Date	03/28/2019																		
State	FL																		
Status	INACTIVE																		
Last Event	VOLUNTARY DISSOLUTION																		
Event Date Filed	04/23/2019																		
Event Effective Date	04/23/2019																		



## ARTICLES OF DISSOLUTION

Pursuant to section 607.1403, Florida Statutes, this Florida corporation submits the following Articles of Dissolution:

FIRST: The name of the corporation as currently filed with the Florida Department of State:  
BAREFOOT BAY OVER 60 SOFTBALL INC

SECOND: The document number of the corporation: P19000029400

THIRD: The date dissolution was authorized: April 23, 2019  
Effective date of dissolution: April 23, 2019

FOURTH: Dissolution was approved by the shareholders. The number of votes cast for dissolution was sufficient for approval.

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: MIKE KILGUS PRESIDENT  
Electronic Signature of Signing Officer, Director, Incorporator or Authorized Representative

Evans' petition for fees indicates he has read enough information to know either that the softball league did not dissolve as claimed in the above ARTICLES OF DISSOLUTION to know 817 was violated as proven by the team rosters, the scores published in the newspaper, the letters sent to Preston threatening arrest and other possible harm. Therefore, the Election Commission being an agency and/or a department of the state is tasked with verifying documents as mandated by item 4 of 92.525 shown below:

**The documents to be verify and the request for admissions and producing of records follow 92.525**

92.525 Verification of documents; perjury by false written declaration, penalty.—

(1) When it is authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:

(a) Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths; or

(b) By the signing of the written declaration prescribed in subsection (2).

(2) A written declaration means the following statement: "Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true," followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words "to the best of my knowledge and belief" may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.

(3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) As used in this section:

**(a) The term administrative agency means any department or agency of the state or any county, municipality, special district, or other political subdivision.**

(b) The term document means any writing including, without limitation, any form, application, claim, notice, tax return, inventory, affidavit, pleading, or paper.

(c) The requirement that a document be verified means that the document must be signed or executed by a person and that the person must state under oath or affirm that the facts or matters stated or recited in the document are true, or words of that import or effect.

#### **VERIFY THE FOLLOWING**

1. **Lee's** Certification documents the league dissolved on April 23, 2019.
2. **Verify** articles of dissolution proves Lee's statements in her certification are true.
3. The team rosters, schedules, and scores published proves 817 was violated.
4. An **817** violation is a 3<sup>rd</sup> degree felony.
5. Document P19000029400 is missing the mandatory EIN
6. EIN 59-2359782 was revoked in 2010
7. EIN 59-2359782 has never been reinstated.
8. **876.05** mandates officers and employees take an oath.

#### **876.05 Public employees; oath.—**

(1) All persons who now or hereafter are employed by or who now or hereafter **are on the payroll** of the state, or any of its departments and agencies, subdivisions, counties, cities, school boards and districts of the free public school system of the state or counties, or institutions of higher learning, except candidates for federal office, are required to take an oath before any person duly authorized to take acknowledgments of instruments for public record in the state in the following form:

I, , a citizen of the State of Florida and of the United States of America, and being employed by or an officer of and **a recipient of public funds as such employee** or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

(2) Said oath shall be filed with the records of the governing official or employing governmental agency prior to the approval of any voucher for the payment of salary, expenses, or other compensation.

9. **876.06** mandates a person who refuses to execute their oath are to be immediately from removed from the payroll.

876.06 Discharge for refusal to execute.—If any person required by ss. 876.05-876.10 to take the oath herein provided for fails to execute the same, the governing authority under which such person is employed shall cause said person to **be immediately discharged**, and his or her name **removed from the payroll**, and such person shall **not be permitted to receive any payment** as an employee or as an officer where he or she was serving.

10. **876-08** any governing authority [ Preston thinks this includes FL bar, commissions, and county and state employee] who refuses to permit an employee to continue on payroll is guilty of a crime.

876.08 Penalty for not discharging.—Any governing authority or person, under whom any employee is serving or by whom employed who shall knowingly or carelessly permit any such employee to continue in employment after failing to comply with the provisions of ss. 876.05-876.10, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

11. **Item (f) 5.11** indicates disbarment is appropriate when a lawyer intentional conduct involves dishonest acts.

**5.11** Disbarment is appropriate when:

- (a)** lawyer is convicted of a felony under applicable law; or
  - (b)** a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or
  - (c)** a lawyer engages in the sale, distribution or importation of controlled substances; or
  - (d)** a lawyer engages in the intentional killing of another; or
  - (e)** a lawyer attempts or conspires or solicits another to commit any of the offenses listed in sections (a)-(d); or
  - (f)** a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.
- 

12. **6.11** indicates disbarment is appropriate when a lawyer improperly withhold important information or submits false documents.

**6.11** Disbarment is appropriate when a lawyer:

- (a)** with the intent to deceive the court, knowingly makes a false statement or submits a false document; or
  - (b)** improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.
-

13. 6.21 indicates disbarment is appropriate when a lawyer obtain a benefit [in Preston's this includes attempts to collect a benefit and interferes with a legal proceeding].

**6.21** Disbarment is appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

---

14. 7.21 can be disbarred (s)he violates a duty owed, like reporting felony acts like 817 violations

**7.1** Disbarment is appropriate when a lawyer intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

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15. 4-8 mandates lawyers have the duty to maintain integrity of law.

## **4-8 MAINTAINING THE INTEGRITY OF THE PROFESSION**

### ***RULE 4-8.4 MISCONDUCT***

A lawyer shall not:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall

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16. 4-8.3 mandates lawyers report other lawyer who knows another lawyer has violated the rules. In Preston's opinion includes attempt to collect a benefit and conceals the violation of 817 and other laws and rights

### ***RULE 4-8.3 REPORTING PROFESSIONAL MISCONDUCT***

(a) **Reporting Misconduct of Other Lawyers.** A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects shall inform the appropriate professional authority.

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17. 4-5 law firms including Allen Norton and Blue have the responsibility to ensure their members adhere to Rules of Professional Regulations including those previously identified.

**4-5. LAW FIRMS AND ASSOCIATIONS**  
**RULE 4-5.1 RESPONSIBILITIES OF PARTNERS, MANAGERS, AND SUPERVISORY LAWYERS**

**(a) Duties Concerning Adherence to Rules of Professional Conduct.** A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers therein conform to the Rules of Professional Conduct.

**(b) Supervisory Lawyer's Duties.** Any lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

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18. Section of 8 of Florida's Constitution makes any person liable to the State for all financial benefits obtained in violation of this right. Such as seeking to obtain fees while concealing an unlawful act.

**SECTION 8. Ethics in government.**

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be **liable to the state for all financial benefits** obtained by such actions. The manner of recovery and additional damages may be provided by law.

19. 110.127 states penalties that if imposed would prohibit employment for a period of 5 years

**State/county employee oath:**

**110.127 Penalties.—**

(1) Any person who willfully violates any provision of this chapter or of any rules adopted pursuant to the authority herein granted is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The provisions of s. 112.011 to the contrary notwithstanding, any person who is convicted of a misdemeanor under this chapter shall be, for a period of 5 years, ineligible for appointment to or employment in a position in the state service and, if an employee of the state, shall forfeit his or her position.

20. 1001 provides for fines and up 5 years imprisonment for those who conceals or covers up a crime by making false statement or just be remaining silent when having knowledge of a crime.

The statute spells out this purpose in subsection 18 U.S.C. § 1001(a), which states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—

- (1) falsifies, **conceals, or covers up** by any trick, scheme, or device[ , ] a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years

21. **Section 24** documents it is unlawful for 2 or more persons injure, oppress, threaten or intimidate a person like Preston who exposed the violation 817.

### **Title 18, U.S.C., Section 241 - Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to **conspire to injure, oppress, threaten, or intimidate** any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States

22. **1.380** addresses failure to allow discovery, such as failure to schedule a review of document like the names of shareholders who were reported have voted to dissolve the league.

#### **RULE 1.380. FAILURE TO MAKE DISCOVERY; SANCTIONS**

(3) Evasive or Incomplete Answer. For purposes of this subdivision an evasive or incomplete answer shall be treated as a failure to answer.

23. **18 U.S.C section 4** provides that if you have knowledge of a felony and you conceal that crime by not reporting it you could face up to a \$250,000 fine, imprisonment up to 3 years or both. **In Preston's opinion** could and should involve failure to report the violation of 817, 849, and rights.

When is it a crime not to report a crime.

#### **Failure to Report a Crime under Federal Law (18 U.S.C. section 4)**

Federal law prohibits **concealing information** about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

You have knowledge of the commission of a felony;

The felony actually occurred; and The felony is a federal offense;

If you **willfully conceal the commission** of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a \$250,000 fine, imprisonment up to three years, or both fine and imprisonment.

#### **OPPORTUNITY/ACTION TO AVOID PENALTIES**

AFTER verifying the above compare it to Evans' motion for fees and if you find violations of any of the statutes provided above. You can submit a file to the White House via the link shown below:

In your submission include my name [Paul Preston and refence the code name "THE TROJAN AFFAIR" AND copy me or inform me you have submitted fact supporting Preston's case.

If you have any customer service inquiries, such as refunds or other related issues, please visit <https://action.donaldjtrump.com/support-center> and submit a case.

**SUBMIT A CASE**

<p style="text-align: center;"><b>STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION</b></p> <p><b>RE: Case No.: FEC 20-595; Respondent: Wayne Ivey</b></p> <p style="text-align: center;"><b><u>PETITION FOR ATTORNEY'S FEES AND COSTS</u></b></p> <p><b>COMES NOW Respondent</b>, Sheriff Wayne Ivey ("Sheriff"), by and through undersigned counsel, and pursuant to Section 106.265(6), Florida Statutes, hereby requests an award of attorney's fees and costs, and in support thereof states the following:</p> <p>1. On November 30, 2020, Complainant Paul Preston ("Complainant" or "Preston") filed a sworn complaint ("Complaint") with the Florida Elections Commission ("Commission"), alleging that the Sheriff violated Florida's elections laws when he did not intervene in a matter regarding the Barefoot Bay Over 60 Softball League Executive Board ("Barefoot Bay"). Additionally, Preston represented that the Sheriff violated the elections laws because an inmate was allegedly mistreated while in the custody of detention officers at the Brevard County Jail. The Executive Director informed Preston on December 21, 2020 that the Complaint was dismissed for legal insufficiency.</p> <p>2. It is readily apparent that Preston has filed this Complaint with a malicious intent to injure the reputation of the Sheriff with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapters 104 or 106, Florida Statutes. Importantly, Preston previously filed a complaint on September 21, 2020 (FEC 20-407), similarly alleging violations of the elections laws because he had been trespassed by Barefoot Bay and the Sheriff failed to intervene in his dispute. The Commission dismissed this complaint for legal insufficiency on November 25, 2020. In his letter, dated November 25, 2020, the Executive Director stated:</p> <p style="padding-left: 40px;">[Preston] submitted a variety of statements and documents citing various statutes, none of which are within the jurisdiction of the</p>	<p>Reviewer, please indicate here what violations Evans committed if any.</p> <p>Example: by seeking fees while having knowledge 817 was violated.</p> <p>Did he violate 1001 by concealing a felony.</p> <p>Yes ___ No ___</p>

Florida Elections Commission. No cognizable claim under Chapter 104 or 106, F.S., was stated in the complaint. [Preston] submitted numerous other documents and statements supplementing the complaint, many of them duplicative, but none state a cognizable claim under any statute within the Commission's jurisdiction.

3. Notwithstanding the dismissal, Preston once again asserted in the present Complaint that the Sheriff "took no action to fix the matter concerning Barefoot Bay" as grounds for his most recent complaint against the Sheriff. To bolster his attack against the Sheriff, Preston also alleged that the Sheriff violated the elections laws because an inmate was allegedly subjected to excessive force while being restrained. Conspicuously missing from the Complaint is any statutory reference that supports Preston's allegations that the Sheriff violated Florida's elections laws.

4. Preston might be given the benefit of the doubt upon dismissal of the first complaint that his allegations did not constitute a violation of chapters 104 or 106. However, Preston blatantly ignored the Commission's dismissal and, within two weeks after the dismissal, filed yet another complaint making similar accusations against the Sheriff.

5. Section 106.265(6), Fla. Stat., provides that a complainant shall be liable for costs plus reasonable attorneys' fees incurred in the defense of a complaint that is filed with malicious intent to injure the reputation of a public officer or employee 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 Chapters 104 or 106, Fla. Stat. By once again representing to the Commission that the Sheriff violated Chapters 104 or 106 in failing to investigate his trespass and ongoing dispute with Barefoot Bay, Preston's conduct is subject to sanctions under section 106.265(6).



6. Preston has abused the Commission's investigative process as a vehicle to recklessly assert personal attacks against the Sheriff. He filed his Complaint with the malicious intent to injure the Sheriff's reputation and did so by making reckless allegations without regard to the truth and that were material in nature. In *Brown v. State, Commission on Ethics*, 969 So. 2d 553, 560 (Fla. 1st DCA 2007) the First District Court of Appeal upheld an award of attorneys' fees and costs pursuant to 112.317(7) when the complainant filed false and reckless accusations with the Commission, therefore forcing a public official into the legal system where he had no choice but to defend himself.<sup>1</sup> Sheriff Ivey was no less disadvantaged by Preston's complaints. Accordingly, the Sheriff seeks recovery of his attorney's fees incurred in defending the Complaint.

7. For the foregoing reasons, this Commission should conduct such proceedings as may be necessary to determine the appropriate amount of fees to be awarded or refer this matter to the Division of Administrative Hearings for further proceedings and fact-finding as the Commission sees fit.

Respectfully submitted this 29th day of December 2020.

/s/R.W. Evans

**R.W. EVANS, ESQUIRE**

Florida Bar No. 198862

revans@anblaw.com

**ALLEN NORTON & BLUE, P.A.**

906 North Monroe Street

Tallahassee, Florida 32303

<sup>1</sup> In *Brown*, the First District Court of Appeal construed section 112.317(7), Fla. Stat., in awarding costs and attorney fees relating to an ethics complaint. Section 106.265(6), Fla. Stat., is nearly identical to the provisions of section 112.317(7), Fla. Stat., and the legal analysis applied in *Brown* should likewise follow in the instant matter.

3

(850) 561-3503 / (850) 561-0332 (Facsimile)

Counsel for Respondent Wayne Ivey, Sheriff  
of Brevard County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via United States Mail to Paul Preston at 911 Fir Street, Barefoot Bay, Florida 32976 this 29th day of December 2020.

/s/ R.W. Evans

Attorney

4

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

**ADDITIONAL COMPLAINT INFORMATION**

**Case Number: FEC 20-407**

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 Indian River

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

Paul Keaton  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 5<sup>th</sup> day of January, 2021.

Mary Wright  
Signature of Officer Authorized to Administer  
Oaths or Notary Public

Marilyn Wright  
(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 Form 2 (5/17)  
Rules 2B-1.0025 & 2B-1.009, F.A.C.



**Re: Preston v. Sheriff Ivey Case No. 20-595**   
**Florida Elections Commission** to: Jessica Grimsley  
Sent by: **Donna Malphurs**

12/30/2020 05:48 PM

Dear Mr. Evans,

We are in receipt of your Petition for Fees. The case is still under review and a final disposition has not been made. Once we close our case, we will set the case for hearing to review your petition for fees.

Sincerely,

Donna Ann Malphurs  
Agency Clerk/Public Information Officer

"Jessica Grimsley"

Good afternoon Ms. Donovan, I have attached t...

12/29/2020 03:24:08 PM

From: "Jessica Grimsley" <jgrimsley@anblaw.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Wayne Evans" <REvans@anblaw.com>  
Date: 12/29/2020 03:24 PM  
Subject: Preston v. Sheriff Ivey Case No. 20-595

Good afternoon Ms. Donovan,

I have attached the Respondent's "request for attorney's fees and costs" in regards to the matter referenced above. Please let me know if you need anything else. Have a great day.

Thank you,

Jessa



**Jessica Grimsley**  
**Legal Assistant | Allen Norton & Blue, P.A.**  
850-561-3503  
906 N. Monroe Street | Tallahassee, FL 32303  
*The Management Labor & Employment Firm*



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[attachment "Petition for Fees.pdf" deleted by Donna Malphurs/OAG]



Preston v. Sheriff Ivey Case No. 20-595 Jessica Grimsley to: fec@myfloridalegal.com  
12/29/2020 03:24 PM  
Cc: "Wayne Evans"  
From: "Jessica Grimsley" <jgrimsley@anblaw.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Wayne Evans" <REvans@anblaw.com>

1 Attachment



Petition for Fees.pdf

Good afternoon Ms. Donovan,

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Thank you,

Jessa



**Jessica Grimsley**  
Legal Assistant | Allen Norton & Blue, P.A.  
850-561-3503  
906 N. Monroe Street | Tallahassee, FL 32303  
The Management Labor & Employment Firm



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**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**RE: Case No.: FEC 20-595; Respondent: Wayne Ivey**

**PETITION FOR ATTORNEY'S FEES AND COSTS**

COMES NOW Respondent, Sheriff Wayne Ivey ("Sheriff"), by and through undersigned counsel, and pursuant to Section 106.265(6), Florida Statutes, hereby requests an award of attorney's fees and costs, and in support thereof states the following:

1. On November 30, 2020, Complainant Paul Preston ("Complainant" or "Preston") filed a sworn complaint ("Complaint") with the Florida Elections Commission ("Commission"), alleging that the Sheriff violated Florida's elections laws when he did not intervene in a matter regarding the Barefoot Bay Over 60 Softball League Executive Board ("Barefoot Bay"). Additionally, Preston represented that the Sheriff violated the elections laws because an inmate was allegedly mistreated while in the custody of detention officers at the Brevard County Jail. The Executive Director informed Preston on December 21, 2020 that the Complaint was dismissed for legal insufficiency.

2. It is readily apparent that Preston has filed this Complaint with a malicious intent to injure the reputation of the Sheriff with reckless disregard for whether the complaint contains false allegations of fact material to a violation of chapters 104 or 106, Florida Statutes. Importantly, Preston previously filed a complaint on September 21, 2020 (FEC 20-407), similarly alleging violations of the elections laws because he had been trespassed by Barefoot Bay and the Sheriff failed to intervene in his dispute. The Commission dismissed this complaint for legal insufficiency on November 25, 2020. In his letter, dated November 25, 2020, the Executive Director stated:

[Preston] submitted a variety of statements and documents citing various statutes, none of which are within the jurisdiction of the

Florida Elections Commission. No cognizable claim under Chapter 104 or 106, F.S., was stated in the complaint. [Preston] submitted numerous other documents and statements supplementing the complaint, many of them duplicative, but none state a cognizable claim under any statute within the Commission's jurisdiction.

3. Notwithstanding the dismissal, Preston once again asserted in the present Complaint that the Sheriff "took no action to fix the matter concerning Barefoot Bay" as grounds for his most recent complaint against the Sheriff. To bolster his attack against the Sheriff, Preston also alleged that the Sheriff violated the elections laws because an inmate was allegedly subjected to excessive force while being restrained. Conspicuously missing from the Complaint is any statutory reference that supports Preston's allegations that the Sheriff violated Florida's elections laws.

4. Preston might be given the benefit of the doubt upon dismissal of the first complaint that his allegations did not constitute a violation of chapters 104 or 106. However, Preston blatantly ignored the Commission's dismissal and, within two weeks after the dismissal, filed yet another complaint making similar accusations against the Sheriff.

5. Section 106.265(6), Fla. Stat., provides that a complainant shall be liable for costs plus reasonable attorneys' fees incurred in the defense of a complaint that is filed with malicious intent to injure the reputation of a public officer or employee 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 Chapters 104 or 106, Fla. Stat. By once again representing to the Commission that the Sheriff violated Chapters 104 or 106 in failing to investigate his trespass and ongoing dispute with Barefoot Bay, Preston's conduct is subject to sanctions under section 106.265(6).

6. Preston has abused the Commission's investigative process as a vehicle to recklessly assert personal attacks against the Sheriff. He filed his Complaint with the malicious intent to injure the Sheriff's reputation and did so by making reckless allegations without regard to the truth and that were material in nature. In *Brown v. State, Commission on Ethics*, 969 So. 2d 553, 560 (Fla. 1st DCA 2007) the First District Court of Appeal upheld an award of attorneys' fees and costs pursuant to 112.317(7) when the complainant filed false and reckless accusations with the Commission, therefore forcing a public official into the legal system where he had no choice but to defend himself.<sup>1</sup> Sheriff Ivey was no less disadvantaged by Preston's complaints. Accordingly, the Sheriff seeks recovery of his attorney's fees incurred in defending the Complaint.

7. For the foregoing reasons, this Commission should conduct such proceedings as may be necessary to determine the appropriate amount of fees to be awarded or refer this matter to the Division of Administrative Hearings for further proceedings and fact-finding as the Commission sees fit.

Respectfully submitted this 29th day of December 2020.

/s/R.W. Evans  
**R.W. EVANS, ESQUIRE**  
Florida Bar No. 198862  
revans@anblaw.com  
**ALLEN NORTON & BLUE, P.A.**  
906 North Monroe Street  
Tallahassee, Florida 32303

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<sup>1</sup> In *Brown*, the First District Court of Appeal construed section 112.317(7), Fla. Stat., in awarding costs and attorney fees relating to an ethics complaint. Section 106.265(6), Fla. Stat., is nearly identical to the provisions of section 112.317(7), Fla. Stat., and the legal analysis applied in *Brown* should likewise follow in the instant matter.

(850) 561-3503 / (850) 561-0332 (Facsimile)

Counsel for Respondent Wayne Ivey, Sheriff  
of Brevard County

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via United States Mail to Paul Preston at 911 Fir Street, Barefoot Bay, Florida 32976 this 29th day of December 2020.

/s/ R.W. Evans  
Attorney





# Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783  
[FEC@myfloridalegal.com](mailto:FEC@myfloridalegal.com) · [www.fec.state.fl.us](http://www.fec.state.fl.us)



December 21, 2020

Paul Preston  
911 Fir Street  
Barefoot Bay, FL 32976

**RE: Case No.: FEC 20-595; Respondent: Wayne Ivey**

Dear Mr. Preston:

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

The complaint appears to allege that Respondent, as the Sheriff of Brevard County, should have intervened in a matter regarding a local softball league. The complaint also appears to allege that Respondent was somehow responsible for issues relating to alleged mistreatment of an inmate in the county jail. Complainant did not provide personal information regarding the alleged mistreatment of the inmate; rather, he obtained his information from a news report and television interview.

In response to the complaint, Respondent stated that the complaint fails to allege a violation of Chapter 104 or 106, F.S. Respondent stated there is nothing in the complaint to remotely suggest a violation of Florida's election laws.

The issues raised by Complainant do not fall within the jurisdiction of the Florida Elections Commission, and he did not cite or mention any statute within the Commission's jurisdiction. Complainant may wish to direct his concerns regarding the inmate to the Florida Department of Law Enforcement.

Complainant also submitted other documents and statements supplementing the complaint, none of which stated a cognizable claim under any statute within the Commission's jurisdiction.

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 no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

Paul Preston  
December 21, 2020  
Page 2  
FEC 20-595

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

Sincerely,

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is written in a cursive style with a large initial "T".

Tim Vaccaro  
Executive Director

TV/med

Enclosure: Additional Complaint Information Form 2  
cc: R. W. Evans, 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 20-595**

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.***



ALLEN NORTON & BLUE  
PROFESSIONAL ASSOCIATION

906 North Monroe Street • Tallahassee, Florida 32303  
Telephone 850-561-3503 • Facsimile 850-561-0332

December 14, 2020

Molly Donovan  
Complaint Coordinator  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, Florida 32399

Re: Paul Preston v. Wayne Ivey Case No. FEC 20-595

Dear Ms. Donovan,

This response to the complaint in the above referenced matter is submitted on behalf of the Respondent, Wayne Ivey, Sheriff of Brevard County. On November 25, 2020, the Elections Commission informed Mr. Preston that his previous complaint, case number FEC 20-407, was being dismissed because it is legally insufficient. The present complaint arises out of similar facts alleged in FEC 20-407, and as in the previous complaint, fails to allege a violation of chapters 104 or 106, Florida Statutes.

Once again, the complainant contends that the Sheriff should have intervened concerning his dispute with the Barefoot Bay Over 60 Softball League. Additionally, the complainant requests this Commission to investigate the death of an inmate in the Brevard County jail.

Conspicuously missing from the complaint is any reference to the elections laws as set forth in chapters 104 and 106. Indeed, there is nothing in the complaint to remotely suggest a violation of Florida's elections laws.

It appears, therefore, that the complainant has acted in bad faith to assert frivolous and baseless allegations to politically and personally damage the reputation of Sheriff Ivy. We respectfully request that the complaint be dismissed as legally insufficient.

Sincerely,

R. W. Evans

Cc: Sheriff Wayne Ivey  
Cdr. Jimmy Donn

Miami • Orlando • Tallahassee • Tampa



ALLEN NORTON & BLUE  
PROFESSIONAL ASSOCIATION

906 North Monroe Street, Suite 100  
Tallahassee, Florida 32303-6143

TALLAHASSEE FL 32303

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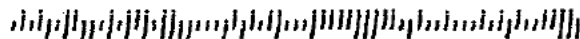
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FLORIDA ELECTIONS COMMISSION



Molly Donovan  
Florida Elections Commission  
Complaint Coordinator  
107 West Gaines Street, Suite 224  
Tallahassee FL 32399-6596

32399-659674





Preston v. Sheriff Ivey Case No. 20-595 Jessica Grimsley to: fec@myfloridalegal.com  
12/14/2020 12:23 PM  
Cc: "Wayne Evans"  
From: "Jessica Grimsley" <jgrimsley@anblaw.com>  
To: "fec@myfloridalegal.com" <fec@myfloridalegal.com>  
Cc: "Wayne Evans" <REvans@anblaw.com>  
History:  
This message has been replied to and forwarded.

1 Attachment



Response to Complaint.pdf

Good morning Ms. Donovan,

I have attached the Respondent's "Response to Complaint" in regards to the matter referenced above. I have also sent the original in the mail addressed to you. Please let me know if I can assist you with anything else. Have a great day.

Thank you,

Jessa



**Jessica Grimsley**  
Legal Assistant | Allen Norton & Blue, P.A.  
850-561-3503  
906 N. Monroe Street | Tallahassee, FL 32303  
The Management Labor & Employment Firm



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ALLEN NORTON & BLUE  
PROFESSIONAL ASSOCIATION

906 North Monroe Street • Tallahassee, Florida 32303  
Telephone 850-561-3503 • Facsimile 850-561-0332

December 14, 2020

Molly Donovan  
Complaint Coordinator  
Florida Elections Commission  
107 West Gaines Street, Suite 224  
Tallahassee, Florida 32399

Re: Paul Preston v. Wayne Ivey Case No. FEC 20-595

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Once again, the complainant contends that the Sheriff should have intervened concerning his dispute with the Barefoot Bay Over 60 Softball League. Additionally, the complainant requests this Commission to investigate the death of an inmate in the Brevard County jail.

Conspicuously missing from the complaint is any reference to the elections laws as set forth in chapters 104 and 106. Indeed, there is nothing in the complaint to remotely suggest a violation of Florida's elections laws.

It appears, therefore, that the complainant has acted in bad faith to assert frivolous and baseless allegations to politically and personally damage the reputation of Sheriff Ivey. We respectfully request that the complaint be dismissed as legally insufficient.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. W. Evans'.

R. W. Evans

Cc: Sheriff Wayne Ivey  
Cdr. Jimmy Donn

Miami • Orlando • Tallahassee • Tampa

REC'D: FL ELECTIONS COM  
7 DEC 20 PM 12:15

### 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:** additional info added on 11/26/2020

Name: Paul Preston Work Phone: (772) 2024799  
Address: 911 Fir Street Home Phone: (561) 7560233  
City: Barefoot Bay County: Brevard State: fl Zip Code: 32976

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: Wayne Ivey  
Address: 700 S. Park Ave Phone: (321) 2645201  
City: Tittusville County: Brevard State: FL Zip Code: 32780

If individual is a candidate, list the office or position sought: Brevard County Sheriff

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):** broke his promise to protect your (my) constitutional rights. see his ad

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:

addresses issues related to the findings exposed by Roy Bedard a respected former policy officer and police trainer with 33 years experience. his comments about the death of Edwards wrongful death in Barefoot Bay.

- 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 Brevard

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

Paul Pesa  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 30 day of  
November, 2020

[Signature]  
Signature of Officer Authorized to Administer Oaths or Notary Public



Nigel Golida

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

Personally Known \_\_\_\_\_ Or Produced Identification X

Type of Identification Produced FL/DL

**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/emailed 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 Election Commission  
107 West Gaines St. Suite 224  
Tallahassee, FL 32399-1050  
Attn: Donna Ann Malphurs

11/27/2020 850-922-4539 Subject: Sheriff Wayne Ivey – new complaint

Dear Donna Ann Malphurs fec@myfloridalegal.com

This complaint provides a court filing of case number 05-2020-CA-034489 related to the death of Gregory Edwards.

Enclosed is also a report prepared for the court as an expert witness, Roy Bedard, a respected former police officers and police trainer with 33 years of experience in criminal justice and public safety, found dozens of details of what let to Gregory Lloyd Edwards being found unresponsive in his call were omitted, misreported or mischaracterized by the sheriff's office during two investigations.

Verify the Bedard's had hard words for state attorney Phil Archer, claiming defective criminal.

Yes \_\_\_ No \_\_\_

Had the State Attorney conducted an independent investigation of the incident, it is unlikely these violations would have been missed, and a proper determination of criminal negligence could have been exhaustively reviewed,"

1. if you were arrested would you feel safe with Ivey in charge? Yes \_\_\_ No \_\_\_
2. Did Phil Archer violated 18 1001 by concealing a criminal act? Yes \_\_\_ No \_\_\_

**18 1001**

(1) falsifies, conceals, or covers up by any trick, scheme, or device[ , ] a material fact;  
(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false,

a. fictitious, or fraudulent statement or entry shall be fined under this title, **imprisoned not more than 5 years**

3. Has Archer breach is oath? Yes \_\_\_ No \_\_\_
4. Has Ivey breach is oath? Yes \_\_\_ No \_\_\_
5. The State has an obligation to ensure their bonding company convenes a hearing if there is one witness. Yes \_\_\_ No \_\_\_
  - a. Roy Bedard, Paul Preston, and the Florida Today Newspaper are witnesses Yes \_\_\_ No \_\_\_

**(5) Upon receipt of a verified complaint of injury and damage supported by the testimony of at least one witness to the violation of 876.051 by any public employee, the bonding company shall convene a hearing of the plaintiff public employee and the defendant to determine the validity of the complaint and validity of any claim of damage. In the event of an uncontested complaint, the Bonding company shall settle the claim from the bond amount and correspondingly increase the premium of the bonded party. In the event of a contested complaint, the Bonding company shall select a mutually agreeable mediator or arbitrator to settle the facts of the claim and the damage award**

6. Was 18 U.S.C. section 4 violated. Yes \_\_\_ No \_\_\_

When is it a crime not to report a crime.

Failure to Report a Crime under Federal Law (18 U.S.C. section 4)

Federal law prohibits concealing information about specific crimes. Under 18 United States Code, Section 4, you may be obligated to report a crime if you are directly asked during a criminal investigation whenever:

You have knowledge of the commission of a felony;

The felony actually occurred; and The felony is a federal offense;

If you willfully conceal the commission of a felony federal offense, you can be charged with "misprision of a felony."

Misprision of a felony is a form of obstruction of justice. If you are convicted, you face up to a \$250,000 fine, imprisonment up **to three years, or both fine and imprisonment.**

7. Does the file 817.Violations.AG.Docx prove 817 was violated. Yes \_\_\_ No \_\_\_

Enclosed is a document/file: 817.Violations.AG.Docx. This notice was sent to AG Ashley Moody who in turn sent to Brevard to handle.

To my knowledge no case or complaint number was ever assigned.



Paul Preston 911 Fir St. Barefoot Bay, FL 32976 772-202-4799 [prezpresto@aol.com](mailto:prezpresto@aol.com) 561-756-0233

# florida today

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## NEWS

# Expert report finds fault with sheriff's investigations of Gregory Edwards' case

**Alessandro Marazzi Sassoon** Florida Today

Published 8:03 a.m. ET Nov. 17, 2020 | Updated 11:06 a.m. ET Nov. 17, 2020

A sworn law enforcement officer retained by FLORIDA TODAY for its lawsuit against Sheriff Wayne Ivey for a jail video found that deputies had committed "reckless" policy violations, "unreasonable and excessive" use of a spit hood, and presented "misleading" accounts of what happened to the U.S. Army combat medic who died in sheriff's custody almost two years ago.

In a report prepared for the court as an expert witness, Roy Bedard, a respected former police officer and police trainer with 33 years of experience in criminal justice and public safety, found dozens of details of what led to Gregory Lloyd Edwards being found unresponsive in his cell were omitted, misreported or mischaracterized by the sheriff's office during two investigations.

Had FLORIDA TODAY's lawsuit gone to trial rather than being settled by the parties last week leading to the release of the video to the public Friday, Bedard's report would have been submitted as key evidence and used by FLORIDA TODAY to challenge official accounts of Edwards' treatment at the jail.

Over 70 pages of the report, Bedard describes what did and didn't happen to Edwards, and cast doubt on the integrity of the sheriff's criminal and internal investigations and the subsequent reviews by the State Attorney and Florida Department of Law Enforcement. Bedard's findings contrast dramatically with Ivey's narrative of how his agency performed that day, which Ivey described during his Facebook presentation of the jail video Friday as "a shining example of professionalism and honor."

In his prerecorded Facebook video presentation, Ivey also touted Bedard's assessment that the force deputies used to gain control of Edwards was not excessive. While Bedard indeed told the sheriff's lawyers in a sworn pre-trial interview that the level of force used by deputies

was not unreasonable, his full sworn testimony and report paint a far more negative picture of Ivey's agency and its response than Ivey has admitted.

Edwards, a decorated U.S. Army veteran diagnosed with post traumatic stress disorder, was arrested in West Melbourne on Dec 9, 2018, during what his wife described as a PTSD episode, in which he attacked a charity worker in a Walmart parking lot.

Edwards was then taken to the jail where he resisted being booked. When he tried to challenge one deputy and the fight ended up on the floor, as many as eight others responded, punching, kneeling, tasing and pepper spraying Edwards to get him under control. They then cuffed him, strapped him in a restraint chair and put the spit hood on without decontaminating him or removing the taser probes from his back.

Soon after Edwards was wheeled into a cell by himself and was found unresponsive almost 16 minutes later. He died the next day at a local hospital, never regaining consciousness. The State Attorney's Office ruled on July 1, 2019, that the officers' use of force to gain control of Edwards was reasonable and justified, and commended deputies for their response to Edwards once he was in distress.

Bedard chooses some of his harshest words for State Attorney Phil Archer and the commendation.

Bedard told FLORIDA TODAY, that Archer was basing his decision on a "defective criminal investigation report that makes no commentary about policy."

"Had the State Attorney conducted an independent investigation of the incident, it is unlikely these violations would have been missed, and a proper determination of criminal negligence could have been exhaustively reviewed," Bedard wrote.

Bedard said under those circumstances, Archer's findings and his praise "looks like a whitewash."

A spokesman for Archer's office, Todd Brown, declined to comment on Bedard's findings, saying: "We don't have anything further to offer in this matter."

The sheriff's office did not respond to questions about Bedard's report.

In his report, Bedard rebukes the sheriff's claim that Edwards was high from inhaling aerosols at the time of his arrest. Ivey has blamed Edwards' widow, Kathleen Edwards, for her husband's death, accusing her of failing to tell arresting officers that Gregory Edwards had been "huffing" aerosol cleaners.

Ivey has repeatedly said over the last year that Kathleen Edwards told his investigators that she had observed Gregory Edwards inhaling chemical vapors from aerosol cans on the night of Dec. 8, 2019.

"This is a critical mischaracterization of what Kathleen Edwards told the investigating officer. She never said that she observed Gregory Edwards 'huffing' but rather drew this inference after seeing canisters in the garbage can." Bedard wrote.

Bedard also faults West Melbourne Police for not recognizing Edwards was in medical distress, despite the details provided by his wife.

"The responding officers failed to properly address the described signs and symptoms of medical distress that Edwards was clearly exhibiting coupled with the information they received from Kathleen Edwards," he wrote.

"After having been informed of Edwards' condition, the officers' interaction with Edwards was more akin to a criminal investigation than a medical intervention. They arrested him and charged him with crimes that they would reasonably have difficulty establishing criminal intent," he wrote.

Bedard added, if one accepts the medical examiner's diagnosis that Edwards died of excited delirium, then: "Jails are not the appropriate location for treating mental illness, particularly when the mental illness may likely manifest in sudden death."

Excited delirium syndrome, as Bedard also notes, remains a controversial diagnosis because it is not accepted by the American Medical Association or American Psychiatric Association and is criticized by groups such as the ACLU for being used to cover-up deaths from excessive force by police.

It is also commonly associated with the use of stimulant drugs, none of which were found in Edwards' blood, after extensive blood work by the medical examiner.

"While Edwards exhibited signs of PTSD or a psychotic break ... It is noted that no evidence of huffing or other illicit drug use was determined in Edwards' toxicology report," he wrote. Other signs of Excited Delirium are not documented in medical records: no enlarged heart, no elevated body temperature.

Bedard also notes Dr. Sajid Qaiser, the Brevard Medical examiner, did not send brain tissue samples for analysis that might support an excited delirium determination, nor did he look

for telltale signs in Edwards' muscle chemistry. Qaiser does note that Edwards has a brain injury caused by oxygen deprivation but, as Bedard points out, provides no cause for it.

Bedard also challenges findings by the sheriff's office and the various reviews that Edwards started the fight with deputies by punching Cpl. Brian Otto and knocking him to the ground. The video shows that Edwards was resisting by pulling away from Otto and posturing aggressively. Otto then tried and failed to execute a leg sweep takedown of Edwards, but succeeded only in taking them both to the ground, starting the brawl with as many as nine deputies that lasted five minutes.

"My review of the tape concludes that this was not an accurate representation of what happened," Bedard wrote. "Edwards did not punch the deputy, though it remains part of the official version of events. The deputy (Otto) told the investigator that he wasn't sure if he was ever punched in the head and the video proves that he was not."

Bedard, however, is clear, whether Edwards threw a punch does not change that Otto was justified in trying to takedown Edwards who was resisting booking.

While Bedard notes that the use of the Taser on Edwards was not in accordance with manufacturer recommendations, he does not find fault with the force used to restrain Edwards. But his report documents omissions by the official investigations, which he said fail to account for several blows and tactics used by deputies, such as the leg sweep maneuver Otto had attempted, which is not mentioned in the investigations at all.

And after the fight ended and Edwards was subdued and restrained, Bedard finds deputies acted well outside policy boundaries.

Bedard criticized the decision to place the spit hood over Edwards' head with the pepper spray still on his face. Deputies admitted Edwards was not actively spitting and said the spit hood was placed as a precaution to prevent the possibility of spit or mucous generated by the pepper spray from getting on them, a choice Bedard faults.

"Because Edwards was previously contaminated with pepper-spray, it is my opinion that (the second ranking officer in the jail that day Lt George) Fayson's order to place a spit hood over Edwards' head was a particularly unsafe one," he wrote. "Several manufacturers caution users that spit hoods can cause injury or death, citing that improper use may cause asphyxiation, suffocation, or drowning in one's own fluid."

Bedard concluded that the policy justification deputies provide for the use of the spit hood, "is a broad and reckless interpretation of the agency policy" and called the

move "unreasonable and excessive."

Additionally, the deputies failure to wipe the spray from Edwards' face, and remove Taser darts from his back, Bedard wrote, "was a violation of BCSO policy and caused unnecessary suffering."

He also found that leaving Edwards' hands cuffed behind his back in the chair for nearly 30 minutes was also excessive.

"Leaving Mr. Edwards with the handcuffs on behind his back was unnecessary, excessive and counter to the proper protocols of the chair's design and agency policy," he said, saying that the justification provided by deputies for that choice "does not appear to be reasonable or in accordance with agency policy."

But it is also at this point, once Edwards is secured in the chair, the Bedard says deputies should have acted in accordance with policy to ensure Edwards received a medical check.

"I have watched the video several times to the extent of the camera's capabilities. Medical personnel do not appear to be monitoring the situation as claimed. They do not check the restraints, nor do they make any determination that Edwards had uncompromised breathing or circulation by inspecting the ERC straps." he wrote.

Instead, Edwards is wheeled into holding cell #9 and left alone, with taser barbs still in his lower back.

"It is reasonable that the correctional officers tending to him were aware that that through their acts and omissions that Edwards was suffering unnecessarily and more than he would have if the proper protocols had been followed," Bedard wrote.

Once Edwards is found unresponsive the spit hood is removed, and tossed to the floor. It is later thrown in the trash by an inmate ordered to clean the holding cell. Ivey has said that the spit hood is perfectly breathable, claiming last week that it is less restrictive than a face-mask one might wear to prevent the spread of COVID-19.

But Bedard writes that "the spit-mask contained crucial evidence of measurable airflow and biofluids excreted by Edwards at the time he lost consciousness."

What that evidence was, was lost because the deputies failed to maintain the integrity of what had become a crime scene.

*Alessandro Marazzi Sassoon is a Watchdog Reporter at FLORIDA TODAY.*



11/25/2020

Expert finds Brevard sheriff's reports of Gregory Edwards case 'misleading'

*Contact Sassoon at 321-355-8144, [asassoon@floridatoday.com](mailto:asassoon@floridatoday.com) and Twitter: @alemzs*

IN AND FOR BREVARD COUNTY, FLORIDA  
CASE NO.: 05-2020-CA-034489

THE COURIER-JOURNAL, INC., d/b/a;	)
FLORIDA TODAY newspaper,	)
Plaintiff,	)
	)
v.	)
	)
WAYNE IVEY, SHERIFF OF BREVARD	)
COUNTY, in his official capacity,	)
Defendant. _____	)

**EXPERTS ANALYSIS OF PLAINTIFF'S PUBLIC RECORDS REQUEST**  
**PURSUANT TO CHAPTER 119 FLORIDA STATUTES**

**I. INTRODUCTION**

My name is Roy R. Bedard. I reside in Sanford, Florida, where I am a full-time Professional Law Enforcement, Civilian and Corrections Trainer. I am the owner and president of RRB Systems International, a police and public safety product and training corporation headquartered in Sanford, FL that conducts law enforcement, corrections and public safety training throughout

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EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR BREVARD COUNTY, FLORIDA  
CASE NO.: 05-2020-CA-034489

THE COURIER-JOURNAL, INC., d/b/a; )  
FLORIDA TODAY newspaper, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WAYNE IVEY, SHERIFF OF BREVARD )  
COUNTY, in his official capacity, )  
 )  
Defendant. \_\_\_\_\_ /

**EXPERTS ANALYSIS OF PLAINTIFF'S PUBLIC RECORDS REQUEST**  
**PURSUANT TO CHAPTER 119 FLORIDA STATUTES**

**I. INTRODUCTION**

My name is Roy R. Bedard. I reside in Sanford, Florida, where I am a full-time Professional Law Enforcement, Civilian and Corrections Trainer. I am the owner and president of RRB Systems International, a police and public safety product and training corporation headquartered in Sanford, FL that conducts law enforcement, corrections and public safety training throughout the US and abroad. I am a listed subject matter expert in Use of Force by the Florida Department of Law Enforcement. I have been previously qualified as an expert in police procedures, police use of force, defensive tactics, combat stress and self-defense. I have been asked to review materials presented to me by Plaintiff's counsel and to provide expert analysis of the evidence submitted in the case of The Courier-Journal, Inc., d/b/a Florida Today Newspaper v. Wayne Ivey, Sheriff of Brevard County.

## **II. QUALIFICATIONS AND BACKGROUND**

I have taught a variety of professional training courses over the last thirty years including classes in police and corrections procedures, police management, and police civil liability throughout the US and abroad. I have taught civilian self-defense courses at the Florida State University for the Center for Participant Education and Florida Institute of Martial Arts. I have taught advanced defensive tactics to academies, corrections and law enforcement agencies throughout Florida and many other parts of the nation. I have provided training and policy development to the Federal Law Enforcement Training Center and Federal Bureau of Prisons. I have developed police tactics training courses and hold patents, trademarks, and copyrights on a variety of police equipment and law enforcement training. I have produced films and television shows which are used in colleges and law enforcement academies across the state and nation. These productions cover uses of force and police procedure, non-lethal uses of force, and related issues of both civil and criminal liability.

I received a bachelor's degree from the Florida State University in Criminology and Criminal Justice. I received a master's degree and a Ph.D. from Florida State University in Educational Psychology. Since 1987, I have served as a full-time police officer, police trainer, and reserve police officer. I began my profession at the Florida State University as a patrol officer. I have been active with the Tallahassee Police Department since 1990 and retired in December 2015. I am presently employed as a special reserve officer for the Tallahassee Community College Police Department. I have participated in most of my full-time police career as a field-training officer. I retain my police standards with the Florida Department of Law Enforcement (FDLE) Criminal Justice Standards and Training Commission (CJSTC).

I am currently an adjunct trainer at the Florida Public Safety Institute and have served in this capacity since 1987, in Havana, Florida providing training services for basic, advanced and specialized law enforcement and corrections officials.

I am certified as a police officer and police instructor by Florida's Criminal Justice Standards and Training Commission (CJSTC). I serve as a task force member to the Use of Force and Defensive Tactics Development Committee for police and corrections officers of the State of Florida at the Florida Department of Law Enforcement in Tallahassee, Florida. I write defensive tactics and use of force curriculum for all law enforcement and corrections candidates who wish to become licensed in the State of Florida.

I have previously appeared as an expert witness in a variety of civil and criminal cases, having been qualified in both state and federal courts as an expert in use of force, police and corrections procedures, self-defense and combat stress. My experience and publications are described more fully in the curriculum vitae prepared by me and attached to this report.

### **III. ANALYSIS PROTOCOL**

To prepare for this review I have analyzed the documents and data currently available to me from discovery materials. I have listed the items that I have reviewed in the following section. My analysis continues. The materials I have reviewed are of the type typically relied upon by consultants and experts when conducting analyses and forming opinions regarding issues of use of force, defensive tactics and questions of human performance. These documents have provided me enough relevant data to develop my initial opinions to a reasonable degree of professional certainty in the fields of law enforcement, corrections, security and public safety.

In addition to the documents germane to this case I rely on my training, experience and advanced education in the field of use of force, defensive tactics and human performance, consultations with peers, review of professional articles, peer reviewed literature and independent research that I have conducted over years of training and teaching in these specific areas.

Terminology: Opinions that I present in this report may use terminology that overlap with other accepted legal terms or standards. Use of specific legal terminology is not intended to draw legal conclusions or to subvert the function of the court or to inappropriately influence triers-of-the-fact. The use of these terms is common in my field of expertise and I use them often as I lecture and train law enforcement or civilian audiences. They form the basis of my understanding of the subject matter and are commonly used by other consultants, experts and law enforcement officials in the field.

Truth, Veracity and Bias: My analysis is not intended to assign credibility to any of the evidence or witness statements or to presume that any one version of events is more truthful than any other. The information I draw from various documents and sources may be deemed unreliable if contrary evidence demonstrates it to be untrue or untrustworthy. Where practical, I rely on undisputed facts and I attempt to indicate disputed facts when appropriate. If facts or evidence directly contradict statements offered as evidence, I attempt to point out contradictions and provide them context. Any assumption of truth is undertaken solely for the purpose of analysis and rendering an opinion. It is understood that the test of veracity and truth of the available evidence lies with trier-of-fact.

Nature and Status of Opinions: Any reference by me to documents reviewed is not intended to be all-inclusive of my foundation or basis of opinion. I reserve the right to supplement this report if necessary if new information becomes available.

My opinions may not be fully developed. Each opinion is susceptible to further development as I continue to research, investigate or review new information presented to me.

#### **IV. MATERIALS PROVIDED FOR REVIEW**

- Plaintiff's Motion for Accelerated Hearing Pursuant To § 119.11, Florida Statutes
- West Melbourne Police Department (WMPD) police reports
- WMPD 911 calls
- WMPD CAD printouts
- WMPF Use of Force review findings public information by Todd Brown, SAO
- Brevard County Sheriff's Office Criminal Investigative Services Investigative Summary
- BCSO Criminal Investigative Services Major Crimes Unit Reports, Case # 2018-00434257
- BCSO Case reports with supplementals
- Audio Recordings; Criminal Investigative Services
  - Adam Hester
  - Andrea Mustafa
  - Brandon Hartley
  - Brian Sherbrook
  - Ashley Fried
  - Charlene Raisman
  - Crystal Idleburgh
  - Deshawn Edward
  - Deborah Nadeua
  - Denise D'Agostino

- Laura Clarisse
- Carlos Iriban
- Corbin Smith
- Jonathan Weiss
- Freddy Cedeno
- George Ricks
- Anthony Lamar Berry
- Gregory Ramond
- Kenneth Bloodworth
- Kristopher Moffitt
- James Oeser
- Jeanette Donaho
- Joanne Borsella
- John Tress
- John Wright
- Kathleen Edwards
- Keith Tiller
- Ayana Robinson
- Hany Abdeohady
- Yolanda Jones
- Kelly Haman
- Morgan Alonso
- Regina Ellis



- Richard Zimmerman
- Ryan Hummel
- Sarah Papesh
- Michael Perez
- Shannon Popielarczyk
- Stephanie Smith
- Steven Hughes
- Veronica Shinholster
- Victim of Battery Marsy's Law
- Victim Officer Marsy's Law
- Wendy Haynes
- WMPD Officer Krukoski
- Brevard County Sheriff's Policies
  - 165-200.08-Purchasing.pdf
  - 165-200.16-Policy-Procedure.pdf
  - 165-200.20-Media Relations.pdf
  - 167-500.08 CEW Conducted Electrical Weapon.pdf
  - 167-500.28 Mentally Ill and Substance Impaired Individuals.pdf
  - 167-500.37 Detainee Processing.pdf
  - 167-500.75 Handcuffs and other restraints.pdf
  - 167-500.76 Response to Resistance Tab 10.pdf
  - 167-500.76-Response to Resistance.pdf
  - 167-500.77-Weapons.pdf

- 167-500.83-Digital Imaging-Photographs-Video Recordings.pdf
  - 168-600.06A-Inmate Supervision and Control.pdf
  - 168-600.06G-Conducted Electrical Weapon.pdf
  - 168-600.07I- (Response to Resistance) Use of Force.pdf
  - 168-600.07J-Physical Restraints.pdf
  - 168-600.07K-Restraint Chair.pdf
  - 168-600.08B-Critical Incident Stress Management Team.pdf
  - 168-600.08D-Attempted Suicide, Serious Injury or Death.pdf
  - 168-600.09A-Booking-Intake.pdf
  - 168-600.09H-Classification.pdf
  - 168-600.19C-Inmate Physicals.pdf
  - 168-600.19F-Special Care Cases.pdf
  - 168-600.19G-Mental Health.pdf
  - 168-600.220-Medical-Mental Health Unit 500 Pod Control.pdf
- BCSO 911 calls
  - Brevard County Sheriff's Office Fire Rescue run sheets
  - Edwards In-custody death investigation
  - Edwards Autopsy findings by Sajid Qaiser
  - State Attorney's Office Use of Force Investigation #18-00434257, by Phil Archer
  - Memorandum from Chief Deputy Waller to Major Fishback authorizing Administrative Investigation, 01/23/2019
  - Administrative Investigation (IA)
  - Public information Release 07/01/2019

- Gregory Edwards medical Records
- Rockledge Police Department Reports
- BCSO Annual Training: Use of Force (2018)

## V. SUMMARY OF EVENTS

1. On December 9, 2018 at approximately 11:19am Officer Jacob Mathis of the West Melbourne Police Department (WMPD) was flagged down in the Walmart Parking lot, 845 Palm Bay Road by a citizen requesting assistance.
2. The citizen informed Mathis that a fight was in progress near the front of the Walmart.
3. Mathis responded and discovered two male subjects actively fighting.
4. One of the subjects, Lebrandon Koonce, was actively holding down Gregory Edwards in the parking lot.
5. Officer Mathis separated Koonce from Gregory and attempted to take him into custody. Edwards began struggling and according to Mathis, attempted to bite him.
6. Mathis called for backup. WMPD officers Michael Perez and Kevin Krukoski responded.
7. Mathis notified arriving WMPD officer Krukoski that he needed leg restraints to prevent Edwards from kicking.
8. After securing Edwards in handcuffs and leg restraints, Krukoski placed Edwards in the back of his patrol vehicle.
9. WMPD Sergeant Perez spoke to Edward's wife Kathleen on the scene. She told Perez that Edwards was a veteran combat medic that suffered from PTSD and associated mood irregularities. She described him as being "manic" and "paranoid" and said that he was not

presently taking medication prescribed to him. Kathleen informed officers that Edwards had not slept in 3-4 days. She described that he was having delusions.

10. Later that same evening, Kathleen Edwards, during an interview with CIS Agent Jennifer Straight, said that she assumed that Edwards had earlier been “huffing” aerosol cans of Endust®, a consumer cleaning supply<sup>1</sup> several days before his arrest. She said she never saw him huffing but saw several empty spray cans in the garbage can.
11. WMPD officers determined on the scene that Edwards was on Felony probation. Rather than bringing Edwards to a medical facility, WMPD officers charged him with Violation of Probation (VOP), Resisting an Officer with violence, and battery.
12. WMPD officers brought Edwards directly to the Brevard County Jail. A video of Edward’s transport was recorded.
13. According to Krukoski, during the transport Edwards became agitated and began kicking and stomping and screaming while in the back seat.<sup>2</sup> Sergeant Perez called BCSO booking Sergeant Zimmerman to tell him that Krukoski was delivering a combative prisoner to the jail. Correctional officers were waiting for him when he arrived. They assisted Krukoski bringing Edwards into the booking room.
14. Krukoski stated that due to the information provided by Kathleen Edwards, he chose to Baker Act<sup>3</sup> Edwards upon arrival at the jail.<sup>4</sup> Kathleen Edwards told Sgt. Perez that her husband had been involuntarily committed in the past.

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<sup>1</sup> The Material Safety Data Sheet (MSDS) reveals that Endust® contains Tetrafluoroethene and Difluoroethane. The specific identity and/or exact percentage of composition has been withheld as a trade secret. It is noted that Difluoroethane is a depressant, not a stimulant as is often found in cases of ExDS.

<sup>2</sup> See WMPD CAD report

<sup>3</sup> The Florida Mental health Act of 1971 (Florida Statutes 394.451 - 394.47891 commonly known as the “Baker Act” allows for involuntary Institutionalization and Examination of individuals by designated mental health professionals in designated receiving facilities.

<sup>4</sup> The Brevard County Jail is not a recognized receiving facility for Baker Act individuals.

15. Once inside the detention facility, Edwards was searched and escorted to a changing room.  
He was then placed in holding cell #7 by himself allegedly to “calm down.”
16. According to the internal investigation, Edwards immediately began to show signs of agitation and delusion that included calisthenics in his cell, shadow boxing, pacing, attempting to open an access panel in the wall, and tossing a bag into the air.
17. A BCSO correctional officer approached the door and said something to Edwards, which, according to reports, appeared to provoke Edwards.
18. The deputy opened the door to take Edwards out to process him.
19. When Edwards walked away from the deputy, the deputy placed his hand on Edwards shoulder.
20. Edwards pulled away and took a pugilistic posture reasonably signaling his intent to fight.
21. The deputy closed the distance between he and Edwards and executed a leg sweep.
22. Both the deputy and Edwards fell to the floor.
23. Edwards mounted the deputy and began to strike him about the head and body.
24. Sergeant Wagner, FTO Zimmerman and Deputy Popielarczyk engaged Edwards, attempting to pull him off of the deputy.
25. The officers used common grappling and striking techniques against Edwards to counter his resistance.
26. The deputy pepper-sprayed Edwards with his department issued oleoresin capsicum (OC).  
It is reported that the aerosol had no discernable effect.
27. Lieutenant Fayson arrived and also engaged Edwards by using multiple knee strikes to Edwards leg.
28. Deputy Cedeno arrived and attempted to control Edwards legs.

29. Deputy Edward arrived and to help get restraints on Mr. Edwards.
30. Edwards reportedly refused to allow the corrections officers to pull his arms out from under him.
31. Major Haman arrived and directed CO Blazewicz to fire her TASER at Edwards. The probes struck him in his lower back but reportedly had no discernable effect. Blazewicz followed up by applying drive stuns to Edwards. But still compliance was reportedly not reached. The TASER log showed that Blazewicz pulled the trigger of the device 6 times. Three of the deployments were longer than the 5 second normal cycle. They ranged from 10-13 seconds.<sup>5</sup>
32. Eventually the corrections deputies were able to pull Edwards hands out from underneath him and place him in handcuffs behind his back.
33. Fayson decided to place Edwards in the restraint chair with his handcuffs left in place behind his back.
34. It is reported that Edwards continued to resist the officers attempts to strap him into the chair. Overt signs of resistance cannot be observed on the video.
35. Edwards was seated and strapped into the chair. Both shoulder straps were applied, the lap belt was applied, and ankle straps were applied. His hands remained cuffed behind his back.
36. Major Haman ordered that a spit hood be applied to Edwards to prevent him from spitting. Officers report the spit hood was a precautionary measure after the use of OC spray and Edwards was not actively spitting.

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<sup>5</sup> See Criminal Investigative Services report, pg. 57, Conducted Energy Weapon-TASER

37. After watching the video, it was clear that the taser probes were not removed prior to Edwards' placement in the restraint chair. The taser probes were not removed until Edwards was found non-responsive.
38. According to the investigation, the corrections deputies observed Edwards for approximately 6 minutes prior to placing him in holding cell #9.
39. Edwards was wheeled into cell #9.
40. The investigator reported Edwards was visually monitored from those in the booking area who had clear visual of him in the cell.
41. Just before 2:30pm, detention officer Mustafa noticed that Edwards appeared to be in distress.
42. Edwards cell was entered by Fayson, Wagner and Nadeau.
43. Nadeau went to her office and retrieved an oxygen mask which she placed on Edwards.
44. Edwards was transported to the medical unit.
45. Nurse Ashley Fry (aka, Taylor) instructed someone to notify EMS via 911 and that Edwards be removed from the chair so that CPR could commence.
46. Edwards was placed on a back board on the floor of medical.
47. Several staff members began CPR on Edwards.
48. An AED was applied but reportedly no shock was ever reported by the device. It advised to continue CPR.
49. Upon arrival, Brevard County Fire Rescue assumed medical responsibilities for Edwards and transported him to a medical care facility.
50. Edwards was received by the medical center and pronounced dead by Dr. Edward Lin at 8:00pm the next day at Rockledge Medical Center.

51. An internal investigation (see case number 2018-CI-041) and death investigation was conducted by BCSO (See case number 2018-004324257).

## **VI. ANALYSIS**

### **A. The arrest of Gregory Edwards**

On December 9, 2018 decedent Gregory Edward was arrested by Officer Jacob Mathis of the West Melbourne Police Department (WMPD) in in the Walmart Parking lot, 845 Palm Bay Road. Edwards was acting irrationally and started an unprovoked fight. According to WMPD records, Edwards got into the back of a box truck containing children's toys. When asked by an employee to leave, Edwards took off his shoes, began laughing and then fell backwards onto the bags of toys lying down. Edwards eventually got out of the truck, but then attacked an anonymous charity worker from behind who was loading the truck, by scratching and punching him. An employee came to his aid and wrestled Edwards to the ground to await police arrival.

When Mathis arrived, he observed the employee actively holding down Edwards in the parking lot. Mathis separated the employee from Edwards and a struggle ensued. Mathis was able to restrain Edwards by himself but called for backup. Mathis gave Edwards several commands to "stop resisting" and to "calm down." Edwards remained unresponsive to the commands and continued to fight. Officers Krukoski and Perez arrived and after helping to secure Edwards, Krukoski transported him to the Brevard County Jail after charging him with three criminal offenses. The officers of the West Melbourne Police Department failed to recognize or properly respond to the fact that Edwards was likely suffering from a psychotic break even after discussing the events leading up to the arrest with Edwards wife Kathleen. WMPD Sergeant Perez spoke to Edward's wife Kathleen on the scene. She told Perez that Edwards was a veteran combat medic



that suffered from PTSD and associated mood irregularities. She described him as being “manic” and “paranoid” and said that he was not presently taking medication prescribed to him.

The West Melbourne Police Department provides policy guidance for its officers to recognize indications of mental disturbances, particularly Excited Delirium Syndrome (ExDS) or Emotionally disturbed persons. It states:

*Officers should be aware of the signs and symptoms of Excited Delirium or Emotionally Disturbed Persons (EDP). These include, but are not limited to:*

- a. Extreme paranoia*
- b. Profuse sweating*
- c. Inability to communicate/non-communicative*
- d. Evidence of drug use/prior mental health issues*
- e. Extreme mood swings and violent behavior*
- f. Unexpected strength*
- g. Incoherent shouting*

*If officers encounter an individual who they believe may be suffering from excited delirium they should attempt to have emergency medical personnel on stand-by to attend to the subject once the subject is in custody. Officers should ensure that individuals suffering from excited delirium are transported in an ambulance in order to ensure efficient medical care and proper attention.<sup>6</sup>*

Edwards would later be found to have been suffering from “Excited Delirium and complications.”<sup>7</sup> The responding officers failed to properly address the described signs and symptoms of medical distress that Edwards was clearly exhibiting coupled with the information they received from Kathleen Edwards.

The officers are on record making note of the specific behaviors they observed being exhibited by Edwards. The officers were informed that Gregory Edwards, was “manic,” had gone without sleep for 3-4 days, regularly walks around the house talking about people outside, and often wakes up their daughter as if something is wrong. On the scene at Walmart, Edwards took

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<sup>6</sup> See WMPD General order 400.16.11 Excited Delirium or Emotionally Disturbed Persons (EDP)

<sup>7</sup> See Autopsy Results by Qaiser.

off his shoes, began laughing, jumped into a box truck with toys for kids, proceeded to punch and scratch an individual he didn't know who was loading a truck, and attempted to bite the officer during intervention. This abnormal behavior was captured on a Walmart security camera. It is indicative of a psychotic break, indicating that Edwards was having an acute psychotic episode of some type and consistent with ExDS (see DiMaio & DiMaio, 2006 for a full description).

Still, after having been informed of Edward's condition, the officer's interaction with Edwards was more akin to a criminal investigation than a medical intervention. They arrested him and charged him with crimes that they would reasonably have difficulty establishing criminal intent. At no time did Edwards receive the proper standard of care that the policy describes. The officers of the WMPD placed him on the ground, struggled to restrain him, then immediately brought him to jail. Jails are not the appropriate location for treating mental illness, particularly when the mental illness may likely manifest in sudden death.

## B. Excited Delirium Syndrome (ExDS)

*When death occurs, it occurs suddenly, typically following physical control measures (physical noxious chemical, or electrical), and there is no clear anatomic cause of death at autopsy. In cases in which a subject dies following the application of control measures, many or most of the following features are found;*

- *Male subjects, average age 36*
- *Destructive or bizarre behavior generating calls to the police,*
- *Suspected or known psychostimulant drug or alcohol intoxication,*
- *Suspected or known psychiatric illness,*
- *Nudity or inappropriate clothing for the environment,*
- *Failure to recognize or respond to police presence at the scene (reflecting delirium)*
- *Erratic or violent behavior,*
- *Unusual physical strength and stamina,*
- *Ongoing struggle despite futility,*
- *Cardiopulmonary collapse immediately following a struggle or very shortly after quiescence,*
- *Inability to be resuscitated at the scene, and inability for pathologist to determine a specific organic cause of death*
- *Attraction for glass or reflective surfaces (less frequent than all others per the Canadian data)*

From: White Paper Report on Excited Delirium, ACEP Excited Delirium Task Force (2009) American College of Emergency Physicians, Report to the Council and Board of Directors on Excited Delirium at the Direction of Amended Resolution 21(08)

It is ordinarily outside of a use of force and defensive tactics expert's purview to form opinions regarding medically complicated issues. However, in the case of ExDS, the "syndrome" as described has not yet been officially recognized as a medical or psychiatric condition by the American Medical Association (AMA) nor is it recognized by the American Psychiatric Association (APA). Indeed, some groups, including the American Civil Liberty Union (ACLU) contend that the syndrome is a fiction, exploited by police and used as a medical justification for excessive force (Paquette, 2003).

The law enforcement community views the syndrome seriously and has developed particular protocols and standards for managing incidents of suspected ExDS. For many years law

enforcement and pathologist conference presentations have presented academic information about the syndrome and white papers have been published to consistently described ExDS and its symptoms (for example see the American college of Emergency Physicians, 2009). There are well established national police standards for handling episodes of ExDS that inform local police policy and training. This is evidenced by the West Melbourne Police Department's standard operating procedure (SOP 400.16.11) entitled *Excited Delirium or Emotional Disturbed Person (EDP)*. This policy describes the symptoms of ExDS and provides a prescriptive response for its officers to adhere.

Because ExDS patients so often require physical custody, use of force and defensive tactics personnel have been tasked with developing training methods to safely take suspected ExDS patients into custody. This experience among law enforcement officials and experts gives them a unique perspective on this particular medical crisis.

The accepted method of custody should always prescribe multiple officers (4 to 5) and the immediate availability of a medical intervention, before any physical maneuvers are applied. There is a well-established reason for this.

When an ExDS patient begins to fight, they are known to be extremely powerful, impervious to pain and often demonstrate superhuman endurance. Their effort to overcome custodial arrest appears proximal to an extraordinary spike in body temperature as thermal regulation runs afoul at the neurological level. There are known medical reasons for this, associated with use and abuse of stimulant drugs. ExDS patients have what has been described as a 'meltdown,' often exhibiting internal body temperatures of around 108 degrees or higher. Engaging them in a physical confrontation exacerbates the deteriorating condition. Historically in

about 10% of the cases in which a person exhibited signs of ExDS, the onset was rapid and led to death (Wetli, 2006). Protracted bouts of strenuous physical activity are not recommended.

When officers use force, custody must be swift. This requires concerted effort by several goal-oriented officers to seize the patient and immediately subdue them. This method is consistent with field reports showing successful apprehension, control and survival of ExDS patients. Field observations indicate that ExDS episodes are always life-threatening episodes that require immediate emergency medical responders who are prepared to administer sedatives to slow down or reverse the deteriorating symptoms. Proper police tactics and medical interventions have proven successful for stopping the rapid deleterious effects and saving lives.

### **C. Controlling the ExDS patient**

Drawing lessons from the field, police officers have learned that many of their common control tactics (pepper-spray, batons, neck restraints, TASERs, etc.) have proven ineffective for control of the ExDS patient and may actually exacerbate the symptoms of the syndrome. Subjects who are seized by officers appear impervious to pain, rendering all pain compliance techniques ineffective. They often exhibit superhuman strength and continue to thrash about and struggle after being restrained. This unusual feature of ExDS nullifies many mechanical control techniques commonly taught to police for dealing with the criminal element, particularly when custody is attempted by only one or a few officers. In pursuit of the primary goal of saving lives, law enforcement has recalculated response options to manage patients with perceived onset of ExDS, to treat them as medical emergencies rather than criminal encounters.

It has been noted that the victim may vacillate between periods of normalcy and delirium. Attempts to take the person into custody may be the triggering event for violent behavior (Wetli,

2006). Bystanders or police officers who try to restrain the ExDS patient may create a flashpoint that begins the biological meltdown clock ticking. The decision to engage the ExDS victim must calculate the officers' ability to rapidly control the individual in order to administer sedatives to reverse the spiral towards death. The dilemma facing police officers is deciding the appropriate time to engage the victim vs. the possibility of triggering onset of a sudden death crisis.

To be sure, the exact mechanism of death is still not clear. This has fostered a positive climate for civil litigation claims. Some contend that the sudden death results from the surge of stress hormones (catecholamines) entering the bloodstream, with or without the added effects of stimulant drugs. The excessive effort in which ExDS patient resist custody results in the moniker often applied to sudden death as acute exhaustive mania. This theory posits that the extreme release of catecholamines causes the heart to stop, supporting observations that ExDS patients ultimately suffer from cardiac arrest accompanied by severe lactic acidosis (Hick, Smith, & Lynch, 1999). Others have postulated that the weapons used by law enforcement including pepper-spray or conducted energy weapons (CEW) like the TASER have been responsible. This has not been proven scientifically and in fact has been largely disproven through scientific analysis (see Chan, 2006 for a more complete description).

Mechanical effects from the arrest, have also been blamed as a cause of death. Proponents for the claim of positional asphyxia or positional restraint death describe that the mechanisms of breathing are interfered with when a subject is placed in a prone position, usually "hogtied" when the feet and hands are attached together using restraint devices. Though Reay (1992) was the first to find scientific evidence of this cause, he later retracted his findings in light of replications studies by Dr. Thomas Neuman. (Neuman, 2001, 2006). At present, sufficient studies have been conducted over the subsequent decade to scientifically show that the theory of positional asphyxia death is

more rumor than fact. This has led several researchers to denounce the common belief that positional asphyxia occurs as a consequence of “hog-tying” is junk science void of any pathology research support (Karch, Brave, & Kroll, 2016).

Finally, sudden in-custody death has often been blamed during custody on the use of neck restraints colloquially called “choke holds” in the public forum. Here, there may be some traction for legal claims of excessive force. Neck restraints used in sport martial arts and police work when applied to violent individuals are intended to restrict blood flow by compressing the carotid areas of the neck by which unconsciousness typically follows. The victim quickly recovers once the hold is released. The technique is considered safe when properly applied (DiMaio & DiMaio, 2006). However, the improper placement of the arm across an individual’s airway can result in long-term or permanent damage to the airway, restriction of oxygen, and if held long enough, hypoxic injury to the brain that can result in death. It is not difficult to inspect for trauma to the neck during post-mortem examinations. This would include an inspection of the throat for extensive hemorrhage, fracture of the cornu of the thyroid cartilage or a fracture to the hyoid or larynx. Death by manual strangulation is also often accompanied by changes in the eyes. In 89% of investigated strangulation cases, petechiae are found to the sclera and conjunctiva (DiMaio & DiMaio, 2006).

It is not reported with any notable level of frequency that the application of a particular police striking technique, spraying technique, application of the TASER, or restraint technique is shown to have resulted in sudden custody death. Usually the use of commonly used police defensive tactics has little or no appreciable effect when applied correctly. If the mechanism of death has been caused by some physical defect caused by the police interaction it is mostly obvious, like a gunshot, skull fracture or damage to the windpipe. Each of these causes or

contributors to fatal outcome can be determined in autopsy and preserved in the medical record as legal evidence. In my experience, trauma or lack of trauma to these areas are usually preserved in video or photograph and presented to the court for inspection during periods of litigation.

#### **D. Inspecting for artifacts of ExDS.**

It should be clear from the WMPD officers' own words that they recognized Edwards' behaviors and predisposition as highly unusual and indicative of a psychotic break. The officers recorded signs of delirium in their reports. Such behaviors are consistent with a variety of psychotic episodes defined by the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) and they may also be side effects or direct effects of a variety of licit and illicit drugs, particularly stimulants such as cocaine and methamphetamine. While Edwards exhibited signs of PTSD or a psychotic break, there is no evidence that he had used stimulants.

However, upon the officers' arrival to Walmart, Edwards had deteriorated to full blown confusion and paranoia. He exhibited violence when he attacked a person not know to him and then resisted the officers attempt to take him into custody. He continued struggling while officers attempted to restrain him, and the stories told to officers by witnesses demonstrated that he appeared to be delusional.

Sgt. Michael Perez recorded in his narrative report:

*I eventually made contact with a female identified as Kathleen Edwards, who stated she was the male's wife. She advised the following Her husband, identified by her as Gregory Edwards, is a retired Combat Medic diagnosed with PTSD. She stated he has been out of the military for years and has been acting "manic." She stated that it seems to get worse around Christmas and last year he was Baker Acted around the same time. While in the hospital he battered a medic or a nurse and was charged with a crime and was on probation now because of it. She stated that he has not slept in 3 or*



*4 days, regularly walks around the house talking about people outside and often wakes up their daughter checking on her as if something is wrong. She stated he has never been violent towards her or the child, but she was concerned that if he was left home alone, he might harm himself. She brought him to Wal mart with her and thought he was behind her when she walked inside with the child. She stated that he had an appointment scheduled for tomorrow with the Veterans Affairs (VA). She stated last year when he was Baker Acted, he was given counseling for the PTSD. He is prescribed medication, but she is pretty sure he is not taking It.*

This information coupled with the officer's own observations describes a serious deteriorating mental health condition that requires immediate treatment.

Thought the officer's arrival on the scene began as a call for public order enforcement, WMPD policy suggests that the officers should have recognized indications of a mental health crises, excited delirium and/or emotional disturbance. It was here, at the first call for service, that the officers should have reclassified the call as a medical emergency and insured that Edwards was medically treated and cleared by BCFR.

Critical law enforcement analysis and appropriate medical interventions are necessary to give subjects who experience ExDS the best opportunity for survival. Like any other medical condition that can result in extreme consequences (heart attack, stroke) law enforcement officers must take immediate lifesaving actions. The broad recommended procedures in any life-threatening episode are:

- 1.) Call for backup. In the case of an ExDS victim, officers are cautioned to prevent physical engagement until a sufficient number of officers have arrived. Research indicates that physical struggle is a much greater contributor to catecholamine surge and metabolic acidosis than any other contributor to sudden death. Studies also indicate that prolonged

struggle result in poor outcomes in ExDS encounters. It is therefore recommended that any control method used be quick and decisive to optimally minimize the time spent struggling.

2.) Immediately notify emergency medical personnel of the condition. It may be necessary to enquire about the need for administration of a sedative.

3.) Turn the subject over to EMS personnel when they arrive for immediate treatment and allow them to transport to definitive medical care. If the subject is violent or may likely become violent, it may require that an officer or two accompany medical personnel in the ambulance.

Officer Krukoski claimed that EMS medically cleared Edwards on the scene, but there is no record that Edwards was medically cleared. Officer Krukoski wrote in his narrative:

*Due to Edwards being combative he was directly transported to the Brevard County Jail. During the transport Edwards became agitated again and began kicking, stomping, and screaming while in the back seat. Brevard County Jail Deputies were waiting for my arrival and assisted in removing Edwards from my vehicle and bringing him into the booking room. Due to his behavior and information provided by his wife Edwards was Baker Acted upon arrival at the jail.*

Though the Brevard County Fire Rescue (BCFR) did arrive to the scene, EMT Trainee Laura Clarisse stated that no one from the BCFR treated Edwards “because the police officer was afraid that Edwards might kick out at them.” Senior Fire-Medic Johnny Weiss said that the police at first wanted Edwards checked, but then said, “no you guys can go.” Krukoski reported that Edwards was medically cleared in his report claiming that BCFR told him that he was medically cleared.

Providing that Clarisse and Weiss gave accurate accounts of their involvement, it is not clear why Krukoski, knowing what he knew about Edwards deteriorating condition, would prevent Edwards from receiving medical clearance on the scene. Krukoski recognized that Edwards was

suffering from a mental crisis and he was harmful to himself or others. He involuntarily committed Edwards for a psychological evaluation immediately upon arriving at the jail. It remains unclear why Krukoski chose to Baker Act Edwards directly to the jail. Perez had filled out the Baker Act paperwork while still on the scene at Walmart.

The BCSO official report criminal investigation states, *“At approximately 1237 hours, WMPD Officer Kevin Krukoski transported Inmate Edwards to the Brevard County Jail Complex (BCJC) for further processing under a no bond status and an accompanying Baker Act Form.”*

The jail is not the appropriate receiving center for Baker Act patients. Krukoski knew or should have known that it would not be possible for jail staff to properly process Edwards until he was examined and stabilized by trained mental health professionals.

The opinion of the pathologist is that the cause of death of Gregory Edwards was Excited Delirium. There are typically several pathological signatures of ExDS commonly observed post-mortem. These include the presence of stimulant drugs or their metabolites in the system, hyperthermia, an enlarged heart (more than 400 grams), signatures in the dopamine neurotransmitters (decreases in the D2 dopamine-receptor particularly in the temperature-regulatory centers of the hypothalamus (Wetli, 2006)) and associated dysregulated dopamine transporters (hyperdopaminergic state). Often there is signs of metabolic acidosis. Edward's core body temperature was not taken for signs of hyperthermia. Despite other vitals, Edwards' temperature was not recorded the jail medical records, indicating it was not of note. No signs of increased body temperature appear to have been observed by officers or staff.

Qaiser conducted an autopsy nearly 14 hours after Edward's time of death. Edward's brain pathology was not sent out to inspect for abnormal neurochemical systems that leave biomarkers

common to the disorder.<sup>8</sup> Edwards heart weighed 380grams. There are no notes of cardiomegaly in Qaiser's report. The toxicology showed that Edwards had none of the signature chemistry in his blood screens, such as stimulants, which are commonly found in ExDS victims. I did not see any examination for evidence of Rhabdomyolysis (breakdown of skeletal muscle) commonly shown in ExDS patients through elevated muscle enzymes including creatine phosphokinase (CPK), SGOT, SHPT and LDH.

Edwards medical examination did show evidence of ischemic hypoxia in his brain<sup>9</sup> but no specific mechanism was identified that would have caused it. It is reported that Qaiser did not return Edward's brain after inspecting it. Qaiser reported that he examined the soft tissues of Edward's neck, including the strap muscles, thyroid gland and large vessels, reveals no abnormalities. The hyoid bone, larynx and cervical spine are grossly intact and showed no evidence of gross trauma.

At Walmart, Edwards was reported as being paranoid. There was evidence from Kathleen Edwards that her husband may have used drugs (huffing) and had a history of mental issues with extreme mood swings.<sup>10</sup> In addition, Edwards demonstrated surprising strength when officers tried to take him into custody. It is noted that no evidence of huffing or other illicit drug use was determined in Edward's toxicology report.<sup>11</sup>

These symptoms exhibited by Edwards are spelled out in WMPD SOP 400.16.11.

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<sup>8</sup> Post-autopsy, Qaiser did not return Edwards brain and kidneys. Qaiser has refused to explain why he has kept them. The family has demanded to recover these organs. Qaiser has also retained the brain of Donald Whitmer who he determined has died of Excited Delirium in West Melbourne. [See Breanna Nickole Whitmer v. City of West Melbourne, Officer Jacob Mathis and Officer Kevin Krukoski]. Qaiser has also not given an explanation of why he retained Whitmer's brain and other organs. The family has also demanded it back.

<sup>9</sup> Hypoxia is a condition in which the body or a region of the body is deprived of adequate oxygen supply at the tissue level.

<sup>10</sup> It is noted that Kathleen Edwards never observed Gregory Edwards sniffing chemicals but had drawn an inference that he has based upon several empty End dust canisters in the waste basket.

<sup>11</sup> See Autopsy report, Steward Reference Laboratory Toxicology

The agency policy implicitly instructs officers who observe these behaviors to take emotionally disturbed persons into protective custody. They are instructed to have emergency medical personnel on stand-by to attend to the subject once the subject is under control. They are further instructed to ensure that individuals who may be suffering from excited delirium are transported in an ambulance in order to ensure efficient medical care and proper attention. These instructions are not intended to be arbitrary or left to the judgment of a likely ExDS patient, Because ExDS can rapidly progress to sudden death, the officers needed to provide emergency lifesaving support to Edwards by immediately requesting emergency medical personnel. Aside from the agency policy, the literature regarding ExDS response overwhelmingly recommends having EMS enroute in emergency mode to the subject. In this case, officers did not adequately assure that Edwards was medically treated or cleared before being delivered directly to the jail.

#### **E. The Attack on the Deputy**

After Edwards was brought into the Sally port and into the booking/intake area, he was brought to a room where he was provided an orange jumpsuit. Edwards was captured on the jail's security camera at all times moving from place to place in the custody of jail deputies. He was not monitored for a little over 3 minutes as he was issued jail clothing and changed in the presence of jail staff. Immediately after changing out of his street clothes, Edwards exited the changing area. Cameras showed him walking with jail deputies. His behavior was calm and unremarkable. Edwards was placed alone in cell #7, he was not physically restrained by any mechanical devices except the walls of the cell. At all times Edwards could be observed by the jail security system camera(s). He was given a bagged lunch and calmly ate it. He remained there undisturbed for approximately 42 minutes (see timeline, section I). Inside the cell Edwards did show signs of

aggression by doing physical exercise, stretching out and striking the wall and window of the cell door with his hands.

Edwards also showed modest signs of delusion. Though no audio track has been captured by the security system, Edwards is seen vocalizing something, at times when no one was there to listen. In plain speak, he is seen talking to himself as he paces the floor of the cell. On a couple occasions, Edwards paused and stared at the cell wall intently. He is seen picking at things on the wall, but it is not clear if any of those things actually existed or if they were part of Edward's disturbed state. As Edwards neared the 42-minute mark he slapped the wall of the cell, paced the floor and began to pound the glass on the door with his fists. It appears that Edwards was becoming more agitated. It does not appear that anyone watched Edwards during the early part of his placement in cell #7. Visual cues about his delusions and escalating level of aggression were therefore likely missed.

At 01:51:34 the deputy approached cell #7 and opened the door. He later said that Edwards attracted his attention by striking the windows to the cell. He said that he decided to retrieve Edwards for further processing. The deputy placed jail issue sandals on the ground for Edwards to step into, but Edwards refused. Edwards stepped over them, past the threshold of the cell and into the booking/intake common area.

The deputy gave Edwards directions to move to a different area of the facility that Edwards refused to go. The deputy appeared to be using verbal directions and hand signs to direct Edwards to one location, but Edwards continued moving to the opposite direction. The deputy calmly grabbed Edwards by the shirt sleeve and pulled him towards the desired direction. Edwards reacted by tensing and bracing. He took a pugilistic posture and balled his fist.

Immediately the deputy grabbed Edwards and executed a rear leg takedown, a tactic taught to correctional officers in the corrections in Florida police basic recruit training (FL BRT) [see Figure 1]. The takedown caused the deputy and Edwards to both fall to the concrete floor. Edwards fell nearly on top of him. The deputy's handcuffs fell from his body onto the floor.

The internal review later reported:

*“Upon receiving Inmate Edwards, he was dressed out in a jail issued uniform and placed in booking holding cell seven. [Redacted] later opened booking holding cell seven to continue the booking process. [Redacted] directed Inmate Edwards to step out of holding cell and he complied. [Redacted] gave Inmate Edwards further direction, he refused and became non-compliant. Inmate Edwards turned towards and punched him in the facial area with a fist, causing [Redacted] to fall onto the floor striking the back of his head.*

My review of the tape concludes that this was not an accurate representation of what happened. Edwards did not punch the deputy, though it remains part of the official version of events. The deputy told the investigator that he wasn't sure if he was ever punched in the head and the video proves that he was not. It is reported that the deputy suffered a contusion to the back of his head and was diagnosed with a concussion after receiving medical treatment. This perhaps occurred when the deputy struck his head on the ground. In several areas of the official investigation there is the suggestion that the deputy lost consciousness. The deputy expressed that he was stunned after striking his head against the floor, but it is clear that he did not lose consciousness as he actively engaged Edwards at all times.

The fact that Edwards did not strike the deputy does not invalidate the deputy's use of force. He would be expected to control Edwards who was actively defiant and physically non-compliant using physical control techniques.<sup>12</sup> Edwards did threaten the deputy when he balled his fist and took a pugilistic posture. The leg sweep that the deputy deployed was per policy appropriate against the active level of resistance that Edwards was engaged in.<sup>13</sup>

### Leg Sweep

The leg sweep uses thigh-to-thigh contact to upset the subject's balance from an upright grappling position.

Use loud, clear verbal commands throughout the application of the technique.

Assume an appropriate position.

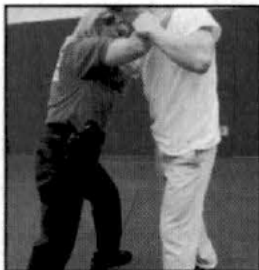
Use your leg in a sweeping motion to direct the subject to the ground.

Follow up with an appropriate technique(s). (See Figure 4-60)


*Note:* This lesson is optional for Law Enforcement, Corrections, and Correctional Probation.

**SECTION VOCABULARY**


*grappling*




1



2



4



5

Leg sweep

*Figure 4-60*

Figure 1: FL BRT Training Program. Vol 2. Pg. 255

The two men struggled for approximately four seconds before FTO Wagner, who was only a few feet away at the computer desk in the booking room, and Sergeant Zimmerman came to the deputy's aid. Both men engaged Edwards on the floor and all three struggled to get him into a

<sup>12</sup> [See Policy/ Procedure 500.76 Response to Resistance] The Brevard County Sheriff's Office police mimics the State of Florida's curriculum description for Physical Control to wit: Physical Control - Achieving compliance or custody through the use of empty-hand or leverage enhanced techniques, such as pain compliance, transporters, restraint devices, takedowns, lateral vascular neck restraint, and striking techniques.

<sup>13</sup> [See Policy/ Procedure 500.76 Response to Resistance] The Brevard County Sheriff's Office police mimics the State of Florida's curriculum description for Active Resistance to wit: Active Resistance- A subject's use of physically evasive movements directed toward the deputy such as bracing, tensing, pushing, or pulling to prevent the deputy from establishing control over the subject. Subject is evading control without trying to injure the deputy...



supine position for handcuffing. Edwards violently elbowed the deputy in the head and upper body. As Wagner and Zimmerman attempted to pull Edwards away from the deputy. Edwards wrapped his arm around the deputy's head in a momentary headlock.

Wagner hammer fist struck Edwards in the leg several times, directing his blows to the major nerve alongside the outer thigh (common peroneal) which supplies movement and sensation to the lower leg. The deputy was able, with the help of the other deputies, to get eventually get himself out from under Edwards. Throughout the struggle, the video shows Edwards partially lying on his side and attempting to sit up, while struggling against the deputies who were trying to get him onto his belly. As he struggled to resist the face down position the deputies struggled to put him in, he further obstructed the ability of the deputies to handcuff him. Edwards' relative positioning led to a protracted struggle on the ground.

Deputy Blazewicz and Lt. Fayson also came to the aid of the deputies on the ground. At this point, the deputies were beginning to stabilize Edwards with sheer numbers. Deputy Popielarczyk also arrived on the scene and held Edwards legs to control the movement of his lower body. Other staff members joined in to assist in getting Edwards secured. This included Deputy Edward, Deputy Cedeno, Lieutenant Fayson and Deputy Blazewicz. With the mass of officers trying to hold down Edwards, there was little movement from the pile of bodies on the ground. It is reported that Edwards laid on top of one of his arms, preventing the deputies from getting it behind his back. Lieutenant Fayson delivered knee strikes to Edwards lower body.

The deputy carried an Oleoresin Capsicum (OC) aerosol spray canister on his belt (often referred to as pepper-spray). He moved to the top of the pile of deputies, drew it from the holster, and pressed it into the pile of officers on the floor. It is not possible to see the precise moment where the spray was deployed. It is not possible to know precisely where the aerosol targeted or

where it made contact with Edwards. It is reported that the deputy sprayed Edwards and subtle behavioral cues (coughing, wiping) by the deputies offer evidence that the spray was indeed deployed. According to the internal affairs report, “[Redacted] gave a 2-3 second burst of the spray to the area of Edward’s face.” It is not known how the internal investigation determined these precise details.

Deputy Blazewicz, reportedly under orders from Major Haman, was told to use her TASER on Edwards. She drew her TASER and pushed it close to Edwards through the pile of bodies. She discharged the TASER, reportedly striking him with both probes in the buttocks. The TASER log showed that Blazewicz pulled the trigger of the device six times. It isn’t known how the electrical current effected Edwards.

With little spread of the probes, it is not expected that the effects of the TASER would cause the major muscles of his body to contract. Aside from the exception of the painful shocking affects, it is unlikely that the TASER would have had any benefit causing Edwards to bring his arms behind his back. It is reported that the TASER had no discernable effect.

At 1:56:40 the several deputies began to remove themselves from the pile, indicating that Edwards was now handcuffed and secured. It is not clear at what precise point of the struggle the deputies were able to completely subdue Edwards. It is possible that as reported, none of the control devices (TASER, spray, or strikes) had any effect on him. Full control of Edwards may have only been achieved due to Edward’s exhaustion or mindful cooperation. I was not able to determine any use of excessive or unreasonable force under the given circumstances as reported or captured on video. No patently deadly force was used to take Edwards into control.

## **F. The use of the TASER**

A TASER®, (conducted electrical weapon (CEW)) was only used by Deputy Blazewicz who entered the fray after other deputies already had Edwards on the ground and were struggling to get him handcuffed. She drew her TASER upon the orders from Major Haman and fired two probes into Edwards lower back. She then followed up with drive stuns, reportedly also into Edwards lower back. Deputy Blazewicz carried an X26 Taser. It is designed to deliver a 5 second shock with each pull of the trigger. A TASER log showed that Deputy Blazewicz discharged her CEW six times. Three of the deployments cycled a five second shock while three of the deployments lasted longer than five seconds, ranging in time between 10-13 seconds, demonstrating that Blazewicz held the trigger for an extended period of time and against manufacturer recommendations and policy/training requirements. It is not known if the weapon cycled while in contact with Edward's body.

It is not clear if Blazewicz or any other deputy was aware that Edwards was suffering a psychotic break when she engaged Edwards and deployed her TASER. The internal reporting states that Krukoski only mentioned that Edwards was suffering from Post-Traumatic Stress Disorder (PTSD) when he dropped Edwards off at the jail. No mention of suspected ExDS was given to BCSO correctional deputies by Krukoski. It is clear in the video that when Blazewicz used her CEW, it was during a period when Edwards was not fully handcuffed or under complete control. Edwards was perceptively still actively resisting the correctional officers, a requirement by policy for the use of the TASER.

Though the research indicates that TASERs are generally safe for use police and correctional applications, the use of them has been restricted by some agencies in special

circumstances. For example, the State of Maryland's Attorney General has been especially critical of TASER deployment during suspected cases of ExDS (Maryland Attorney General's Task Force, 2009).

Further in October 2008, The US Department of Justice, Office of Justice Programs issued an article in NIJ Journal 261 entitled: Calming Down: Could Sedative Drugs Be A Less Lethal Option? Within the article, the author Danielle M. Weiss, J.D. states:

*In other situations, the use of less-lethal devices may raise concerns about the risk to police officers and suspects. For example, people on drugs who show symptoms of a state known as "excited delirium" frequently experience a spike in body temperature, increasing their risk for death. Concerns have been raised by law enforcement and the public about whether a shock from a CED – introduced when a subject's body temperature is rising due to drug-induced excited delirium – could contribute to sudden death."*

At the time that Blazewicz deployed her TASER on Edwards, modern 'air taser' technology had been widely used in the field for over twenty-five years. Past and present manufacturers, including Tasertron, Taser Technologies and Taser International (now Axon) had records of the weapon system being deployed on hundreds of thousands of subjects worldwide in both controlled training and in the field. That data has been analyzed and studied by many governmental think tanks, universities, and law enforcement task forces. There is no scientific evidence to date of a cause and effect relationship between TASERS and in-custody deaths.

The TASER uses two charged electrodes attached to the ends of long conductive wires. They are attached to a cartridge, powered by the weapon's electrical system. Pulling the trigger on the TASER causes the electrodes to fire at approximately 8-degree deviation from each other which causes a spread of the probes on contact. The amount of spread is dependent on the distance the probes are able to travel. During effective deployments electrodes will penetrate the skin or clothing in order to complete an arc circuit through which electricity flows. As mentioned, the

cycle of each trigger pull is 5 seconds, meaning that the charge remains active for a full 5 seconds so long as the trigger does not remain compressed. During this time, a high-voltage, low amperage current arcs into the body, overriding the body's natural neurological electrical system. This causes the muscles to dysfunction to some degree, at times giving law enforcement officers an advantage over the person's ability to control their own movements. The temporary paralysis/incapacitation effects are best observed when the probes are able to spread over wider parts of the body, effecting the major muscle groups that control locomotion.

There has been a significant number of deaths that have occurred nationwide subsequent to field use of TASER technology, but the cause of death in most of these cases remains in dispute. Policy statements have been issued by the International Association of Chiefs of Police (IACP), Americans for Effective Law Enforcement (AELE), Police Executive Research Forum (PERF) American Civil Liberties Union (ACLU) and dozens of district and circuit courts who offered opinions about the effects and cautions one should consider before using a TASER against persons suspected of ExDS.

The Brevard County Sheriff's Office also recognizes that special care should be taken with certain Inmates.

*[Policy 600.06G Electronic Control Devices] Special consideration must be implemented when considering use of the CEW upon special care inmates. Special care inmates include, but are not limited to, inmates experiencing mental health issues, intoxication and detoxification, excited delirium, age protocol (youth or elder), etc. The authorized operator will exhaust all other possibilities as set forth in Policy 500.76 Response to Resistance when considering use of the electronic device upon inmates in these categories. Intended use of the CEW on special care inmates will be included in the annual training curriculum.*

## G. Controlling Gregory Edwards

Lieutenant Fayson arrived at the area where the deputies were grappling with Edwards. He walked around the pile of officers, then engaged Edwards on the ground. He used several knee strikes to Edwards lower body reportedly to facilitate getting Edwards off of his arm to be handcuffed. This technique is taught and approved for police and corrections officers in the State of Florida (see Figure 2.)

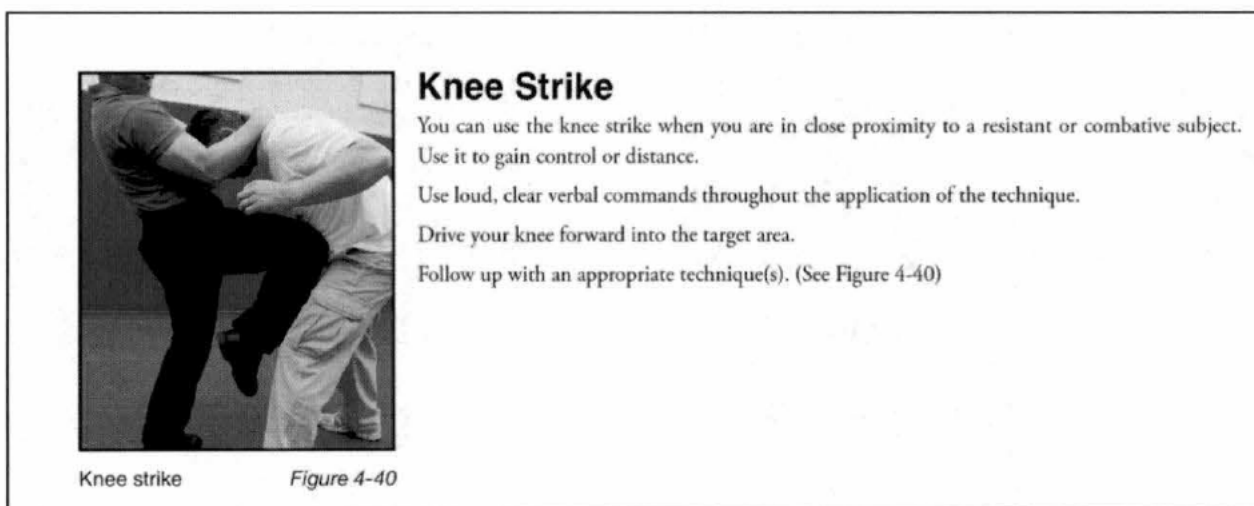


Figure 2: FL BRT High Liability. Vol 2: pg. 244

A short time after Blazewicz deployed her TASER, Edwards was taken under control. An emergency restraint chair (ERC) was brought to the location where Edwards was subdued. Several deputies lifted Edwards into the chair. He appeared to be limp and presented no obvious signs of resistance. He was handcuffed behind his back. No leg irons were applied while Edwards was on the ground.

The formal internal investigation concluded that Edwards continued to resist after he was placed in the chair. If he did, it isn't apparent on the video. It is noted that bracing and tensing movements, if they occurred, would be perceived as resistance by the officers who were hands on with him. The video shows that there are no gross body movements by which Edwards can

reasonably be perceived by an outside viewer as “resisting.” The official version of Edward’s placement in the chair was that he was not allowing his legs to be secured, prompting Wagner to hammer strike Edward’s in the leg. If Edwards legs were tensed or braced, he was not actively attacking the deputies. There is no indication on the video that he was kicking or attempting to kick anyone.

Once strapped into the Chair, Fayson ordered that a spit hood be placed upon Edwards. As instructed Deputy Ceden placed a spit hood over Edwards head. Ceden later stated that Edwards had spit and mucous in his nose and mouth area but was not actively trying to spit on anyone. Wagner would later explain that the use of the spit hood was a precaution to alleviate the *possibility* of Mr. Edwards spitting mucous or other bodily fluids on anyone. Because Edwards was previously contaminated with pepper-spray, it is my opinion that Fayson’s order to place a spit hood over Edward’s head was a particularly unsafe one.

#### **H. Use of the Spit Hood**

According to the official investigation, Major Haman ordered the use of the spit hood be applied to Edwards as he sat in the ERC. As noted, it was also claimed that Lieutenant Fayson gave the order to use the spit hood. It was applied to Edwards by Deputy Ceden.

The investigator cited a description of the spit hood to wit, “*The spit mask is made of 100% polyester and is latex free. The mask is a see-through breathable mesh device placed over the head and face to prevent spit, mucus, or other bodily fluids from being spit at others nearby. The spit mask is vented/breathable and does not restrict normal breathing.*”

There is research to demonstrate that spit masks do not cause clinically significant changes in normal breathing. (Lutz, et al., 2019; Marigolda, et al., 2020). It is important to note that post-

contamination procedures for OC do not anticipate a person will be “breathing normally.” Every correctional officer who has been trained in the use of aerosol pepper spray and has been contaminated during training or otherwise, knows the profound impact the active ingredient has on normal breathing. Breathing, in fact, is not normal at all as coughs, gasps, gagging and draining sinuses continue until the inflammatory effects of the spray wear off. It is one of the reasons why manufacturers recommend contaminating officers during training, to allow them to experience the deleterious effects first-hand.<sup>14</sup>

Large, open air areas allow the contaminated person to expel capsaicinoids. It is natural for a person to clear themselves of contaminants through discharging mucus and saliva involuntarily. While spit hoods may be constructed of see-through breathable mesh, they may not often remain that way for long as mucus, spittle, or blood, clog the mesh and coat the fabric as a consequence of the natural process of fluid discharge. Until more rigorous scientific testing has been done for the placement of a spit hood on a contaminated person, they must always be judiciously applied. Several manufacturers caution users that spit hoods can cause injury or death, citing that improper use may cause asphyxiation, suffocation, or drowning in one’s own fluid.” According to a manufacturer, “*the TranZport Hood should not be used on any person who is unconscious, vomiting, in respiratory distress, or in obvious need of medical attention. Anyone wearing a hood should be under the constant supervision of responsible parties.*”<sup>15</sup>

This is not to say that spit masks, socks or hoods should never be used on contaminated subjects. There are circumstances in which a contaminated person who is intentionally spitting at others may justify the use of a spit hood to prevent the likely and intentional spread of bloodborne pathogens harmful to others in the immediate environment. Indeed, spitting is a vile act with the

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<sup>14</sup> See Bedard, R. (1999) Oleoresin Capsicum Instructor Training Course (OCI).

<sup>15</sup> See Safariland’s TranZport Hood warning.



possibility of transmitting communicable diseases such as Hepatitis B, influenzas and Streptococcus. However, if used, it becomes obligatory that the person be directly monitored to assure that breathing is not compromised by a buildup of the described discharge, including the possibility of vomit.

It is not clear on the video that Edwards was not attempting to bite or spit at the deputies, but the investigation determined that he had not. According to Major Haman, *“the use of the vented spit mask in correlation to the use of OC Spray and the use of the ERC can be used together as a preventative measure to eliminate exposure of bodily fluids to corrections personnel.”* This is a broad and reckless interpretation of the agency policy that identifies when spit hoods can be used on prisoners in the ERC. It states, *“The Deputy controlling the inmate's head shall pay special attention for any aggressive movements such as an attempt to bite or spit at a Deputy. If necessary, a protective helmet or mask may be applied to the inmate's head.”*<sup>16</sup>

Sgt. Zimmerman held Edward's head with a steady pressure application along the base of his jawline and perhaps behind his ears, two approved pressure points in the state of Florida (see Figure 3.). Zimmerman tilted Edward's head backwards robbing him of his ability to see the deputies that were attempting to restrain him. This technique is appropriate for offering the deputies a tactical advantage against an inmate who might attempt to kick out at deputies or others. There is no indication that Zimmerman used any pressure to occlude or obstruct the throat or other areas that would compromise Edward's breathing. It is not known if the head tilt prevented proper drainage of the sinuses or to what extent, but there is no indication that Edwards was gasping or coughing as would be expected if there were occlusive mucous buildup.

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<sup>16</sup> See BCSO policy/procedure 168-600.07K (D)(1)(e).

When the spit hood was placed on Edwards head, he was strapped to a restraint chair and about to be placed inside of an empty cell. He may have been drooling from the effects of the OC spray, but he wasn't weaponizing his spit against staff who had it in their power to avoid any pathogens that might have leaked from Edwards face. There was, in my opinion, no reason to hood him for the staff's protection and several reasons to assure that his airway remained unobstructed. The reasons for leaving his head unobstructed include giving him sufficient air to clear his inflamed sinuses, preventing occlusion of his airway because of buildup of biological drainage, and allowing observation for signs of distress that could be most accurately monitored through recognizable facial expressions.

As a side note, it has subsequently been learned from Plaintiff's depositions of BCSO staff that the agency has updated its policies regarding the the use of spit hoods after a person has been placed in a restraint chair to include, "*if a protective safety device is used on an inmate, direct watch status will continue until the device is removed.*" Further, the agency policy now reflects that, "*a protective helmet or protective safety device not to be used if OC spray was applied. So basically, what the language is now is that if OC spray is used, then we will not use a protective safety device on the inmate.*"<sup>17</sup>

Further, throughout the time that Edwards was arrested, transported and brought into the Brevard County jail, he exhibited signs of mental and medical distress. It is not clear how delusional Edwards might have been, but indications of delusion were present. It is not known if Edwards knew where he was, or what was happening to him. With his known history of PTSD, consideration for this delicate mental disorder should have prevented correctional officers from placing him in a such a compromised position. Being controlled with a 7-point restraint system

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<sup>17</sup> See deposition of Chief Michael DeMorat

and then hooded with a spit hood, it was reasonably foreseeable that Edwards would panic and experience levels of anxiety that could have deleterious psychological or physical effects upon him.

### **Under the Jaw**

This technique works well to bring a seated, kneeling, or prone subject to a standing position.

Approach the subject safely.

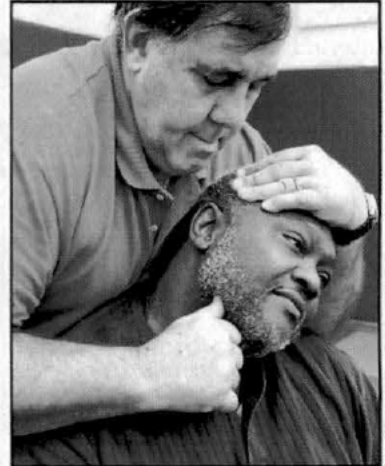
Use loud, repetitive verbal commands to let the subject know what you want him to do.

Stabilize the subject's head. Locate the pressure point under the jawbone.

Apply pressure until compliance.

Decrease the pressure when the subject complies. Do not release control, just the pressure. If the subject begins to resist again, reapply the pressure.

Follow up with an appropriate technique(s). (See Figure 4-12)



Pressure points—  
Under the jaw

Figure 4-12

### **Hollow Behind the Ear**

Applying pressure to the sensitive area in the hollow behind the ear is a good technique to use on a seated or prone subject or a subject who is holding onto a fixed object.

Approach the subject safely.

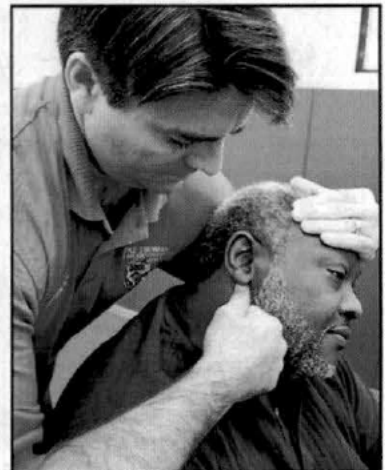
Use loud, repetitive verbal commands to let the subject know what you want him to do.

Stabilize the subject's head and locate the pressure point in the vicinity of the hollow behind the ear.

Apply pressure inward and toward the nose until compliance.

Decrease the pressure when the subject complies. Do not release control, just the pressure. If the subject begins to resist again, reapply the pressure.

Follow up with an appropriate technique(s). (See Figure 4-13)



Pressure points—  
Hollow behind the ear

Figure 4-13

Figure 3: FL BRT High Liability, Vol 2. Pg. 221

## **I. Use of the Restraint Chair**

While Edwards was lying on the ground secured in handcuffs, a restraint chair was brought to his location. Edwards was lifted into the chair, with his hands handcuffed behind his back. The chair's design provides a small cut out in the back bottom of the seatback, anticipating that restrained prisoners will be temporarily placed in the seat with their hands cuffed behind their back.

Handcuffs are not intended to be left on any person for an extended period of time.

According to BCSO Policy 600.071:

*All restraint devices shall be applied in a humane manner and shall remain only so long a as necessary to accomplish the desired results. Restraint devices shall never be used as a form of punishment.*

*“Restraints shall not be placed on an inmate in such a manner as to cause injury nor shall the restraints remain on the inmate longer than necessary.”*

According to the official version of events, *“Lieutenant Fayson determined that the deployment of the Emergency Restraint Chair (ERC) was necessary to safely and securely restrain Mr. Edwards. Lieutenant Fayson also determined that due to the aggressive and unpredictable behavior of Mr. Edwards, the handcuffs would be left on, behind his back, and he would be seated and strapped into the restraint chair in that position.”*

Under the given circumstances it is undisputed that deputies struggled to get the handcuffs on Edwards while he was fighting with them on the ground. Indeed, Mr. Edwards had to be forcibly restrained. But when Edwards was placed into the emergency restraint chair, his aggressive resistance had clearly ceased. Indeed, the use of the ERC is typically reserved for people who do

violently resist. To Fayson's point, nearly all people placed in an ERC are aggressive and unpredictable. Still, deputies were able to strap Edwards waist, shoulders, and ankles to the chair. When he was mostly secured, they should have released his handcuffs and fastened them to the arm rails. Releasing him from the chain handcuffs would not present any foreseeable risk that outweighed the proper use of the ERC.

It is likely, with the effort required to get Edwards into handcuffs, that the handcuffs were not optimally placed upon him. Handcuffs are rather simple devices. Made of solid metal, they are unforgiving to flesh and bone if placed on incorrectly. They can be placed on too tightly or too loosely and result in permanent damage. Every correctional officer in the state of Florida is instructed in the proper use of handcuffs and cautioned about the damaging consequences of misuse. Handcuffs should always be inspected for proper placement once a person has been taken under control.

Handcuffs not placed on properly can cause irreversible harm to the sensitive bones and nerves of the wrist. Corrections officers are trained how to properly place them on, how to inspect them for tightness, and how to properly take them off. Aside from placing them on correctly, they can still result in unintended consequences including swelling of the wrists and hands. This is particularly common when they are left on for long periods of time.

For this reason, leaving Mr. Edwards with the handcuffs on behind his back was unnecessary, excessive and counter to the proper protocols of the chair's design and agency policy. The claim that Lieutenant Fayson identified an exemption to the proper use of the chair does not appear to be reasonable or in accordance with agency policy.

*[Policy/Procedure 600.07K- Restraint Chair]*

*One Deputy shall fasten the lap belt across the inmate's abdomen. The Deputy controlling the inmate's head shall pay special attention for any aggressive movements such as an attempt to bite or spit at a Deputy. **If necessary, a protective helmet or mask may be applied to the inmate's head.** The Deputy controlling the legs shall apply leg restraints, and the Deputies controlling the arms shall apply arm restraints. **The arms shall be restrained in the front while in the ERC.***

The post-mortem photos of Mr. Edwards wrists show discoloration and swelling of his wrists. When Edwards was placed in the restraint chair, he was fully secured with seven points of restraint (waist, both legs, both shoulders and both arms). It was at this point that it was required that Edwards be inspected by the jail's medical staff personnel.

*After each use of force, the following actions will be taken: The inmate will be examined by a member of the medical staff who will, provide treatment if necessary, and enter the results in the inmate's medical file. A notation shall be made in the Incident Report, by the reporting Deputy, that medical staff has responded."*

*[Policy/Procedure 600.07I (C)(1)(A)]*

*When physical force is applied in the form of:*

- 1) Chemical Agents (Oleoresin Capsicum) - The inmate shall be examined and treated by medical personnel and a Use of Force Report completed.*

- 2) Mechanical Restraints - The inmate shall be placed on a 15-minute observation watch until such restraints are removed.*

- 3) Intermediate Weapons - The inmate shall be placed on a 15-minute medical observation watch until deemed unnecessary by the appropriate medical staff.*

*[Policy/procedures 600.07K Restraint Chair]*

- 5. The inmate shall have a mental health evaluation as soon as possible after being placed in the restraint chair.*

6. A nurse shall examine the straps to ensure that they have been placed on the individual in a manner that blood circulation and breathing has not been restricted and shall document it in the inmate's Medical file.

*B. Observations*

1. After the inmate has been placed in an ERC, a Deputy or Medical staff shall maintain continuous observation during the first 30 minutes to monitor the inmate and adjust the restraints as needed.

a. After the initial 30 minutes the inmate will be placed on a documented 15-minute watch (close observation), unless the inmate was on a Direct Watch status prior to the incident, whereby s/he will remain on the Direct Watch status.

b. If a lack of circulation is observed the discovering member shall notify the Shift Supervisor and assistance shall be mustered to adjust restraints. Medical personnel shall be notified of any circulation problems.

According to the official narrative, *“Armor Correctional Health Nurse Nadeau can be seen on the video in the background also monitoring the situation.”* Further, it is reported that Deputy Tiller said, *“once Inmate Edwards was secured, the booking nurse, later identified as Nurse Nadeu, checked Inmate Edwards restraints to verify they were not too tight. Inmate Edwards was then placed into holding cell 9.”*<sup>18</sup>

I have watched the video several times to the extent of the camera's capabilities. Medical personnel do not appear to be monitoring the situation as claimed. They do not check the restraints, nor do they make any determination that Edwards had uncompromised breathing or circulation by inspecting the ERC straps.

Further, the TASER electrodes from Blazewicz's TASER were not removed from Edwards buttocks as he sat restrained in the chair. No relief was offered to Edwards from contamination he

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<sup>18</sup> See BCSO Case supplemental report pg. 9 by Wendy Wheeler.

experienced from the OC spray. Indeed, no treatment or relief was provided to him until he became unconscious and unresponsive. These circumstances would have reasonably added to Edward's distress because of the expected physical pain associated with the circumstances.

It is not possible to say with any degree of certainty how Edward's present state of mind would have interpreted or exacerbated the effects of being bound, restrained, pepper-sprayed and with metal electrodes hanging out of his skin would have felt, but it is reasonable that the correctional officers tending to him were aware that that through their acts and omissions that Edwards was suffering unnecessarily and more than he would have if the proper protocols had been followed.

Throughout Edwards stay in cell #9, he was not continuously observed. On a few occasions' deputies and staff did walk by Edwards cell. Nurse Nadeau and Wagner did observe Edwards for a few seconds. Without audio, it isn't known if Edwards said anything indicating if he was in pain or was otherwise in distress.

Corrections Deputy Andrea Mustafa eventually approached the door window of cell #9. She looked inside and later described that it appeared to her that Edwards was having a seizure. It is not clear if Mustafa was assigned to watching Edwards. She reported to FTO Wagner and Lieutenant Fayson her findings and said that she believed Edwards needed assistance.

Immediately several deputies approached the cell and opened it. Lt. Fayson approached Edwards and pulled the spit hood from his head. It appeared up until that moment, Edwards still showed signs of subtle movement. However, as the spit hood came off, Edwards head flopped to the side and he did not move again. Fayson dropped the spit hood on the floor. It would later be picked up and disposed of.



Several staff members rushed into the cell. Nurse Nadeu brought in an oxygen tank and began to administer it to Edwards. Edwards was lethargic and appeared to be lifeless. He was released by the correctional staff from the chair's restraints and pulled forward. He appeared unconscious and laid passively across his own lap and deputies and medical personnel swarmed around him. A deputy is observed on video winding up the wires of the TASER and extracting the probes from Edward's backside.

The deputies did not take Edwards from the restraint chair and begin CPR. It is unclear if medical staff detected respiration and a heartbeat. The staff wheeled Edwards into the medical area in the restraint chair.

Once inside medical, the staff inspected Edwards for signs of consciousness. They performed a sternum rub. Within minutes, they abruptly reacted to Edwards unconscious state. A nurse ran for a backboard and placed it on the ground in front of the ERC.

Edwards was taken by jail staff from the ERC and placed onto his back on the backboard. Jail staff took turns performing CPR on Edwards. This went on for several minutes. Edwards never regained consciousness.

Paramedics arrived from the Brevard County Fire Services and loaded Edwards onto a gurney. While staff continued CPR efforts, Edwards was wheeled out of medical and into an ambulance on the outside of the facility. He would be pronounced dead the following day after he was taken off of life support.

#### **J. The Timeline**

TIME	ACTIVITY
01:09:50	Edwards arrives into Salley Port compound by West Melbourne Police Department.
01:10:53	Edwards is taken out of cart. He is leg shackled and handcuffed. Offers no obvious resistance.

01:12:07	Edwards moves out of screen.
01:12:18	Edwards steps into Sally Port.
01:12:44	Edwards cuffs are removed and replaced.
01:13:17	Edwards submits to search.
01:14:05	Deputy inspects inside Edwards mouth. He finds nothing.
01:14:47	Edwards brought into Booking receiving center.
01:14:47	Edwards enters receiving center.
01:15:59	Edwards is brought to property uniform section and issued orange jumpsuit. Disappears from screen down hallway.
01:19:38	Edwards moves back into control area on camera. No obvious signs of distress.
01:19:45	Edwards is led into cell #7.
01:19:46	Edwards calmly enters cell #7.
01:20:01	Edwards begins downing elevated pushups.
01:20:29	Edwards is brought food in a brown paper bag. He calmly sits down and begins eating.
01:21:37	Edwards starts doing arm-dips (exercise) from the bench.
01:21:50	Edwards begins eating again.
01:23:45	Edwards resumes arm dips.
01:24:18	Edwards drinks from the water fountain in the cell. Continues until 01:24:57.
01:25:01	Edwards moves back to the bench and sits down.
01:25:45	Edwards resumes eating.
01:27:29	Edwards reclines on the bench, partially lays down.
01:28:54	Edwards tampers with a vertical door on the wall of his cell. He knocks on it as if waiting for a response. He persists as if trying to open it.
01:29:41	Edwards tosses his crumpled food bag into the air. He then violently throws it against the wall. He appears bored, not agitated. He continues to sit for six more minutes before standing up and pacing the floor.
01:35:36	Edwards stands by the entry door to the cell and peers out of the glass.
01:36:48	Edwards walks to the wall and picks at something on the wall. He studies the wall and appears to flick something off of it with his finger.
01:36:59	Edwards returns to the bench and sits.
01:39:35	Edwards stands and peers out of the double pane windows.
01:40:41	Edwards returns to the bench and sits. He eats some more food.
01:41:40	Edwards notices activity in the hallway outside of his cell. He stands and looks out of the door window. He knocks on the window and appears to call to a passing staff member. The staff member continues by without acknowledgment. Edwards moves to the double pane wind and stares out.
01:43:19	Edwards stands in the cell and stretches out. He performs a few waist rotations.
01: 43:48	Edwards returns to the bench and sits down.
01:44:23	Edwards stands. He appears to speak to himself using animated arm gestures. He paces the cell. Apparently talking the whole time. He appears to be getting agitated.
01:45:16	Edwards returns to the water fountain and gets more water. He then paces the cell.
01:46:40	Edwards returns to the window and stares out. He continues to talk to himself.

01:47:40	Edwards walks to the door and lightly hammer fist pounds the glass. There are people outside that he can see.
01:47:59	Edwards slaps the wall. He continues to apparently talk out loud.
01:48:26	Edwards returns to his door and pounds the glass much harder. He continues pounding, at one point uses both hands.
01:49:16	Edwards stands and faces the wall for several seconds. He turns and faces the wall, then leans on the bathroom separator wall with his head on his arms.
01:50:33	A staff member approaches the door and puts on gloves. He then walks away.
01:50:46	Edwards steps back and does a two-hand shove to the door glass. He appears now to be full agitated. He double fist strikes the glass.
01:51:09	Edwards walks to the wall, crosses his arms, and stares at the corner of the room. He appears to pick something off of the wall.
01:51:34	A staff member approaches the cell. He opens it and directs Edwards to exit.
01:51:43	Edwards steps out of cell #7. He has a brief conversation with the deputy then turns to walk as the deputy guides him with hand signals. Edwards does not put on his issued slippers.
01:51:55	Edwards and the deputy engage in conversation. Edwards appears to be non-compliant. As he is directed to the right, he walks to the left.
01:52:08	Edward continues to rebuff the deputy's directions. The deputy grabs his shirt to steer Edwards in the proper direction for processing. Edward pulls away. The deputy applies a rear leg sweep causing both men to fall to the floor.
01:52:12	After a brief struggle, a second deputy member enters to assist the first deputy. Edwards continues actively fighting.
01:52:15	Third deputy engages the struggle.
01:52:17	Fourth Deputy engages the struggle.
01:52:21	One deputy strikes Edwards in the legs with four hammer strikes.
01:52:36	Four more hammer strikes are delivered to Edwards legs.
01:52:50	Deputy retrieves OC canister from belt and pushes it into pile of bodies.
01:52:55	Reaction by one deputy turning head away suggests deployment of OC burst.
01:53:11	Fifth deputy approaches. Takes no physical action. Edwards continues to struggle.
01:53:39	Fifth deputy engages. Delivers four strikes to Edwards upper body (exact location undetermined)
01:53:52	A deputy delivers two hammer strikes to Edwards upper body.
01:54:11	Two more deputies arrive.
01:54:33	Another staff member reports to the scene and joins on the fray as all members appear to be trying to get Edwards restrained.
01:54:50	Another deputy reports to the scene and also joins the fray attempting to get Edwards restrained. She removes her TASER from the holster.
01:54:54 01:55:41	- TASER is deployed sometime during designated timeframe. Unable to determine number of cycles. See TASER log.
01:57:04	The restraint chair is brought to the immediate area and parked.
01:57:20	Edwards is placed in the chair unsupervised by medical personnel.
01:57:30	Deputy performs chin left using pressure point control on Edwards by placing fingertips on inside of jawbone. No obvious throat occlusion. Multiple members

	straps Edwards into Chair using legs, waist and shoulder straps. Handcuffs are not removed. Hands are not strapped to handrails.
01:59:01	The spit hood is applied to Edwards after being pepper sprayed.
01:59:33	Deputy strikes Edwards in the legs with hammer strikes while strapped. Target uncertain. Reason unknown.
02:00:50	All deputies disengage from Edwards. Deputy releases chin lift.
02:02:46	Edwards shows signs of consciousness. His head nods periodically.
02:07:24	Edwards is wheeled from location towards cell #9. No nurses have been observed in location to examine or inspect the restraints. Confirmed through several camera angles.
02:07:24	Probes from TASER are not removed from Edwards
02:07:	No OC decontamination procedures have been applied.
02:07:35	Edwards is placed into cell #9 and placed in center of floor.
02:07:53	All deputies exit the cell.
02:08:07	Door to cell is closed. Edwards is unsupervised.
02:08:27	Edwards shows modest signs of struggle. He is strapped at waist, shoulders and feet. His hands remain handcuffed behind his back and not strapped to the arm rails as prescribed by manufacturer. He is wearing a spit hood. With video resolution, mesh is not transparent enough to observe full facial details. No one monitors Edwards. Edwards shoulders are pulled back by the handcuff placement. His waist belt is across his hip bones and lower abdomen. No signs of compression or interference to any natural breathing mechanisms. Unclear how congest spit hood is due to mucous and saliva drainage post OC use. It is therefore also unclear if or to what extent breathing is diminished.
02:14:42	Edwards places his head backwards and exhibits possible signs of distress.
02:15:54	A deputy walks by the glass and glances inside. Does not remain visually fixed or attentive.
02:16:05	Staff member (medical?) looks into the window with a deputy. Staff members fixes gaze for a few seconds. Edwards continues to show sign of consciousness with subtle body movements.
02:22:34	Two deputies look into the glass on the door. They move away and get the attention of others.
02:23:03	Two deputies look into glass. Edwards continues to show signs of consciousness.
02:23:17	Cell door is opened, and staff enter cell. Edwards now appears unconscious and flaccid. The spit hood is removed. One deputy performs a sternum rub to revive Edwards. Edwards remains unresponsive.
02:24:06	Deputy attempts second sternum rub. Edwards remains unresponsive. Other deputies arrive in cell and hand out gloves.
02:25:13	Deputies begin to remove restraints from Edwards.
02:25:29	Medical staff arrives and stands at front door.
02:26:25	Nurse approaches and attempts sternum rub. Edwards remains unresponsive. Nurse checks for carotid pulse. Oxygen is applied to Edwards nose.
02:27:46	Nurse exits cell.
02:28:07	Deputy winds up TASER leads.
02:28:37	Nurse reenters and examines vitals.

02:30:10	Gurney is brought to outside of cell #9.
02:30:21	Staff moves to prepare gurney.
02: 31:48	Deputies strap Edwards back into chair with waist strap and legs straps.
02:32:42	Edwards is wheeled out of the cell #9.
02:32:51	Edwards is wheeled into Booking Processing.
02:33:16	Edwards is wheeled out of Booking Processing through door to external hallway (towards medical).
02:35:07	Edwards is wheeled on screen into Medical still in restraint chair.
02:35:24	Edwards is parked in restraint chair in hallway.
02:35:35	Medical personnel look at Edwards and mark time.
02:35:53	Nurse attempts sternum rub. Edwards is not responsive.
02:36:13	Nurse applies arm cuff for monitoring vitals.
02:36:30	Monitoring screen is activated and studied.
02:37:15	Several attempts to revive Edwards are tried. Edwards remains unresponsive.
02:37:49	Nurses appear alarmed at Edwards state. Now a sense of urgency begins in medical.
02:37:59	Deputies begin to remove straps from Edwards. A backboard is retrieved.
02:38:05	Hallway is cleared to make way for backboard. Entire medical team moves into medical emergency mode.
02:38:15	Backboard is placed on the floor.
02:38:48	Edwards is lifted from restraint chair and placed onto backboard by deputies. He is flaccid and shows no signs of consciousness.
02:38:53	Medical staff begins CPR on the floor with Ambu bag.
02:39:15	AED is brought to Edwards. It is not used for defibrillation.
02:39:18	Medical staff trade personnel and continue to apply CPR.
02:40:54	Medical staff trade personnel and continue to apply CPR
02:42:25	Medical staff trade personnel and continue to apply CPR
02:43:52	Medical staff trade personnel and continue to apply CPR
02:45:40	Medical staff trade personnel and continue to apply CPR
02:46:40	Medical staff trade personnel and continue to apply CPR
02:47:32	Medical staff trade personnel and continue to apply CPR
02:49:12	Brevard County EMS arrive in medical with gurney. CPR paused
02:49:28	EMS begin assessment of Edwards.
02:50:09	EMS begin CPR on Edwards.
02:52:50	IV bag is applied. CPR remains ongoing.
03:04:24	Edwards is lifted onto Gurney. CPR continues.
03:05:25	Edwards is well outside of medical and off screen.
03:05:24	Edwards is wheeled into entry/egress hallway. CPR continues.
03:05:41	Edwards is wheeled out of entry/egress hallway.
03:05:44	Edwards enter hallway surrounded by EMS. He is pushed towards exit doors. CPR continues.
03:06:01	Edwards is wheeled out of the building to T1, T2 door.
END	

## **K. The Criminal Investigation, State Attorney's Investigation and FDLE Reviews.**

The criminal investigation into Gregory Edward's death was conducted by the Brevard County Sheriff's Office Criminal Investigation Services (CIS). Police administrations throughout Florida can discretionarily use outside agencies for investigating potential criminal events or they may conduct them internally if they have the proper resources. It is however, generally understood that outside investigations can create better optics by giving greater confidence for a fair and impartial review.

In the past the BCSO has chosen to use both internal and external criminal investigations. For example, Sheriff Ivey at least once requested the aid of the Florida Department of Law Enforcement (FDLE) to investigate an off-duty BCSO deputy involved in a shooting. Ivey stated, *"cases involving a member of your own agency are best facilitated with complete transparency that ensures public trust while also protecting the integrity of the investigation... As such, from the very beginning of the incident, I asked FDLE to conduct an independent investigation and present their findings to the State Attorney's Office for a full review of the facts."* In this incident, the deputy was criminally charged.<sup>19</sup>

The criminal investigation of the death of Gregory Edwards began almost immediately, by the BCSO Criminal Investigative Services Division (CIS). It was reportedly initiated on December 9, 2018, the day Edwards died. The CIS investigation provided summary details of the events that led up to the in-custody death of Gregory Edwards along with recorded interviews of witnesses and other evidentiary items.

My review of the CIS report determined that the criminal investigation summary narrative had several discrepancies or was misleading on many detailed points. Some examples include:

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<sup>19</sup> See the investigation of Deputy Yousef Hafza, June 2016.

- The investigator claimed that medical personnel from the BCFR examined and cleared Edwards while on the scene at Walmart. The CIS interviews of medical personnel and West Melbourne Police Officer Krukoski revealed that they did not [pg.4].
- The investigation claimed that during the escort from cell #7 to the AFIS processing area that the deputy and Edwards “*both began falling to the ground.*” The investigation made no mention that Edwards was forcibly subjected to a takedown by the deputy which caused them both to fall [pg.4].
- The investigation determined that while falling, Edwards punched the deputy in the head. A review of the video and interview of the deputy determined that this did not happen [pg. 4].
- There is not a complete description of the defensive tactics used against Edwards as he resisted the deputies’ efforts to control him. In a death investigation, each blow, each defensive maneuver, and each use of a defensive tool must be properly analyzed for its possible contribution to injury or death. Only the strikes by Edwards were meticulously accounted for.
- The spit-hood, a crucial piece of evidence in the criminal investigation was discarded. This was not mentioned in the CIS report. According to the report, when the medical examiner requested to examine the spit-hood, Lieutenant Vitaliano provided him with “*a vented spit hood from the jail...identical to the hood used with inmate Gregory Edwards*” [pg. 62]. This was not the same spit-hood that was placed over Gregory’s head. This was noted in the FDLE review. The FDLE investigator stated, “*the examination of the “spit-mask” would have been helpful to investigators and medical examiner, but it is unlikely that having this specific piece of evidence would change the outcome of the investigation.*” The

investigator has not made it clear why he has concluded this. The spit-mask contained crucial evidence of measurable airflow and biofluids excreted by Edwards at the time he lost consciousness.

- The investigation showed that the TASER was deployed by Deputy Blazewicz six times, three of which cycled more than the pre-programmed 5-second duration. Blazewicz refused to provide criminal investigator Urbanetz a statement about her involvement with Gregory Edwards [pg. 19]. Blazewicz did provide a statement to the administrative services division during the internal affairs investigation.
- Many policy violations by members of the BCSO were described in the internal affairs report. It is not clear if the State Attorney's Office (SAO) reviewed the full internal affairs report completed by the BCSO.<sup>20</sup> The BCSO internal affairs report was not completed until July 1, 2019, the same day that the SAO completed its findings. Considering all of the information contained in the CIS report including dozens of recorded interviews, it is unlikely that the SAO investigators could have completed a thorough review of the evidence in a single day and published an opinion on the same day.
- The State Attorney reviewed and cleared the actions of the BCSO and commended their behavior more than a year before the FDLE reviewed Edward's case and issued its findings on July 17, 2020. Had FDLE found criminal liability for members of the BCSO, it is not clear how the SAO would have responded. The State Attorney has made no mention of reviewing the internal affairs report that speaks to the policy violations of the deputies involved and he only cites reviewing the criminal case. The state attorney offered the opinion, "*I further commend the efforts of the deputies and staff at the jail in the actions*

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<sup>20</sup> See letter from Phil Archer to Investigator Jennifer Straight, July 1, 2019



*they took in attending to Mr. Edwards after it became apparent, he was in distress.”* It is these actions that I have been most critical of. Had the State Attorney conducted an independent investigation of the incident, it is unlikely these violations would have been missed, and a proper determination of criminal negligence could have been exhaustively reviewed.

- Corrections Lieutenant George Fayson and Deputy Allison Blazewicz refused to provide voluntary statements in the death investigation of Gregory Edwards. The only personal account of Fayson and Blazewicz’s involvement appeared in the internal affairs report.
- The investigator claimed that “*Mrs. Edwards observed Gregory Edwards “huffing” (inhaling chemical vapors) from aerosol cans on the night of December 8, 2019*” [pg. 63]. This is a critical mischaracterization of what Kathleen Edwards told the investigating officer. She never said that she observed Gregory Edwards “*huffing*” but rather drew this inference after seeing canisters in the garbage can.
- The CIS report described that Edwards was “*suffering some type of medical event*” while being transported to the jail [pg. 63]. When the video was shown to Dr. Qaiser he declared that these were symptoms consistent with a person suffering from excited delirium. The CIS report does not describe why BCSO staff allowed Krukoski to bring Edwards into the jail or why the BCSO has not alerted the WMPD of Officer Krukoski’s behavior.

The criminal investigation into the death of Gregory Edwards has made no references to the deputies’ actions *after* the use of force. As a consideration for examining criminal negligence, the CIS should have reviewed post-incident responses by the deputies and staff. For example, there was no determination on the appropriateness of not removing the TASER electrodes after deployment, no determination about not decontaminating Gregory after the use of pepper-spray

and no determination the use of a spit-hood post contamination. It has been noted that the BCSO has subsequently changed its policy regarding this practice. There was no determination about the improper use of the emergency restraint chair (ERC). The CIS report did not offer findings on other policy violations that might have contributed to criminal negligence, including the fact that medical personnel did not examine Edwards after the use of force, or after he was strapped into the ERC. CIS did not present their findings that Edwards was not observed for the requisite time period after being placed in the ERC. Investigators know that these policy areas could bleed over to criminal culpability and should have been appropriately reviewed, so that a proper determination of criminal intent could have been established. Rather, these issues seemed to be had been largely ignored by the BCSO and subsequently the FDLE and SAO.

When the SAO and the FDLE were called to criminally review the incident, they did not conduct independent investigations. They did not independently conduct their own interviews, examine the actual scene, or draw their own judgments and inferences about what happened to Edwards. Rather they reviewed the investigative work of the CIS, and wholly approved it.

To be sure, it was not the job of these outside agencies to address internal policy violations, to determine if policies had been violated by BCSO members, but if policies were violated in such a way, that the violations might have been criminal nature, the collective accountability for those violations should have been found in the CIS report for outside agencies to consider. They are not.

Here we can see why independent investigations would have revealed different information than the information contained in the CIS report. The “rubber stamp” approach to this investigation fell short of being objective and complete because critical areas of potential culpability by the BCSO were not presented in the CIS report for the outside agencies to consider.

## **L. The Administrative Investigation**

On January 23, 2019, BCSO Chief Deputy Doug Waller approved an administrative investigation into the death of Gregory Edwards. It is noted that this approval occurred 1 Month and 20 days after the death of Edwards. Waller ordered that the internal investigation be completed within 30 days.

Corrections agencies manage complaints about possible policy violations using an internal investigation arm of the agency. Of the 25,000+ law enforcement and corrections agencies in the United States, all but a few have an internal process to investigate claims of police misconduct. If officers have been accused or are suspected of misconduct, unprofessional behavior or policy violations, a process is ordinarily in place to internally investigate the accusation or suspicion. If correctional officers, after a thorough investigation, have been found responsible for misconduct or policy violations, the behaviors may be remedied through a variety of internal corrective actions and processes. Remedies include oral or written reprimands, suspensions, mandatory retraining in the agencies policies, procedures or required skills and perhaps even termination.

Absent overt egregious violations of law it is exceedingly rare that an investigation leads to a criminal prosecution. If an officer's questionable conduct were alleged to be against state code, statute or Federal law, internal affairs investigators would most often seek the assistance of criminal investigators from within the department or they may appeal to outside agencies to pursue the criminal investigation. Internal affairs investigations are conducted for the purpose of determining the validity of formal complaints made by members of the public, incarcerated populations or other corrections officials.

Internal Affairs investigators are not responsible for punitive actions but rather issue the findings of their investigation to an executive authority that applies corrective actions in

compliance with organizational policies, rules, regulations and within the confines of Statute. Internal investigations most commonly render dispositions of *sustained*, where the evidence demonstrates that the complaint has merit, *not sustained*, where the evidence cannot show that the complaint has merit or *unfounded* where the evidence can show neither the complaint having merit nor not having merit. Other designations may apply to include *complaint withdrawn* when the complainant has voluntarily decided that the original complaint was not accurate or new information has shown the complainant that their original perception of the complaint was inaccurate under a new or different light.

The Brevard County Sheriff's Office conducts internal affairs within its Administrative Services division. It is responsible for investigating complaints systematically, objectively and impartially. Anytime a critical incident at the jail occurs, an internal review is required to take place. Edwards, though he was not pronounced dead in jail custody, was subject to a use of force that was proximate to his loss consciousness and subsequent death. Edwards never regained consciousness after leaving the jail. He was pronounced dead the following day at the Rockledge Regional Medical Center. The use of force by the deputies was proximate to Edwards death but there was nothing in my review of the use of force that had the appearance of being done maliciously or for the express purpose of causing Edward harm. Each physical strike, the use of the TASER, and the use of pepper spray appeared to serve bonafide law enforcement purposes for subject control.

Still, it was important to properly investigate all areas of correctional and medical staff conduct, to assure that everyone responsible for Edwards care and custody was sufficiently scrutinized in their respective roles. For example, post use-of-force protocols can be easily overlooked if an internal review is not conducted. Here, I found some questionable practices and

procedures as well as outright violations of policy by BCSO staff that have been previously listed. An internal investigation should have been triggered upon staff's notification of Edwards debilitated state.

On January 24, 2019, a day after Fischback's approval of an administrative internal affairs review, Scott McInerny, the Director of the Florida Department of Law Enforcement's (FDLE) Office of Executive Investigations notified Sheriff Wayne Ivey that they had received correspondence from Kathleen Edwards attorney expressing concerns about the Sheriff's office investigation into her husband's death.<sup>21</sup> After reviewing the complaint, McInerny determined that an investigation by FDLE was not warranted at that time, noting that the BCSO was responsible for both administrative and criminal investigations into the matter.

I reviewed letters that had been sent out to various BCSO employees on December 9, 2018, the same day that Edwards fell into a debilitated state, notifying them that they had been placed on Administrative leave pending the outcome of an investigation into the matter of Gregory Edwards. Letters were issued to Corrections Deputies DeShawn Edward, Robert Wagner, Jr., Freddy Cedeno, George Fayson, Alison Blazewicz, Richard Zimmerman, and [redacted]. It is not clear then, why the internal investigation was only approved on January 23, 2019.

On July 1, 2019, more than four-months after Fischback ordered the investigation be completed, BCSO Agent Joseph Bracey presented Chief Deputy Waller with his findings for the administrative investigation. Four deputies were cited for violations of BCSO policies. The policies that the BCSO chose to cite violations for were broad and non-specific to the violations I have identified. It remains unclear why the BCSO ignored specific policy violations by its personnel.

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<sup>21</sup> See correspondence from McCollough & Leboff to Rick Swearingen, January 18, 2019.

## **M. The Jail Video**

The Brevard County Jail has a security system consisting of close-captioned television camera that capture events within the jail. Jail security systems are a matter of great security concern for jails and prisons around the nation.

The State of Florida, under F.S.S. 119 provides exemption for videos captured inside of any jail or prison from public inspection due to security risks to the facility, its employees and the inmates who are housed inside. However, though exempt, jail video is not considered confidential and it may be released by administrative decision makers if it serves a great public interest.

We are aware that the entire incident involving Gregory Edwards was captured by the jail security system. This required multiple video captures from a variety of cameras confidentially placed within the jail facility. From the moment that Edwards was brought into the Sally port, to the moment that he left the outer doors of the jail compound, Edwards was under constant surveillance (approximately 3 minutes and 11 seconds of time are not recorded as Edwards was brought into an area to change from his street clothes into an orange jail jumpsuit).

Anytime that a person dies in, or as an apparent consequence of police or corrections custody, the case will become a matter of public interest. When Gregory Edwards, a 38-year-old physically fit former US soldier left the Brevard County jail unconscious and subsequently died at a local hospital there remained many questions about what happened to him. It is not unusual for the public and its media sources to seek answers about what happened in the moments leading up to Edward's death.

Sheriff Wayne Ivey permitted the administrative service bureau and the criminal investigation bureau of the Sheriff's office to conduct an internal investigation into Gregory's

death. From those investigation, official narratives were written that have become the permanent record of Edward's time in the Brevard County Jail.

Sheriff Ivey requested that the Florida Department of Law Enforcement and the State Attorney's Office conduct criminal investigations, and there is a claim that both of these investigative entities have done so.

There is however no independent investigation by either of these agencies but rather a review of the Sheriff's own investigation and a subsequent approval of the findings. There were for example, no additional interviews taken, no additional evidence collected, no independent analysis of the use of force against Edwards, no discussion of policy violations that could be contributive or causative to Edward's death, and no discussion or commentary for anything that has been captured on the jail system video. The family of Gregory Edwards and the public has been asked to accept the Sheriff's office findings about the death of Mr. Edwards, and the proverbial "rubber stamp" investigations by two state agencies in lieu of watching the video that the Sheriff has refused to release.

Sheriff Wayne Ivey naturally defaulted to not releasing the video, citing security concerns that included among other things the safety and security of his jail staff, the inmates and the security and safety of the jail facility. Ivey's instincts were not wrong.

Security concerns in jails are complex circumstances, and extreme caution must be made to not jeopardize the Sheriff's Office security mission by releasing information that could prove harmful in so many ways. For example, there are video screen throughout the jail complex that at any given moment might broadcast to jail personnel confidential information about inmates or staff. If one of these screens is captured on still frame video, it can be paused and blown up to a

readable degree. It might contain names, private addresses, social security numbers and other sensitive information that the public must not have access to.

The placement of cameras within the facility is also of great concern. Significant time and monetary resources are given to security professionals to determine best placement of cameras to optimize facility security. Some cameras might be equipped with infrared capabilities for low light areas. Others might track movement or signal alarm. Some might record audio while others might allow audio to be broadcast from a control room. Viewing video captured by security cameras can reveal where cameras are placed in the facility. Captured video can threaten exposure of hidden cameras and offer detailed insight to a camera's capabilities and limitations. Captured video can tell the viewer what lines of resolution the camera is capable of, its frame rate and frame size that can reveal areas of the jail that might not be completely covered by cameras or dark spots in the security system that might become areas of illicit activity.

There are Federal and State privacy restrictions for inmates (PREA, HIPPA) who live inside the facility that can be compromised by video. Cameras can reveal shift coverage, locations of staff posts, type and quality of supervision and a host of other administrative concerns. However, public interest in some cases is not often assuaged by such internal concerns and there often remains questions about where compromises with blanket statutory exemption can be made. The case of Gregory Edwards represents such a case.

The family of Gregory Edwards and the public who have taken an interest in the case are not satisfied with the Sheriff's Office demand that they take the internal investigations at face value. During these trying times, that are in part defined by public distrust in governmental operations, the government narrative remains necessary, but it should not be considered sufficient to satisfy the demand for objective analysis.



The Courier-Journal Inc.d/b/a Florida Today Newspaper, representing the interests of the people's Constitutional right to free and full disclosure of the facts surrounding the death of Gregory Edwards, has sued Wayne Ivey, the Sheriff of Brevard County for release of the video(s)that objectively detail the events that preceded the death of Gregory Edwards.

A motion to release the video to Florida Today's counsel and their expert, Roy R. Bedard, the author of this report was granted in order to view the video to determine if there were and overwhelming security concerns that would prevent the release of the videos for public review.

After reviewing the jail videos in their entirety, Bedard acknowledged that the raw, unredacted release of the videos would compromise jail security and should remain exempted from public release. However, Bedard determined that with proper redactions, the entire video, including the point that Edwards first entered the jail through the moment that Edwards left the double doors of the jails to be placed upon an ambulance, could present a reasonably coherent understanding of what happened to Edwards on December 9, 2018. Bedard expressed the view that a proper redaction of the video would best serve the interest of jail security and satisfy the demands of the public to a reasonable degree.

Working with professional video editors under a non-disclosure agreement, Bedard and Florida-Today counsel discussed each frame of the more than two-hour time period that Edward's spent at the Brevard County Jail.

We have not included any audio narratives or explanations about what is happening on the video screen. Though some may not be familiar with the jail and booking process and prefer narration, I have recommended that the record be preserved without provocation or priming of the viewer. It is fair and proper that the video be allowed to speak for itself.

The final product we have issued provides full protection to the Sheriff's office employees, inmates and staff that can reasonably be accounted for. We have, to the degree possible, eliminated any security concerns for the layout of the jail, recognizing that parts of the jail can be seen throughout the video. Our intent was to show only brick and mortar construction and to disguise the network of hallways and rooms that make up the jail's architectural blueprint. We used a variety of redaction techniques to obscure unimportant details that are confluent with the ultimate question, "what happened to Gregory Edwards on December 9, 2018 at the Brevard County Jail?"

We have allowed some arguably security concerns when redaction would obstruct answers to the ultimate question and the revelation did not clearly outweigh reasonable security risks. For example, the blurring out of every staff member's face in every scene is more convenient to the argument of statutory exemption than practical to the reality of the situation. In these circumstances we questioned if revelation would needlessly place someone in danger beyond the natural danger associated with bring a correctional officer. Indeed, we recognize that correctional officers are not secret employees. They are provided name tags, and do not work in occupational roles that demand wearing hoods or other items to conceal their identity. They enter and exit the jail facility, into public areas while wearing their department issued uniforms without specific fear for their safety. Beyond that, nearly all employees and staff involved have been identified in reports released to the public. We argue that the ordinary exposure of risk to jail staff and employees from recognizing their place of employment does not outweigh the probative value of observing them as they interact with Edwards. In some cases, only by seeing their faces and the direction of their eyes were we able to determine to who or what they were actually attending to. Where were they looking? What should they see? These questions remain important to the public inquiry about the care and custody of Edwards.

The video was edited using Adobe Premiere Pro Ver. 14.5. All video was saved and captured on hard drives presented to us by the Brevard County Sheriff's office. Non-disclosure agreements were issued to all editing staff and at all times the videos were in the control of Plaintiff's attorneys and/or Plaintiff's expert. At the conclusion of our redaction, all video was collected and properly secured as chain-of-custody.

The redaction techniques we used included blurring (pixilation), spotlight technique (focused screen areas), screen cropping (screen size reduction or enlargement), centering (areas of interest centered on the screen) and rotation (turning the directionality of the screen capture). We have removed all jail security system information that could be gathered from the original videos and flattened any layers of data into a linear video sequence. We left an accurate, highly observable and true record of what occurred on December 9, 2018 while at the same time:

- Protected the identity of certain staff members and inmates who are exempted by statute.
- Obfuscated the capabilities of the cameras that captured the video.
- Obfuscated the locations of the cameras within the jail complex.
- Included no audio with the final presentation.
- Removed portions of the jail from view to obfuscate the layout of the complex.
- Blurred portions of the jail to obfuscate the layout of intersecting hallways and rooms.
- Blurred security system, alarm and fire features that might be seen in the complex.
- Spotlighted specific areas of activity involving Edwards resulting in blacking out superfluous details of the facility, staff and other inmates not germane to the ultimate question.
- Blurred all computer screens that might contain sensitive or protected information.
- Degradation of resolution through the compression process to not reveal the cameras

recording capabilities.

- Flattened any video that allowed us to adjust view post-production into a standard .mp4 format to disguise the capability of the raw recordings.

- Resized all video captures to disguise the cameras ability to capture select portions of the Brevard County jail.

## **VII. SUMMARY OF OPINIONS**

1. Gregory Edwards exhibited signs consistent with excited delirium (ExDS) while in the Walmart Parking lot. The West Melbourne Police Department has established protocols for managing potential ExDS cases. These protocols require rapid control and sedation by medical personnel. It is reasonably expected that failure to rapidly manage ExDS may result in toxicity, unconsciousness and eventual death.
2. Edwards inexplicably jumped into a box truck with children's toys while walking into Walmart with his wife. Edwards inexplicably attacked a charity worker by punching and scratching him. Edwards had to be subdued by citizens and police officers who reported that he exhibited superhuman strength. Kathleen Edwards told officers that her husband had been acting delusional and that he suffered from PTSD. She also described that he had been involuntarily committed in the past. Krukoski observed Edwards in the back of his patrol vehicle while driving him to the jail, acting unusual and saying unusual things. Krukoski was aware that these behaviors were consistent with symptoms of Excited Delirium. Krukoski has had this experience at least once before.<sup>i</sup> Krukoski knew or should have known to deliver Edwards to a mental/medical treatment center and not to the Brevard County Jail. The Brevard County jail is not equipped to handle such medical emergencies.

3. WMPD Officer Krukoski informed Brevard County jail staff that Edwards had PTSD. In Edwards case, his PTSD was a chronic, not acute condition. It is not clear if Krukoski told jail staff that Edwards might be experiencing ExDS which is an acute, life-threatening condition that requires immediate medical attention.
4. The Brevard County Jail is not the appropriate place to bring patients who are or will be subject to the Baker Act. It is not a recognized receiving facility for patients dealing with acute mental health crises. I noted that the Baker Act paperwork for Gregory Edwards was filled out on the scene of Walmart.
5. Edwards showed signs of delusion, aggression and mental instability while in cell #7. The failure of BCSO staff to observe his condition left BCSO staff blind to his deteriorating mental condition.
6. When taken out of cell #7, Edwards signaled through his actions that he was going to attack the Brevard County Sheriff's deputy by taking a pugilistic posture and drawing his fist back. All use of force against Edwards by members of the Brevard County Sheriff's office appears to be reasonable including the takedown, ground control techniques, empty hand strikes, use of pepper-spray, and use of restraints including the handcuffs and emergency restraint chair.
7. Post use of force, Edwards was not provided any decontamination measures (air, water, reassurance) after being contaminated with pepper-spray. This was a violation of BCSO policy and caused unnecessary suffering.
8. The electrodes of the X26 TASER were not removed from Edwards skin until after he lost consciousness in cell #9. This was a violation of policy and caused unnecessary suffering.

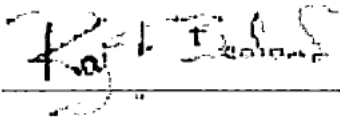
9. The use of the emergency restraint chair was reasonable under the given circumstances, but it was not used in accordance with manufacturers guidelines or agency policy. Edwards should not have remained in chain handcuffs after being placed in the ERC. The handcuffs that were applied to him should have been removed and his arms should have been secured to the arm rail straps of the ERC. This was a violation of policy and caused unnecessary suffering.
10. The use of a spit-mask was unreasonable and excessive based upon several features reported in this case that include:
  - a. Edwards had been pepper-sprayed and showed signs of natural discharge.
  - b. Edwards did not attempt to spit on any corrections officer.
  - c. Edwards was placed alone in an empty cell.
  - d. The spit-mask would reasonably complicate his ability to breathe if saliva, mucus, blood or vomit were to coat the inside of the mask.
  - e. Edwards facial expressions could not be observed in full detail.
  - f. It is unclear if this was a violation of policy, but it caused unnecessary suffering.
11. Edward's does not appear to have been under constant active surveillance to assure that he was not in medical distress. This was a violation of policy.
12. I was unable to find any use of force reports (response to resistance forms) for the force used against Edwards. If these have not been filled out by involved officers, it would be a violation of BCSO policy.
13. Medical personnel did not check Edwards placement in the ERC as required by policy. They did not determine if he was properly restrained or if his breathing was obstructed by the placement of the straps. This was a violation of policy.

14. Edwards was placed in cell #9 for more than 16 minutes. He was not constantly observed after being subject to a use of force, pepper sprayed, Tasered and placed in the ERC. This was a violation policy.
15. The spit mask, a critical piece of evidence in both the administrative and criminal investigation was thrown away. This was a violation of policy.
16. Four officers were cited for violations of BCSO policies that were not specific to the policy violations I have identified in this report. It is not clear why the administrative services chose to not cite deputies for certain blatant policy violations.
17. It is my opinion that the FDLE investigative review and SAO investigative reviews do not constitute independent investigations involving the death of Gregory Edwards. They are merely reviews of the work conducted by the BCSO CIS.
18. It has been determined by proper authorities that no deputy or staff member of the BCSO engaged in criminal conduct during their interaction with Gregory Edwards. I am in agreement with those findings.
19. Sheriff Wayne Ivey was correct to not release jail video in its raw unredacted form, citing jail security concerns.
20. The jail video preserves a record of the standard of care that was offered to Edwards during his time at the Brevard County jail. It also contains information that presents substantial security risks. The public's interest in this case competes against several legitimate security interests of the Sheriff. It is my opinion that through proper redaction a final product would satisfy both interests to a reasonable degree of acceptability.
21. The Sheriff's office has cited exemption of the jail video(s) from public release under Florida's freedom of information act (F.S.S. 119). It is my opinion that we have

subsequently redacted the video sufficient to satisfy the spirit of the legislative exemption that is intended to protect public officials, inmates and facility from unnecessary security risks while at the same time providing an accurate, unbiased record of what happened to Gregory Edwards on December 9, 2018 at the Brevard County Jail.

These are the determinations of the case as can best be construed from the evidence available. If new or further materials are provided in discovery, in relation to this case, they will be reviewed and compared for consistency with the above information and may render a change of opinion regarding some or all of the opinions given. I reserve the right to change, alter, add or delete opinions based upon any new information provided to me.

Respectfully submitted this 10th day of November 2020.



Roy R. Bedard, Ph.D.

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<sup>i</sup>BREANNA NICKOLE WHITMER, as personal representative of the estate of DONALD E. WHITMER, JR. v. CITY OF WEST MELBOURNE, OFFICER JACOB MATHIS, individually OFFICER KEVIN KRUKOSKI, individually.





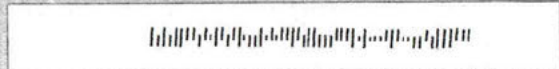
RECEIVED

2020 DEC -7 P 12:17

STATE OF FLORIDA  
ELECTIONS COMMISSION



Florida Election Commission  
107 West Gaines St. Suite 224  
Tallahassee, FL 32399-1050  
Attn: Donna Ann Malphurs



REC'D: FL ELECTIONS COM  
30 NOV '20 AM 11:47

## 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: Paul Preston Work Phone: (772) 2024799  
Address: 911 Fir Street Home Phone: (561) 7560233  
City: Barefoot Bay County: Brevard State: fl Zip Code: 32976

### 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: Wayne Ivey  
Address: 700 S. Park Ave Phone: (321) 2645201  
City: Titusville County: Brevard State: FL Zip Code: 32780

If individual is a candidate, list the office or position sought: Brevard County Sheriff

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 Indian River

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

[Handwritten Signature]  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 23<sup>rd</sup> day of  
November, 2020

[Handwritten Signature]  
Signature of Officer Authorized to Administer Oaths or Notary Public



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

Personally Known  Or Produced Identification

Type of Identification Produced \_\_\_\_\_

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/emailed 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 Election Commission  
107 West Gaines St. Suite 224  
Tallahassee, FL 32399-1050  
Attn: Donna Ann Malphurs

11/23/2020 850-922-4539 **Subject: Sheriff Wayne Ivey – new complaint**

Dear Donna Ann Malphurs fec@myfloridalegal.com

This complaint is a result of a reporter from the Florida Today newspaper and the lawyer I watched on TV express concerns. I also have concerns with Ivey action's because his office was involved in unjustly trespassing me. Even when presented with the facts that 817 and 849 laws were violated, he took no action to fix the matter concerning Barefoot Bay. This conspiracy continues even after he was presented Secretary of State Lee's certification proving the Over60 softball league did not dissolve as reported to the state.

Photo of the now deceased victim, Gregory Lloyd Edwards. I have provided photos of the issues that lead to his death that could liable the State for up to \$100,000,000.00. The statutes I have may or may not be the latest but the oath that requires a public office to be a public trust has been breached unless he can prove the Softball league dissolved and the schedule, the rosters, the scores published in the newspaper were mistakes, the IRS gave consent to dissolve and the IRS check list was followed, all the records requested including the shareholder identity, proof the shareholder voted to dissolve and all officers are year-round residents.

**Page 38 item 4. Clubs or Organizations must renew their applications for use of District facilities on an annual basis. This must be done no later than the December 31st of each year. Names and address of officers (who must be District residents) shall be provided. Failure to maintain residents as officers will result in the club or organization being de-certified as a registered club or organization.**

Then if he can't do that then he knows felonies occurred and is subject to 1001 which can put him and anyone concealing a felony/obstructing justice to 5 years in jail far less than the annual \$162,000 he is paid to be truthful. If Lee's certification is false, he must report her, if he cannot do that then Lee must report him.

**18 1001**

- (1) **falsifies, conceals,** or covers up by any trick, scheme, or **device** , ] a material fact;  
(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, **imprisoned not more than 5 years**

Snap shots of the video are shown within.

**Subject:** Ivey Fwd: FLORIDA TODAY fought for release of Gregory Edwards jail video. Now is your chance to see for yourself - from Florida Today  
**Date:** 11/22/2020 9:42:15 AM Eastern Standard Time  
**From:** [prezpresto@aol.com](mailto:prezpresto@aol.com)  
**To:** [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)  
*Sent from the Internet (Details)*

this will be part of a complaint against Ivey. It goes out Monday

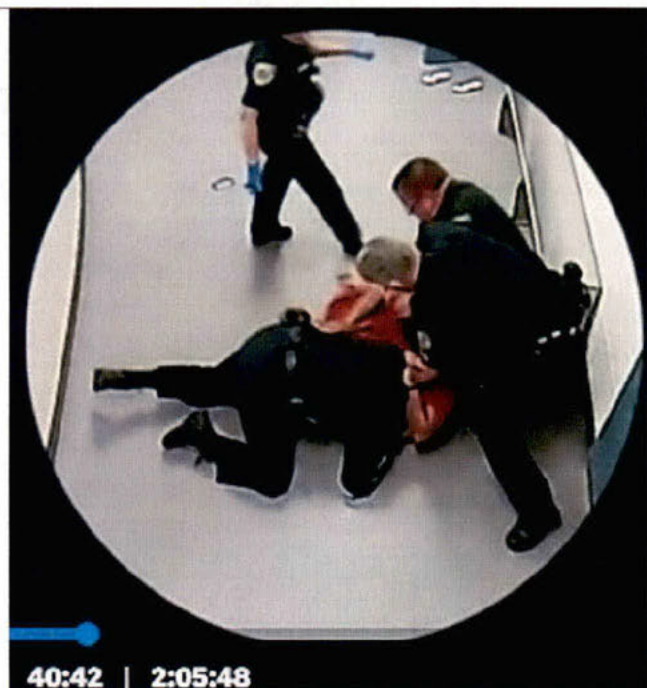
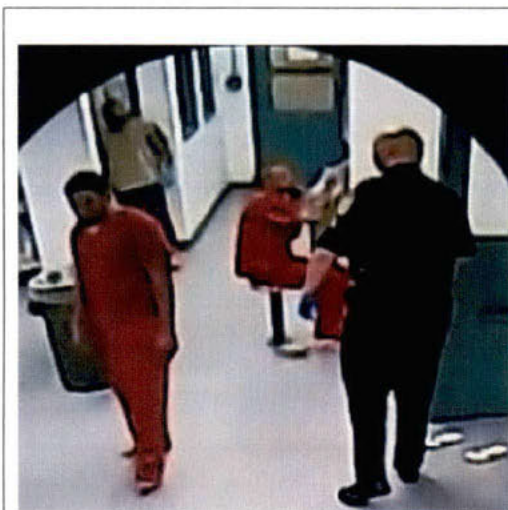
click on the link to see at lease neglect. this could happen to me or anyone else they chose to unjustly trespass, Bonnani could have received similar treatment during his 4 day in jail when he violated a trespass that did not identify were he could go in the Bay, he has since left the Bay. once he sold his trust he must always conceal felonies and abuse of rights.

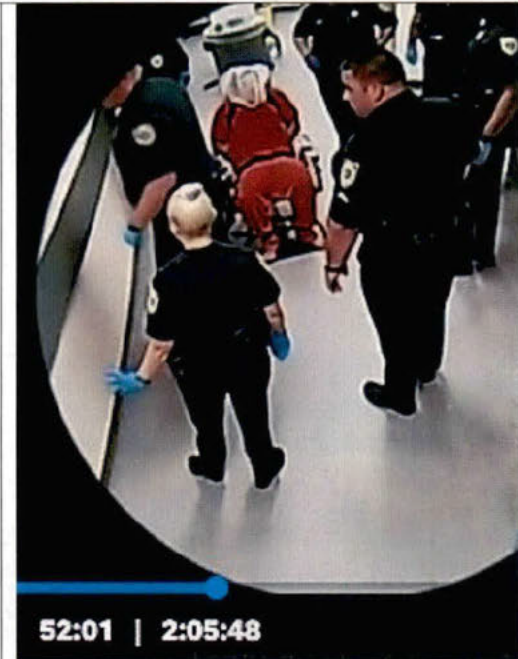
**From:** [prezpresto@aol.com](mailto:prezpresto@aol.com)  
**To:** [prezpresto@aol.com](mailto:prezpresto@aol.com)  
**Sent:** 11/20/2020 1:47:10 PM Eastern Standard Time  
**Subject:** FLORIDA TODAY fought for release of Gregory Edwards jail video. Now is your chance to see for yourself - from Florida Today

FLORIDA TODAY fought for release of Gregory Edwards jail video. Now is your chance to see for yourself

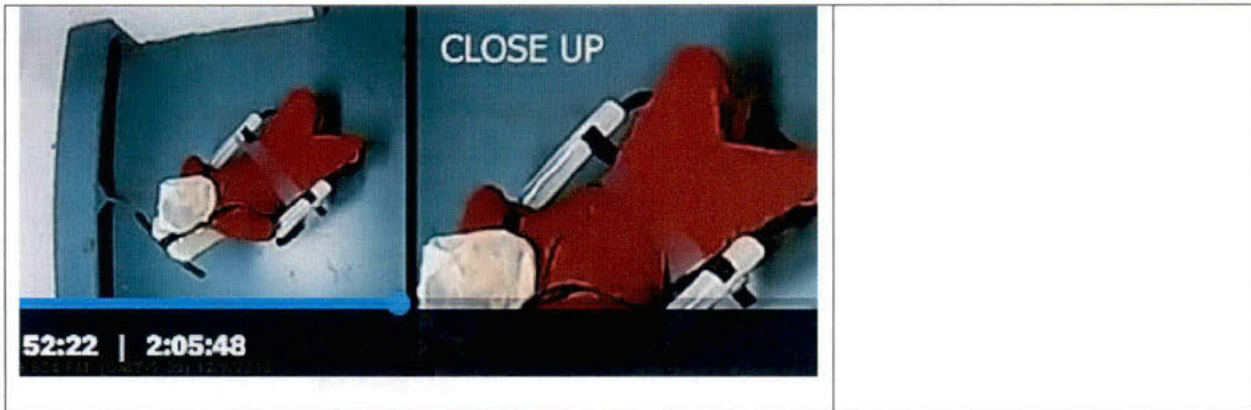
Gregory Edwards: What happens when someone enters a jail, comes out and dies the next day?  
"It's so important for the public to see for themselves"

Check out this story on floridatoday.com:  
<https://www.floridatoday.com/story/news/2020/11/13/gregory-edwards-video-jail-fight-florida/6262917002/>





It is alleged the bag is a spit shield. I for recommend the chair is modified to add a clear shield like those being wore during the virus. This happened prior to the virus. Fist vs. Spit is not much of a fight when you are strapped in a chair.



**IMPORTANT:** it is not time to defund the police, but time TO DECRIMINALIZE THE POLICE.

The photos and the link to the video of Edwards' \_\_\_\_\_, accidental death or homicide fill in the blank. According to the enclosed findings of Doctor Stephen J. Nelson a chief medical examine suggests Edwards was likely a homicide.

According to Florida Today's Mara Bellaby's article reveals Ivey only released the video after the newspaper threaten to sue to get it.

I have included the video minutes in the photos, so you can advance to the video locations.

**WORKSHEET**

**Format:** I have created packages to provide a means of explaining and collect the information need to submit a file to expose corruption and to prosecute the corrupt. Each package has its own worksheet. Please use the worksheet to verify your findings by placing a ONE (1) in the yes or no line. If you are unsure place a ? on the line.

When you reach the end total your ones in the yes \_\_\_\_ and no \_\_\_\_ . I will respond to the ? with the info needed to allow you or a state source including Secretary Lee to make a yes or no decision.

1. verify Edwards is a victim of an accident. Yes \_\_\_\_ No \_\_\_\_
  - a. verify if no answer is provided 18 1001 will be violated, Yes \_\_\_\_ No \_\_\_\_
  - b. verify Ivey or his officers are at least negligent in Edwards' death. Yes \_\_\_\_ No \_\_\_\_
  - c. verify if you took Edwards place in the chair, a crime was committed Yes \_\_\_\_ No \_\_\_\_
  - d. Verify you would recommend Ivey be prosecuted. Yes \_\_\_\_ No \_\_\_\_  
18 1001  
 (1) falsifies, conceals, or covers up by any trick, scheme, or device[ , ] a material fact;  
 (2) makes any materially false, fictitious, or fraudulent statement or representation; or  
 (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years
  - e. Yes \_\_\_\_ No \_\_\_\_
2. Verify if the records requested in the package labeled FLORIDA ELECTION COMMISSION PACKAGE cannot be produced supports Lee's status related to Over60 as being inactive as of April 29, 2019. Yes \_\_\_\_ No \_\_\_\_
  - a. If the records cannot be produced Ivey has concealed unlawful acts including felonies. Yes \_\_\_\_ No \_\_\_\_



- b. Verify Florida Statutes 119 will be and has been violated since the records requested have not be provided Yes \_\_\_ No \_\_\_
- c. Verify failure to provide the records involves a conspiracy. Yes \_\_\_ No \_\_\_
- d. Verify those involved in conspiracy are: the BOT members, community manager John Coffey, District Manager Jason Pierman, over60 treasure Brian Belanger, over60 president Mike Kilgus, and Ivey, Yes \_\_\_ No \_\_\_

**Title 18, U.S.C., Section 241 - Conspiracy Against Rights**

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States,

- e.
  - f. **Public Records Request**  
Public Records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency .  
(Florida Statues 119.011)
3. Verify Preston and Bonanni's trespasses does not include a narrative. Yes \_\_\_ No \_\_\_
- a. Verify an owner who is alleged to have created violation is to receive written notification and opportunity to appeal before a Special Magistrate. Yes \_\_\_ No \_\_\_
  - b. Verify the owner has the right to cross examine the witnesses and other things.
    - i. Admit the records requested could be examined if they existed. Yes \_\_\_ No \_\_\_
  - c. Verify the owner's right have been violated, Yes \_\_\_ No \_\_\_
17. The Community Manager may suspend, cancel, or revoke any resident or property's social membership, family membership, golf membership, or guest pass based on a violation of these rules. The affected resident whose membership was suspended, canceled, or revoked may appeal the suspension, cancellation or revocation by requesting a hearing before a Special Magistrate. The Board of Trustees shall appoint a Special Magistrate to hear and decide cases involving such violations. If an appeal is requested, violation cases shall be processed as follows:<sup>49</sup>

  - A. District Management shall provide the owner, resident, and/or guest with written notification of the alleged rules violation and penalty. The alleged violator would accept the penalty or request a hearing before the Special Magistrate. If a hearing is requested, a written notice of hearing shall be provided at least ten (10) days in advance of any hearing. After a hearing is requested suspension, cancellation or revocation may be stayed by the Community Manager until the Special Magistrate hearing.<sup>50</sup>
  - B. BBRD staff shall present evidence of the alleged rules violation to the Special Magistrate at a quasi-judicial hearing held to determine whether such violation occurred, and if so, the appropriate penalty to be imposed. The hearing shall not be governed by the formal rules of evidence; however, due process shall be provided to the owner, resident, and/or guest. The owner, resident, and/or guest shall have the right to cross examine witnesses and to present relevant evidence which is responsive to the alleged rule violations.
  - C. The Special Magistrate shall
- 4. Verify Ivey has concealed crimes, violated owners' rights Yes \_\_\_ No \_\_\_
    - a. Ivey violated 18 1001 and is subject to prosecution Yes \_\_\_ No \_\_\_
  - 5. Verify Florida Today could request the documents and video of Bonanni Yes \_\_\_ No \_\_\_
    - a. Verify Preston's First Amendment Rights since his grievances were not redress. Yes \_\_\_ No \_\_\_

- b. Verify Preston's rights identified in section 5 of Florida Constitution violated when he his grievance were not redressed. Yes \_\_\_ No \_\_\_
6. Verify if Preston is arrested it will be a false imprisonment. Yes \_\_\_ No \_\_\_
- a. Verify the State will be liable if Preston is arrested Yes \_\_\_ No \_\_\_
7. Verify Preston's trespass involves a conspiracy against rights Yes \_\_\_ No \_\_\_
- a. Verify this violates 18, U.S.C. section 41 Yes \_\_\_ No \_\_\_

Florida's Constitution, SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to **forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.**

- b.
8. Verify 817.155 was violated and concealed by the conspiracy Yes \_\_\_ No \_\_\_
- 817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.—A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully **falsify or conceal a material fact, make any false, fictitious, or fraudulent statement** or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a felony of the third degree
- a.

9. Verify 849 was violated and concealed by the conspiracy Yes \_\_\_ No \_\_\_
- a. View online
10. Verify the BOT or anyone receiving tax money or any form of compensation because he was denied access to the field for which his tax dollars are being collected is considered an unjust enrichment. Yes \_\_\_ No \_\_\_

(2) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

- a.
11. Verify if a sheriff breaches his oath he is to be terminated. Yes \_\_\_ No \_\_\_

State/county employee oath:

110.127 Penalties.—

(1) Any person who willfully violates any provision of this chapter or of any rules adopted pursuant to the authority herein granted is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) The provisions of s. 112.011 to the contrary notwithstanding, any person who is convicted of a misdemeanor under this chapter shall be, for a period of 5 years, ineligible for appointment to or employment in a position in the state service and, if an employee of the state, shall forfeit his or her position.

a.

12. Verify community manager John Coffey has problems in his previous job.

*Paul Preston*

Paul Preston  
911 Fir Street  
Barefoot Bay, FL 32976

## **Medical examiner doubts veteran's death in Brevard jail was an accident**

**BREVARD COUNTY, Fla.** – A top-ranking Florida medical examiner has called into question the findings of the autopsy of **Gregory Lloyd Edwards**, a 38-year-old combat veteran suffering from post-traumatic stress disorder, who died last year after a **fight with corrections deputies** at the Brevard County Jail.

News 6 partner **Florida Today reports** Dr. Stephen J. Nelson — the chief medical examiner for Florida's 10th Medical Examiner's District and the chair of the Florida Department of Law Enforcement's Medical Examiners Commission — said his review of the autopsy report suggests that Edwards' death was likely a homicide and not an accident as the Brevard medical examiner ruled earlier this year. He also said that the Brevard medical examiner failed to determine what exactly killed Edwards.

Edwards died on Dec. 10, 2018, a day after being rushed to the hospital from the jail where an altercation with a corrections officer during the booking process escalated to involve as many as seven other deputies who beat, pepper-sprayed, tased and cuffed Edwards before securing him in a restraint chair with a spit hood over his head.

Brevard's medical examiner, Dr. Sajid Qaiser, concluded that Edwards died of "excited delirium and complications" due to "hyperactive and violent state with subsequent restraint." He ruled the manner of death as an accident. **Excited delirium** is a rare and controversial condition that is often linked to violence involving law enforcement officers.

But Nelson, whose district covers Hardee, Highlands and Polk counties, said he cannot agree with Qaiser's findings.

"The conclusions, to me, from the autopsy are not supported by the autopsy," said Nelson.

"I'd want to know more about why somebody is calling [a death after] an interaction with law enforcement an accident. When if in fact that same interaction between you and I, I would think they would call homicide," Nelson said.

"An accident is an unintentional injury. If you're going to wrestle somebody to the ground, pin them to the ground, sit on them, do whatever, I don't think that's an accident."

When a medical examiner determines a death to be a homicide it does not necessarily mean that a crime has been committed. It only means the death was the result of the actions of another. A state attorney or a grand jury determines if the death is a culpable homicide subject to prosecution.

## **Why FLORIDA TODAY is suing Brevard County Sheriff's Office to release Gregory Edwards jail video**

**Mara Bellaby**, Florida Today

# *State of Florida*

## *Department of State*

I certify from the records of this office that BAREFOOT BAY OVER 60 SOFTBALL INC was a corporation organized under the laws of the State of Florida, filed on April 1, 2019, effective March 28, 2019.

The document number of this corporation is P19000029400.

I further certify that said corporation filed a Voluntary Dissolution on April 23, 2019, and that its status is inactive.

*Given under my hand and the  
Great Seal of the State of Florida  
at Tallahassee, the Capital, this  
the Seventeenth day of June, 2020*



*Laurel M. Lee*  
**Secretary of State**

Tracking Number: 0522245613CU

To authenticate this certificate, visit the following site, enter this number, and then follow the instructions displayed.

<https://services.sunbiz.org/Filings/CertificateOfStatus/CertificateAuthentication>

## HOLE

Hole in basketball court reported by Bill Bonanni of 604 Puffin dr. He injured his ankle



this where Bonanni was hurt, he as for a meeting to get it fixed and express his concerns about kids jumping of bridges where gators were spotted.



## Archives Article View

Published on TBINWeekly.com - July 20, 2005

### IRB city manager resigns

City Manager John Coffey agrees to work through Friday, July 29, and assist with subsequent budget issues.

By CHARY SOUTHMAYD  
Article published on Wednesday, July 20, 2005

**INDIAN ROCKS BEACH** - Prepared to proceed with the termination and immediate suspension of City Manager John Coffey, the City Commission instead voted unanimously July 14 to accept Coffey's resignation.

After debating various aspects of the proposal, the commission agreed to pay severance through Jan. 18, 2006, and insurance payments through the end of January. Coffey has agreed to attend the city's August and September budget sessions and to assist a yet-to-be-named interim city manager through July 29.

Since Thursday's meeting, Coffey and City Attorney Andy Salzman have been pounding out specifics of the final agreement, which would be signed by Mayor Bill Ockunzzi. Coffey has asked that 70 percent of his nearly \$44,000 severance plus insurance payments be paid by Aug. 5, with the balance to be paid when the budget process is completed.

"If they don't want to agree on terms agreeable to me, they can fire me," Coffey said Wednesday.

It was unclear at press time Wednesday afternoon whether the matter would be brought up for further discussion during the commission's special meeting that evening.

Last Thursday, Ockunzzi pressed for Coffey's continued short-term presence at City Hall.

"The need to have John around for a little transition period would be useful," said Ockunzzi, who noted that Coffey's input on several pending issues would be valuable. "It is better for the city to seriously entertain what he has offered."

Commissioner R.B. Johnson agreed, particularly in light of the impending departure of the city's finance director, Mary Karaylanes.

"We're going to be in a heap of trouble with both of them gone," said Johnson. "I don't care who we bring in as interim manager."

Commissioner Jim Palamara had earlier made a motion to approve the resolution to fire Coffey and ultimately had to withdraw the motion when Commissioner Jean Scott withdrew her second.

"We had an excellent city, now everything has collapsed," said Palamara. "After this is all over we need to get an independent auditor to come and audit our monies and see what's going on."

"Let's stay on the subject," said Ockunzzi.

Commissioner Jeremiah Carmody questioned whether Coffey would put in full-time hours if the commission accepts his resignation.

"I would certainly rather see resignation than a firing tonight," said Carmody. "I'm not sure we're going to see a city manager during the day if we do see a resignation."

Coffey agreed to work 40 hours a week through July 29, during which time he cannot hire, fire or discipline city staff or enter the city into contracts.

Per his request, members of the commission are to refrain from making further negative public comments about Coffey.

"I feel very positive about the resolution of this long-simmering issue," Coffey said Friday. "The commission's actions illustrated that their distaste for me was personal, rather than job performance-related. They came in prepared to fire me. You don't ask someone who has a poor job performance to keep working for you."

### **Resumes received**

City Attorney Andy Salzman contacted several Florida-based municipal managers currently available on an interim basis.

Those interested in the interim job thus far include Treasure Island resident Pam Brangaccio, the former manager of Bay County; Ralph Bowers, former manager of Jasper and Elbert Waters, former assistant administrator in West Palm Beach.

The commission will have a special meeting Wednesday, July 27, at 4 p.m., to interview the candidates for the interim city manager job.

"We will probably choose one that evening," said Ockunzzi.

In addition, resumes are being received at City Hall for city finance director to replace Karayianes, who will put in her last day Friday, Aug. 5.

Article published on Wednesday, July 20, 2005

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# BREVARD COUNTY SHERIFF'S OFFICE TRESPASS WARNING

CR NUMBER: 2020 00043074 DATE: 02/03/2020 TIME: 1445

ADDRESS OF OCCURRENCE: 125 BAREFOOT BLVD. BAREFOOT BAY, FL 32976

LOCATION OF OCCURRENCE (Business Name): ALL COMMUNITY OWNED PROPERTIES  
BAREFOOT BAY COMMUNITY

OWNER OR AGENT: John Curry PHONE NUMBER (772) 664 - 3141

ADDRESS: SAME AS ABOVE RACE/SEX: W/M DOB: \_\_\_\_\_

SUSPECT:  
(Last) BONANNI (First) WILLIAM (M.I.) A

RACE: W SEX: M HEIGHT: 5-09 WEIGHT: 270 EYES: BROWN DOB: 4/21/67

ADDRESS: 604 PUEBIN DRIVE

CITY: BAREFOOT BAY STATE: FL ZIP: 32976

OCCUPATION: RETIRED EMPLOYER: N/A

A WARNING has been given to the suspect named above, pursuant to 810.08 or 810.09 F.S. informing said suspect that they are no longer authorized, licensed, or invited to remain on these premises; that he/she is barred from said premises as an undesirable person; and that should they return to the premises, they will be subject to arrest for the crime of Trespass.

I have read, or had read to me, the above warning, and I understand that if I return to the premises mentioned above, I will be subject to arrest for the crime of Trespass, 810.08 or 810.09 Florida Statutes.

William Bonanni - False charges (Suspect)

WE HEREBY CERTIFY that the above warning was issued to the above named suspect.

\_\_\_\_\_  
(Owner or Agent)

\_\_\_\_\_  
(Officer/ID#)

NOTE TO OWNER OR AGENT: This warning is to be kept accessible and legible by you, so that the suspect can be arrested for Trespass at a later date, should (s)he again come onto your property.

NARRATIVE:



# BREVARD COUNTY SHERIFF'S OFFICE TRESPASS WARNING

CR NUMBER: 2019-00344334 DATE: 9/10/2019 TIME: 0750

ADDRESS OF OCCURRENCE: 1127 WREN CIRCLE

LOCATION OF OCCURRENCE (Business Name): BARFOOT BAY SOFTBALL FIELD

OWNER OR AGENT: MATTHEW BOETZ PHONE NUMBER (772) 494-9985

ADDRESS: 1127 WREN CIRCLE RACE/SEX: W/M DOB: 9/20/94

SUSPECT:  
(Last) PRESTON (First) PAUL (MI.) R

RACE: W SEX: M HEIGHT: 5-07 WEIGHT: \_\_\_\_\_ EYES: \_\_\_\_\_ DOB: 3/11/43

ADDRESS: 911 FIR ST

CITY: BARFOOT BAY STATE: FLORIDA ZIP: 32976

OCCUPATION: \_\_\_\_\_ EMPLOYER: \_\_\_\_\_

A WARNING has been given to the suspect named above, pursuant to 810.08 or 810.09 F.S. informing said suspect that they are no longer authorized, licensed, or invited to remain on these premises; that he/she is barred from said premises as an undesirable person; and that should they return to the premises, they will be subject to arrest for the crime of Trespass.

I have read, or had read to me, the above warning, and I understand that if I return to the premises mentioned above, I will be subject to arrest for the crime of Trespass, 810.08 or 810.09 Florida Statutes.

REFUSED TO SIGN (Suspect)

WE HEREBY CERTIFY that the above warning was issued to the above named suspect.

[Signature] (Owner or Agent)

[Signature] (Officer/ID#)

NOTE TO OWNER OR AGENT: This warning is to be kept accessible and legible by you, so that the suspect can be arrested for Trespass at a later date, should (s)he again come onto your property.

NARRATIVE:

Brain Belanger to comply with Florida Statue 119.011, and 1001



## Barefoot Bay Recreation District

625 Barefoot Boulevard, Building "F"  
Barefoot Bay, FL 32976-9233  
Phone 772-664-3141  
Fax 772-664-1928

### Public Records Request

"Public Records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. (Florida Statutes 119.011)

Brian Belanger to provide the info shown below:

1. a valid EIN number proving the State has authorized the Softball League (OV60SA) to operate as a for Profit organization in Florida. see Valerie Herring email stating a EFI/EIN is required for profit and non-profit, both require an EIN
2. A Valid EIN number proving OV60SA is authorized to operate as a non-profit organization in Florida
3. The doucment number that the State Florida issued authorizing OV60SA to conduct a business of anykind in Florida. See doucment P19000029400
4. Sample of shares issued under P1900029400  
name of share holders
- 4A OV60SA's Insurance policy
5. the ballots for dissolution as documented in P19000029400
6. Documentation showing EIN 59-2359782 revoked in 2010 has been reinstated.
7. 990 forms filed with the IRS in 2016, 2017, 2018, 2019
- ~~DATE:=====~~
8. tax returns for the year you closed OV60SA, on April 23, 2019. see IRS employee Helen instructions.
9. Proof all outstanding taxes were paid, related to dissolution. this includes payroll taxes.
10. IRS' consent to dissolution.
11. The name of 4 year round officers needed to comply with page 38 of the Bay Policy manual.
12. any document proving 817 was not violated.

Paul's note to Brevard County: the failure to provide the requested records proves the violation of page 23 of the Bay policy that mandates a written be given of the alledged vioaltion and the chance to appeal with the ability appear before a Special Magistrate. Also proves the concealment of a 3rd degree that Preston unjust trespass was in retaliation for exposing the felony in the September 13, 2019 BOT meeting video previosuly provided Tobia and county county members.



**Barefoot Bay Recreation District**  
625 Barefoot Boulevard, Building "F"  
Barefoot Bay, FL 32976-9233  
Phone 772-664-3141  
Fax 772-664-1928

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"Public Records" means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. (Florida Statues 119.011).

1. the written notification advising Preston he allegedly vioaltion what  
\_\_\_\_\_ rule(s) and what penalty he was subjected to  
\_\_\_\_\_
2. \_\_\_\_\_  
\_\_\_\_\_
3. \_\_\_\_\_  
\_\_\_\_\_
4. \_\_\_\_\_  
\_\_\_\_\_
5. \_\_\_\_\_  
\_\_\_\_\_

DATE: May 7, 2020

Section 5 of Article 6 of the by-laws mandates that the Treasure have record available for audit.

Therefore, the Treasure is to provide the following within 30 days of the request.

### Request for Production

1. 990s for 2017, 2018, 2019
2. 1099s for 2017, 2018, 2019 related to field maintenance
3. Insurance info including policy number and contact information.
4. IRS' letter of determination granting the League tax-exempt status
5. Valid EIN number supporting tax-exempt status
6. The name of the author writing the May 7, 2019 letter sent to Preston.
7. W9s for 2017, 2018, 2019
8. 30-day written notice related to amending sec. 2 Article 4 of the by-laws.
9. 2/3 approval of the general membership amending section 2 of article 4.
10. The case number referenced in Schreiber's response to Woolrey (sued again)
11. Names of parties in the sued again case.
12. Financial impact of the sued again case. money received and/or paid.
13. Copy of payments to Joe Ziegler.
14. Copy of the rule granting the commissioner voting privileges
15. Meeting minutes of meeting where members accepted the board's removal of the ISA's rule regulating to pitching net. (article 12 of the by-laws.
16. A statement by the League that the 50/50 was legal.
17. Minutes of where the shareholders approved the Dissolution of the For-Profit filed with the State under P19000029400.
18. Coffey correspondence related to Ron Hopkins and Belanger.
19. The records required to conduct an audit mandated by section 5 article 6 of the by-laws
20. Completed request for admission shown below.

### Request for Admission

1. Admit the League filed as a For-Profit with the State on 3/28/19
2. Admit the League suspended Preston on 4/4/19 knowing the League knew they were not a 501-c3 or a not-for-profit.
3. Admit there is not a valid IRS letter of determination granting tax-exempt status.
4. Admit there is not a valid EIN number.
5. Admit without the determination letter and valid EIN number the CPA could not file as not-for-profit.
6. Admit without the determination letter an EIN number all claims of non-profit are false.
7. Admit the 2019 election was illegal.

### **RULE 1.380. FAILURE TO MAKE DISCOVERY; SANCTIONS**

**(3) Evasive or Incomplete Answer.** For purposes of this subdivision an evasive or incomplete answer shall be treated as a failure to answer.

Thank you for being a witness today.



## BAREFOOT BAY RECREATION DISTRICT

### REQUEST TO ORGANIZE A CLUB

**NAME OF CLUB:**

Barefoot Bay Over60 Softball

**PURPOSE/OBJECTIVE:**

request record for this annual renewal for 2018 & 2019

**GUIDELINES**

- Any Club, Organization or Resident Group that uses District facilities must be comprised of a majority of Barefoot Bay residents unless permitted by policies adopted by the Board of Trustees.
- Any request to form a registered Club, Organization or Resident Group that intends to use District facilities must be reviewed by the Community Manager and must contain names, addresses, and phone numbers of at least four responsible year round residents or elected officers or alternates.
- A Building Registration application form must be filed upon approval from the Community Manager.

*Please refer to BBRD Policy Manual Section 3.4 - Guidelines for Registering as a Club, Organization or Resident Group and Use of District Facilities for further information.*

**REQUESTOR INFORMATION**

NAME

ADDRESS

PHONE #

**RESIDENT #1 INFORMATION**

NAME

ADDRESS

PHONE #

**RESIDENT #2 INFORMATION**

NAME

ADDRESS

PHONE #

Mailing Address:  
625 Barefoot Boulevard, Building "F"  
P.O. Box 779-233

(772) 664-3141  
(772) 664-1928

Physical Address:  
625 Barefoot Boulevard  
Barefoot Bay, Florida 32976-7305



## Closing a Business Checklist

There are typical actions that are taken when closing a business. You must file an annual return for the year you go out of business. If you have employees, you must file the final employment tax returns. In addition to making final federal tax deposits of these taxes. Also attach a statement to your return showing the name of the person keeping the payroll records and the address where those records will be kept.

The annual tax return for a partnership, corporation, S corporation, limited liability company or trust includes check boxes near the top front page just below the entity information. For the tax year in which your business ceases to exist, check the box that indicates this tax return is a final return. If there are Schedule K-1s, repeat the same procedure on the Schedule K-1.

You will also need to file returns to report disposing of business property, reporting the exchange of like-kind property, and/or changing the form of your business. If you do not have a pre-printed envelope in which to send your taxes, refer to the Where To File page for a list of addresses. Below is a list of typical actions to take when closing a business, depending on your type of business structure:

### Checklist

- **Make final federal tax deposits**
  - Electronic Federal Tax Paying System (EFTPS)
- **File final quarterly or annual employment tax form.**
  - Form 940, Employer's Annual Federal Unemployment (FUTA) Tax Return (PDF)
  - Form 941, Employer's Quarterly Federal Tax Return (PDF)
  - Form 943, Employer's Annual Tax Return for Agricultural Employees (PDF)
  - Form 943-A, Agricultural Employer's Record of Federal Tax Liability (PDF)
- **Issue final wage and withholding information to employees**
  - Form W-2, Wage and Tax Statement (PDF)
- **Report information from W-2s issued.**
  - Form W-3, Transmittal of Income and Tax Statements (PDF)
- **File final tip income and allocated tips information return.**
  - Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips (PDF)
- **Report capital gains or losses.**
  - Form 1040, U.S. Individual Income Tax Return (PDF)

### Related Topics

- [Canceling an EIN - Closing Your Account](#)
- [Closing a Business](#)
- [SBA Advice on Closing a Business](#)
- [State Government Websites](#)

### Videos

- [Closing a Business Video](#)

- Form 1065, U.S. Partnership Return of Income (PDF)
- Form 1120 (Schedule D), Capital Gains and Losses (PDF)
- **Report partner's/shareholder's shares.**
  - Form 1065 (Schedule K-1), Partner's Share of Income, Credits, Deductions, etc. (PDF)
  - Form 1120S (Schedule K-1), Shareholder's Share of Income, Credits, Deductions, etc. (PDF)
- **File final employee pension/benefit plan.**
  - Form 5500, Annual Report/Summary of Employee Benefit Plan
- **Issue payment information to sub-contractors.**
  - Form 1099-MISC, Miscellaneous Income (PDF)
- **Report information from 1099s issued.**
  - Form 1099, Annual Summary and Transmittal of U.S. Information Returns (PDF)
- **Report corporate dissolution or liquidation.**
  - Form 966, Corporate Dissolution or Liquidation (PDF)
- **Consider allowing S corporation election to terminate.**
  - Form 1120S, Instructions (PDF)
- **Report business asset sales.**
  - Form 8594, Asset Acquisition Statement (PDF)
- **Report the sale or exchange of property used in your trade or business.**
  - Form 4797, Sales of Business Property (PDF)

**Request for production**

1. **Copy** of meeting minutes where the shareholder voted to dissolve BB.
2. **Copy** of financial statement showing disbursement of funds.

**Witnesses**

Page | 3

1. **IRS' Ms. Clark 877-829-5500**

**Auto-Revocation List Barefoot Bay Over 60 Softball**

**EIN: 59-2359782** | Barefoot Bay, FL, United States

2. **Randy Fine**

In a message dated 2/19/2019 10:15:29 AM Eastern Standard Time, Nancy.Pernier@myfloridahouse.gov writes:

Mr. Preston,

Thank you for writing to Representative Fine regarding raffles. The Florida Statute that regulates raffles is Section 849.0936. I hope this information is helpful to you.

3. **BBB's Service Specialist Eneida Cardona & Shantel Fitzgerald 561-223-1492.**

In a message dated 7/19/2019 7:40:55 AM Eastern Standard Time, ecardona@bbbsefi.org writes:

Please contact the state agencies provided to you earlier. In addition to the other agencies, you can contact the Florida Attorney General at (866) 966-7226 or (850) 414-3300.

4. **Lee Yarbrough**

In a message dated 8/11/2019 4:10:27 PM Eastern Standard Time, corphelp@DOS.MyFlorida.com writes:

You could also contact the Attorney Generals office (866)966-7226, their web address is <http://myfloridalegal.com/> to see if they can be of any assistance.

5. **DBPR's Agnes Lunt**

In a message dated 7/30/2019 9:59:36 AM Eastern Standard Time, corphelp@DOS.MyFlorida.com writes:

The Division of Corporations acts as an Administrative filing office only. We do not track pending lawsuits, complaints, or reputation in the business community for individual business entities. You can possibly find the information you are looking for by contacting the Division of Consumer Services at 1-800-HELP-FLA, if calling from outside the State of Florida the number is (850) 488-2221. You can also visit their web site [www.doacs.state.fl.us/](http://www.doacs.state.fl.us/).

You could also contact the Attorney Generals Fraud Hotline (866)966-7226 and report this activity, their web address is <http://myfloridalegal.com/>.

**Agnes Lunt**

6. **DBPR's Valerie Herring**



In a message dated 7/9/2019 11:23:56 AM Eastern Standard Time, [corphelp@DOS.MvFlorida.com](mailto:corphelp@DOS.MvFlorida.com) writes:

Good Morning,

A FEI/EIN is required for Profit and Non-Profit Corporations.

A Federal Employer Identification (FEI/EIN) number is granted by the IRS. IRS:  
800-829-4933-web address [www.irs.gov](http://www.irs.gov).

Valerie Herring

**817.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.**—A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a felony **of the third degree**

**So what is your findings: is the Softball League still conducting business in violation 817.155?**

**Are all contract involving the Softball League now invalid?**

**If you are paying a group or individuals to ensure our community is governor per our law and policy what action should be taking if concealment is determined?**

**So, you now find yourself in the situation I faced in March. So, do you #1 conceal an unlawful act or #2 expose the violations and all felonies?**

Paul Preston 772-202-4799.

## ARTICLES OF DISSOLUTION

Pursuant to section 607.1403, Florida Statutes, this Florida corporation submits the following Articles of Dissolution:

- FIRST: The name of the corporation as currently filed with the Florida Department of State:  
**BAREFOOT BAY OVER 60 SOFTBALL INC**
- SECOND: The document number of the corporation: **P19000029400**
- THIRD: The date dissolution was authorized: **April 23, 2019**  
Effective date of dissolution: **April 23, 2019**
- FOURTH: Dissolution was approved by the shareholders. The number of votes cast for dissolution was sufficient for approval.

I submit this document and affirm that the facts stated herein are true. I am aware that any false information submitted in a document to the Department of State constitutes a third degree felony as provided for in section 817.155, Florida Statutes.

Signature: **MIKE KILGUS**

**PRESIDENT**

**Electronic Signature of Signing Officer, Director, Incorporator or Authorized Representative**

**§17.155 Matters within jurisdiction of Department of State; false, fictitious, or fraudulent acts, statements, and representations prohibited; penalty; statute of limitations.—A person may not, in any matter within the jurisdiction of the Department of State, knowingly and willfully falsify or conceal a material fact, make any false, fictitious, or fraudulent statement or representation, or make or use any false document, knowing the same to contain any false, fictitious, or fraudulent statement or entry. A person who violates this section is guilty of a felony of the third degree**

Statute 1001 provides 3 options. The first allows a true statement to entered, the second provides a 5-year prison term for making a false state, the third provides a 5-year prison term if a person conceals by failing to respond.

- (1) falsifies, conceals, or covers up by any trick, scheme, or device[ , ] a material fact;
- (2) makes any materially false, fictitious, or fraudulent statement or representation; or
- (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be fined under this title, imprisoned not more than 5 years or, ...

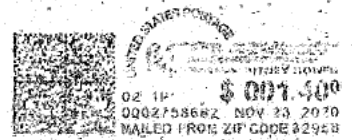
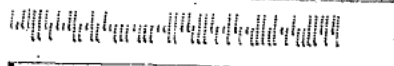
### Conspiracy Against Rights

This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States,

### 895.03 Prohibited activities and defense.—

- (1) It is unlawful for any person who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.
- (2) It is unlawful for any person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

Mr. Paul R. Preston  
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Sebastian, FL 32976



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STATE OF FLORIDA  
ELECTIONS COMMISSION

Florida Election Commission  
107 West Gaines St. Suite 224  
Tallahassee, FL 32399-1050  
Attn: Donna Ann Malphurs