


SENT VIA CERTIFIED RETURN RECEIPT AND E-MAIL



August 27, 2019

Office of the State Attorney, 7th Judicial Circuit
Attn: State Attorney R.J. Larizza
251 N. Ridgewood Avenue
Daytona Beach, Florida 32114

Re: FDLE Case #OR-14-0156

Dear Mr. Larizza,

On March 26, 2019, your office received Case #OR-14-0156 by Florida Department of Law Enforcement (FDLE) for review and disposition, and was done so by Assistant State Attorney Robin L. Hutcheson. This case involves multiple criminal and ethical violations which were either not investigated, or were partially investigated by FDLE and your office. Thus, this letter will address the alleged violations committed by the following individuals:

- Assistant State Attorney Robin L. Hutcheson, and anyone who assisted her with reviewing the case and approved her report
- FDLE Agent Christopher Deerdoff, and anyone who assisted him with the investigations and approved his reports
- Port Orange Police Chief Thomas Grimaldi
- Port Orange Police Captain Kimberly Kilpatrick
- Police and Firemen's Insurance Association Representative Mike Maples
- Alexa Fouts

On July 10, 2018, Officer Justin White of the Port Orange Police Department reported an alleged forgery of a life insurance policy change form by Captain Kimberly Kilpatrick, also from the Port Orange Police Department. On March 1, 2019, Officer White and I reported an alleged perjury violation observed in the witness statements presented in the closed forgery case, which led to the case being reopened.

In my opinion, this reporting of both criminal violations by a mandatory reporter were not fully investigated and shows signs that Florida Department of Law Enforcement Agent Christopher Deerdoff conducted an incomplete investigation and fabricated his reports. In that, Agent Deerdoff's investigations and reports entail inconsistencies between the audio-recorded sworn statements and his written reports, lack of gathered evidence, lack of interviews/re-interviews of witnesses and tampering of audio recordings.

One example, in Alexa Fouts' first and only sworn statement, she never mentions that she was the power of attorney for her father, David Fouts; yet, Agent Deerdoff writes in his report that

she stated she was his power of attorney. Another example is that this case was opened to investigate a forgery of an insurance document; however, Agent Deerdoff failed to collect this insurance document as evidence or any documentation for that matter. A final example is that Agent Deerdoff stated in his written report of Captain Kilpatrick's sworn statement that she learned about the Policy Change Form "third-hand", when in fact Captain Kilpatrick stated in both of her sworn statements that she heard directly from the insurance agent, which in fact is hearing the information first-hand. Moreover, Police and Firemen's Insurance Association Representative Mike Maples' sworn statement aligns with Captain Kilpatrick's sworn statement when he explains that if there needed to be a change to an insurance policy, he would be the one to contact, and that he was having conversations about the policy change form and insurance check with someone at the police department.

I find it suspect that Officer White's first audio-recorded sworn statement was "corrupted upon upload" and therefore no longer exists, as stated by Agent Deerdoff. In addition, my audio-recorded sworn statement, as well as audio-recorded sworn statements by other witnesses in this case, appear to have been tampered with.

In Officer White's first sworn statement, he explains to Agent Deerdoff that he needed to obtain David Fouts' medical records to see when he was in a coma and compare it with the date the Policy Change Form was signed. Officer White also stated that he was told Port Orange Assistant Chief Bill Proctor knew about the incident at the time that it occurred, but it was not investigated. So, that is why he reported to an outside agency in the hopes that a full and impartial investigation would be conducted. However, Agent Deerdoff did not interview Assistant Chief Proctor, nor did he gather the form in question or verify David Fouts' condition at the time the forgery occurred.

Also, in Officer White's first sworn statement, he stated that he did *not* report the alleged forgery when he heard it from Evidence Technician Deborah Lannie, but rather at a later time when he heard it first-hand from Lieutenant Joseph Swetz who was dating Captain Kilpatrick at the time of the alleged forgery. This is not what Agent Deerdoff stated in his written report which focuses on Deborah Lannie. Agent Deerdoff's false narrative that Officer White reported this forgery based on third-hand knowledge began when he interviewed his first witness, Port Orange Victim Advocate Carmen Miller. In that in her audio-recorded sworn statement, Agent Deerdoff stated that he "...had information from somebody who got information from somebody, who says they got information from you..."

As for my audio recording, it ends abruptly after Agent Deerdoff asks me if I spoke with David Fouts' doctor. So, to clarify, my response was "No, did you?" Note that upon the conclusion of the investigation in the perjury complaint, Agent Deerdoff did not interview any doctors or nurses who cared for David Fouts as to verify David Fouts' condition on and before May 6, 2016 when two of David Fouts' insurance forms were signed.

Also, I am concerned that two witnesses who were interviewed during the investigation into the forgery complaint (Carman Miller and Justin White) stated that David Fouts was in a coma at the time the Policy Change Form was signed, and two witnesses (Kimberly Kilpatrick and Alexa Fouts) stated that he was awake and improving. Agent Deerdoff arbitrarily determined that

Captain Kilpatrick and Alexa Fouts were telling the truth as he did not gather any evidence to confirm or disprove any witness statements.

Please review the following statements from the first investigation:

Captain Kilpatrick, First Sworn Statement:

Captain Kilpatrick: "I was contacted by an agent of the Police and Fire Insurance ... Initially I believe there were several phone calls um well not several maybe two or three... He was reaching out because he had learned of Officer Fouts' wife passing and he said that Officer Fouts had a policy on her, um Jennifer Fouts, that he was looking to send the money I guess to Officer Fouts but I think there was an address issue. He didn't have an address for him."

Captain Kilpatrick: "I don't know the timeframe but he [Insurance Agent] did reach out again and he said that I think during the paperwork issue he had noticed you know 'cause Officer Fouts had a policy on himself and on the beneficiaries, it was a Jennifer Fouts, Alexa his daughter and Kevin his son as beneficiaries on Dave's policy for himself."

Captain Kilpatrick stated that the insurance agent asked her what David Fouts' condition was, and her response was "Well he's still in the hospital but it's definitely, I remember it was better than it was initially."

Captain Kilpatrick: "So, in that conversation he is saying is to me basically that I don't know if it was an error on the insurance company or if it was an error on Dave Fouts but it was two Jenn Fouts one that had died and then a different Jenn Fouts birthday on his policy as a beneficiary. I said well he was married to two Jenn Fouts back to back so um... Agent Deerdoff asks "the Jenn Fouts that the insurance agent was talking about was his ex-wife" "Yes, so there yes there were two Jenn Fouts, number 6 and number 7, so wives, so um but number 7 is the one that passed away obviously in the crash. So, he I had told him well I can tell ya he's not gonna want that Jenn Fouts if he dies to get any money because you know they were not getting along at all but. So, he said ok but he said you know it was not a big deal, that Dave could sign the paper and change it to have her removed and keep Alexa and Kevin on it and I was like ok that's fine. And to be honest I don't remember ever meeting him but I know he had dropped things off at the station because I think the check actually got dropped off for Jenn Fouts the one who passed at the station and that was given to Alexa but the paperwork I believe was dropped off at the station as well. Um I gave that to Alexa um she from what I recall had taken it to the hospital and um there was a nurse in there I remember she was telling me there was a nurse in there. 'Cause Dave I think at that point he couldn't talk but he could move his hands and signal like to the nurse's things I guess. But um that's about it that I remember on that. I don't even know how he got the form back. I don't know if I helped send that back or if Alexa took care of it. I don't remember."

Agent Deerdoff: "His daughter, Alexa, did she have a power of attorney at any point?"

Captain Kilpatrick: "Yes, um I don't remember the date but I do know it was pretty immediate after the crash."

Agent Deerdoff clarifies "so she got power of attorney over her father because he was obviously in the hospital,"

Captain Kilpatrick confirms "Right."

Agent Deerdoff continues "and then she got the change of policy paperwork and took it to her dad"

Captain Kilpatrick confirms "Uh-hum."

Agent Deerdoff continues "who if you know signed it or not?"

Captain Kilpatrick: "I honestly I don't know. From what I got from her yes that she had him mark the paper. But I honestly don't remember"

Alexa Fouts, First and Only Sworn Statement:

Alexa Fouts: "Me and Kim went to go get the papers to change the beneficiary and I'm the one who took the papers to the hospital for my dad to sign. Kim wasn't even there... She just went with me to get the papers but I went off by myself to the hospital to go get him to sign it."

Agent Deerdoff: "Did she have any more involvement when it came to that paperwork?"

Alexa Fouts: "Not that I know of [sic] no."

Agent Deerdoff: "...Where did you go to get the paperwork?"

Alexa Fouts: "I believe it was either right here in one of these officers or it was at the police station. I don't remember... this is just like a city office where they do a bunch of different things."

Agent Deerdoff: "Alright... so she came with you here, helped you get the paperwork, then you took back to your dad at the hospital?"

Alexa Fouts: "Yeah"

Agent Deerdoff: "Ok and when you took it back to your dad, what was his state? Was he conscious? Was he in a coma?"

Alexa Fouts: "He was conscious and he was at the point to where he was able to write. He would like write messages and stuff to me and that was the way he was able to

communicate because he wasn't able to speak yet because he had a trach in his throat. But he was able to write and carry on a conversation through writing."

Agent Deerdoff: "Ok. And what changed about the policy, the life insurance policy? What exactly were you guys changing?"

Alexa Fouts: "...I believe that the papers had his ex-wife, me and my brother, and then we changed it from that to just me and my brother."

Agent Deerdoff: "As beneficiaries?"

Alexa Fouts: "Yes... because his ex-wife, it was a bad divorce, so we believed that that what he would have wanted is to change it to just us."

Agent Deerdoff: "Ok, and to the best of your recollection, I know it happened several years ago... you told your father that's what he was signing?..."

Alexa Fouts: "Yeah, I explained it to him, and he agreed, and then he signed it."

Agent Deerdoff: "Ok, and then what did you do with that paperwork after that?"

Alexa Fouts: "I think I had to turn it in or something, but I really don't remember."

Agent Deerdoff: "Ok, and do you have any of that paperwork around?"

Alexa Fouts: "No, I've already looked for it, and [sic] looked for any paperwork that I had when you asked me, but I don't have any of that."

Agent Deerdoff: "Can you think of any reason why this allegation would have gotten brought about?"

Alexa Fouts: "I don't know. I'm just use to it by now."

Agent Deerdoff: "Why is that?"

Alexa Fouts: "My dad has made accusations against me before and I've already been interviewed before and they've closed cases because they didn't find anything."

Agent Deerdoff: "Really?!"

Alexa Fouts: "Yeah."

Agent Deerdoff: "Whose doing those interviews. Or whose conducting that investigation?"

Alexa Fouts: "It was DCF saying that I was doing like elderly abuse, and starving him and stuff."

Agent Deerdoff: "This kind of thing has happened several times before?"

Alexa Fouts: "It's happened like once or twice. I'm just use to it. It's also I think part of my dad. He makes things up and people believe him, and then they take it seriously."

Port Orange Police Department Victim Advocate Carmen Miller, First and Only Sworn Statement:

Agent Deerdoff: "...on that policy named as a beneficiary upon his death was his ex-wife."

Carmen Miller: "Correct... That's what I was told. I never saw the policy."

Agent Deerdoff: "When Officer Fouts got into his accident, were you brought in to assist in any way, shape or form with the progress with his recovery, or his connection to the police department at all?"

Carmen Miller: "Yes....The next day I was brought in and I was told that I would be like the contact point between the City and Dave Fouts as in contributions or whatever. Um, so I went to the hospital that day and I met Kim Kilpatrick there with Alexa, his son, Kevin, family and other officers....people were giving me contributions. Um, Kim Kilpatrick and I talked about setting up, well she set up I believe the GoFundMe account that day, um and then we decided to get a bank account so to put all the contributions in. I went to the bank with her, um, she was primary on the account....I also got um donations, gift cards, and [sic] for the daughter who stayed in the house."

Agent Deerdoff: "So you're basically coordinating any kind of donations made on behalf of Officer Fouts?"

Carmen Miller: "Correct."

Agent Deerdoff: "And then those donations were to go towards his medical bills, or?"

Carmen Miller: "Correct.. we thought he was going to die at the time, everybody did because he was in such bad shape and he was in a coma. Um, so I mean it was either medical bills or burial bills or whatever. His house was in foreclosure. We didn't know if that was going to go towards that to get it out of foreclosure because Alexa was living there with her boyfriend at the time."

Agent Deerdoff: "Okay, um, so bring me up to the point where we discussed earlier about the policy having his ex-wife's name on it and not his current wife's name on it, from your understanding, from what you've been told....So, what kind of interaction did you have with the policy?"

Carmen Miller: "I never saw the policy. I was advised by Sergeant Gaver to call this number because we were trying to figure out how much money we could get if we need any emergency basis or whatever. That's the only thing I could think of why I would be calling. And then this gentleman told me about the ex-wife being on the policy and then he also said that um to change the policy basically somebody would have to go in there um and witness the new person getting on the policy, in the hospital room where Dave was in a coma at the time. And I said probably and I'll get back to you and then I told everyone what the guy said...I think he called one more time to see if I was going to go through with this and I said no."

Agent Deerdoff: "Do you remember when that was?"

Carmen Miller: "Um, it had to be in like that first week of 4/26...Um, I had a file going, and I gave all that, my file with my notes in it and everything to Kim."

Agent Deerdoff: "So, Sergeant Gaver gave you the number for the Star and Shield Representative, you called him, and how did that conversation go? Did he immediately go into wanting to change the name on the policy, or?"

Carmen Miller: "I think so."

Agent Deerdoff: "So, do you remember him saying that Officer Fouts' ex-wife was named as the beneficiary?"

Carmen Miller: "Yes."

Agent Deerdoff: "And then, why did he want to change it?"

Carmen Miller: "...well, Dave's been married four times...if Dave died they wanted the money, I assume, to go to his daughter. There was bad blood between Dave and the first Jennifer Fouts."

Agent Deerdoff: "His ex-wife?"

Carmen Miller: "Yes..."

Agent Deerdoff: "...So, what was the process that he wanted to do again?..."

Carmen Miller: "Somebody would have to go into the hospital room and change the beneficiary on his policy."

Agent Deerdoff: "Why would they have to go into his hospital room, specifically?"

Carmen Miller: "Because that's where Dave was."

Agent Deerdoff: "Was Dave awake or still in a coma, at this time?"

Carmen Miller: "Coma."

Agent Deerdoff: "Ultimately, you decided not to do it because?"

Carmen Miller : "It was illegal."

Agent Deerdoff: "And then after that you had notes or reports on this?"

Carmen Miller: "Probably."

Agent Deerdoff: "That you gave to Captain Kilpatrick?"

Carmen Miller: "Right...I put down everybody that I had talked to, but this conversation, this went around the building."

Agent Deerdoff: "The one you had with the Star and Shield guy?"

Carmen Miller: "Yes, we couldn't believe that he would suggest that."

Agent Deerdoff: "What did Captain Kilpatrick say? Did you tell her that?"

Carmen Miller: "No... I just got off everything after that."

Agent Deerdoff: "Did you tell her why you got off of everything, or what your reasoning was?"

Carmen Miller: "I told her that I didn't like the way things were being handled and that I just wanted out completely because she was handling everything anyway....I officially told Assistant Chief Proctor that I'm done and I went I think we did the bank account Thursday and the Monday following I got my name taken off the [checking] account."

Agent Deerdoff: "And this stemmed from the Star and Shield Representative?"

Carmen Miller: "This just stemmed from everything."

Agent Deerdoff: "What do you mean by that? Was there other incidents that made you feel uneasy?"

Carmen Miller: "Yes...if you met Alexa, I know Dave really didn't want [sic]. Dave told me that there was some friction between him and his daughter and now she was [sic] ...there was just a lot of things that didn't seem right...I was trying to get an attorney um you know for the situation...nothing that I did was going to happen anyway, so there was no reason for me to be a part of it... You might want to talk to Lori Henderson in the Victim Advocate Office. She does have the current file on Dave Fouts."

Police and Firemen's Insurance Association Representative Mike Maples, First and Only Sworn Statement:

Representative Maples: "I was a representative, I think they called it an Advisory Board Member. I represented the go to between the customer and the Association."

Agent Deerdoff: "So if someone needed to make a claim on a policy they'd talk to you?"

Representative Maples: "Yes or change."

Agent Deerdoff: "Or change a policy?"

Representative Maples: "Yes."

Agent Deerdoff: "Were you notified about a change to his life insurance policy, or requesting that a policy be changed...?"

Representative Maples: "Yes"

Agent Deerdoff: "Ok, Tell me about that."

Representative Maples: "Well when I took the check for when the accident happened I took a check for the life insurance policy money for I guess at that time was his current wife, so I went and delivered it...I delivered it to the Port Orange Police station. And then at that time I also delivered a ...beneficiary change form"

Agent Deerdoff: "For Officer Fouts' policy, did somebody tell you they wanted to change the policy?"

Representative Maples: "Somebody but I don't remember who... I only spoke on the phone."

Agent Deerdoff: "And did you get that paperwork back?"

Representative Maples: "I did."

Agent Deerdoff: "Do you remember about how long, timeframe?"

Representative Maples: "A couple of days."

Agent Deerdoff: "Okay who did you get the paperwork from?"

Representative Maples: "Officer Andy McKay"

Agent Deerdoff: "Do you know a Captain Kim Kilpatrick of the Port Orange Police Department?"

Representative Maples: "No"

Please review the following points which I personally gathered from the above statements:

First, Captain Kilpatrick discussed the elaborate conversations she had with the insurance agent through multiple conversations, including an address issue, the names on the beneficiary change forms, and arrangements that were made for the insurance agent to drop off insurance paperwork, including the insurance check, at the Port Orange Police Department. On a side note, it is unclear why there was an address issue since all the Police and Firemen's Insurance documents listed the home David Fouts owned in Port Orange at the time of the accident.

Second, Captain Kilpatrick explains in detail the conversations she had with the insurance representative about David Fouts' two wives named Jennifer Fouts, even saying that there was an issue with the birthdays of the two women. However, neither wife named Jennifer Fouts was ever a beneficiary on this life insurance policy.

Third, Captain Kilpatrick stated that the insurance agent told her the kids were initially listed as beneficiaries; however, David Fouts never listed his children as his beneficiaries, according to the Policy Change Forms. The only individual listed as a beneficiary on his policy at the time of the accident was his ex-wife Leslie Fouts.

Fourth, Alexa Fouts provided the same story that Captain Kilpatrick did pertaining to who was on the Policy Change Form at the time of the accident, what change was made to the Policy Change Form, and that Alexa Fouts had David Fouts sign the Policy Change Form.

Fifth, Alexa Fouts claims that due to David Fouts' brain injury, he should not be believed approximately two years after the accident, but believes he was able to understand and sign the Policy Change Form just twelve (12) days after the accident.

Sixth, Alexa Fouts explains in detail how much David Fouts was improving at the time the Policy Change Form was signed, and never mentioned a nurse being present at the time of the signing.

Seventh, Agent Deerdoff did not question Captain Kilpatrick about the file that Carmen Miller stated she had given her which had all her notes on David Fouts, to include the name of the insurance representative who asks her to witness the forgery.

Eighth, Insurance Representative Maples stated that he dropped the Policy Change Form and insurance check off at the Port Orange Police Department and then picked up the Policy Change Form a couple of days later. It should be noted that he could not have dropped off the Policy Change Form and the insurance check at the same time, given that the Policy Change Form was signed on May 6, 2016, and the date the check was issued was May 24, 2016.

Ninth, Insurance Representative Maples remembered that he picked up the beneficiary change form from Officer Andy McKay at the Port Orange Police Department, but did not remember who he made the arrangements with to have the insurance paperwork dropped off and picked up,

even further denying that he remembered if he spoke with a male or female at the Port Orange Police Department. Moreover, I would think that there would be records maintained at the Police and Firemen's Insurance Association of whom he spoke with to discuss the Policy Change Form and with whom he made arrangements with to exchange sensitive insurance documentation, especially since he was not working directly with the family.

Tenth, it is concerning that Insurance Representative Maples stated that he did not meet or check on David Fouts at the hospital, which confirms that he did not verify David Fouts' condition.

Eleventh, Captain Kilpatrick agrees with Agent Deerdoff's recap of her statements made that she helped Alexa Fouts obtain power of attorney so that Alexa Fouts could have David Fouts change the Policy Change Form. I suspect Captain Kilpatrick's statement about the power of attorney being enacted "pretty immediate" was stated since she was claiming that the power of attorney was enacted *prior* to the policy being changed on May 6, 2016. It should be noted that the power of attorney was dated June 28, 2016 *and* June 29, 2016.

Upon the conclusion of the alleged forgery case, Agent Deerdoff did not gather any evidence. Therefore, he could not determine whether the Policy Change Form was forged or not, nor did he verify the condition that David Fouts was in at the time of the forgery. In addition, he did not attempt to locate or interview the nurse that Captain Kilpatrick stated was present when the Policy Change Form was signed, check the visitor logs at the hospital, or investigate other complaints that were brought to his attention.

Please review the following statements from the second investigation, followed by the points I personally gathered:

Captain Kilpatrick, Second Sworn Statement:

Agent Deerdoff asks "Can you recall the timeframe from when you were there seeing that [David Fouts moving his hands to signal as Captain Kilpatrick stated in first sworn statement] to when the life insurance policy was changed, be it before or after?"

Captain Kilpatrick responds "I honestly, could not. I was there every day um so yeah honestly I couldn't"

Agent Deerdoff asks if Captain Kilpatrick would check-in or sign some form of visitor log when she visited David Fouts at the hospital. Captain Kilpatrick responds, "I checked-in yeah I would check in 'cause even days off I would go in sign in and check in." Agent Deerdoff then asks if that was her routine. Captain Kilpatrick responds, "Um no the first couple of times if they didn't recognize me they would ask me and I would say I'm so an[sic] and they would either print out a visitor's badge or something but if I went with my stuff on, um with my badge and everything then sometimes they just waived me though so but for the most part I remember signing in."

First, Captain Kilpatrick contradicts her first sworn statement that David Fouts was moving his hands to signal when the insurance policy was changed by stating that now she honestly could

not remember if he was moving his hands to signal before or after the time the Policy Change Form was signed.

Second, Captain Kilpatrick stated that she saw David Fouts moving his hands to signal before he went to rehab. So, it should be noted that David Fouts was first transferred to a rehabilitation center on June 23, 2016, which was Avante Rehabilitation in Ormond Beach. I can only suspect why she talked about a rehabilitation center when he was transferred there nearly two months after the Policy Change Form was signed.

Third, Agent Deerdoff stated in his report that Captain Kilpatrick did not check-in to the hospital on May 6, 2016, according to the hospital logs; yet, Captain Kilpatrick stated that she was at the hospital every day, and that she did not check in every day.

Fourth, Agent Deerdoff failed to re-interview Insurance Representative Maples who was directly connected to the new evidence in the case.

Fifth, Agent Deerdoff failed to re-interview David Fouts, even though Officer White and I both informed Agent Deerdoff that I showed David Fouts the signatures on the Policy Change Form and death claim, both of which he denied were his.

Sixth, Agent Deerdoff failed to re-interview Alexa Fouts on the new evidence that Officer White and I provided.

Seventh, Agent Deerdoff failed to re-interview Alexa Fouts who was one of the subjects of the perjury complaint.

Eighth, I provided Agent Deerdoff with an email from Captain Kilpatrick, dated July 9, 2018, and discussed this email during my audio-recorded sworn statement. In this email, Captain Kilpatrick stated that "It was Dave's choice to not have a guardian/power attorney..." However, this evidence appears to have been omitted from the case file, and thus appears that Agent Deerdoff concealed official documents, which is a violation of F.S. 838.022(b)(c).

Ninth, I also informed Agent Deerdoff that during the initial investigation that Captain Kilpatrick made two large payments towards David Fouts' \$50,000+ balance at Good Samaritan Society in Daytona Beach. These payments were made in the form of two checks: one for approximately \$2,300 and one for approximately \$17,000. This information was provided to David Fouts and me by Good Samaritan Society Business Office Manager, Kathryn Holdridge. Kathryn Holdridge stated to us that these payments were made by Captain Kilpatrick in August of 2018. She stated that it was a conversation that stood out to her, when describing the conversation that she had with Captain Kilpatrick about making these payments. Moreover, she stated that during this same conversation, Captain Kilpatrick told her that she "owed Dave a favor." During my interview with Agent Deerdoff, I informed him of these payments and other actions made by Captain Kilpatrick appeared to be a form of witness tampering. However, Agent Deerdoff failed to investigate this complaint and the other complaints I made, some of which were brought to his attention during the initial investigation.

Mr. Larizza, I suggest you personally review Agent Deerdoff's reports, all audio recordings, and all evidence in this case, as well as, State Attorney Robin L. Hutcheson's memorandum dated May 20, 2019, which states that "...no money was paid to anyone from the insurance policy" as this is a false statement.

First, it is clear that Assistant State Attorney Hutcheson did not listen to Captain Kilpatrick nor Insurance Representative Maples' audio recordings because they both mention the insurance check that was paid out on David Fouts' insurance policy.

Second, when you listen to my audio recording, you will learn that I also reported an alleged insurance fraud because \$14,993.50 was paid out from this insurance policy on May 24, 2016. This pay out was provided based on the death claim that was received by the Police and Firemen's Insurance Association on May 5, 2016 while David Fouts was in a coma; thus, was forged as well. His late wife was a rider on this insurance policy. I am curious as to why Assistant State Attorney Hutcheson would make this claim when not only was this mentioned in Agent Deerdoff's report and in two audio-recorded sworn statements, but the death claim and deposited check that is evidence in this case was not listed under "The following documents were reviewed:" heading of her memorandum.

I have reported the alleged insurance fraud to Agent Deerdoff, who never investigated the forged death claim which led to the pay out of the life insurance policy. Your office was aware of the forged death claim which led to the pay out of the life insurance policy; yet, it appears Assistant State Attorney Hutcheson never took any measures to ensure this complaint was investigated.

Moreover, the following statement made by Assistant State Attorney Hutcheson is deceiving:
Halifax Health Safety and Security Chief Darrell Richey reviewed the visitor logs for May 6, 2016, when the policy was changed, and Captain Kilpatrick was not listed on the logs for visiting David Fouts that day. There is insufficient evidence to show Captain Kilpatrick signed or forged any life insurance policy. There is evidence to show she was not present when the document was filed, and therefore insufficient evidence to go forward on such charge.

In that, when you listen to Captain Kilpatrick's second sworn statement, you will learn that she admitted to not checking-in to the hospital every time she visited David Fouts, and that she "... was there every day." So, there is a possibility that she did not check-in to the hospital on May 6, 2016. Moreover, Agent Deerdoff did not provide in his report *who* checked-in to visit David Fouts on May 6, 2016, or if anyone did. There is also a possibility that since David Fouts was in a coma, the Policy Change Form was not signed at the hospital.

As for Assistant State Attorney Hutcheson's statement that "as far as the forgery charge, per the interview of Alexa Fouts, Captain Kilpatrick helped her obtain the paperwork for the Power of Attorney and the life insurance beneficiary change", it is clear that she did not listen to Alexa Fouts' sworn statement because Alexa Fouts did not mention a power of attorney in her sworn statement, as mentioned above.

As for Assistant State Attorney Hutcheson's statement that Captain Kilpatrick did not violate Florida Statue 837.02(1) because Captain Kilpatrick believed them to be true when she said

them, it should be noted that Captain Kilpatrick stated in her first sworn statement that she helped Alexa Fouts obtain the power of attorney so that Alexa Fouts could have David Fouts sign the Policy Change Form.

Therefore, it should be noted that the conversations Captain Kilpatrick stated she had with the insurance representative regarding the change in the Policy Change Form had to of occurred prior to May 6, 2016. Therefore, since David Fouts was in a coma when the change was made, Captain Kilpatrick allegedly knowingly allowed a crime to occur, assisted with the crime by assisting Insurance Representative Maples and Alexa Fouts with the picking up and dropping off of the Policy Change Form and insurance check, did not report the crime, and lied twice under oath about the crime.

Moreover, when you listen to my audio recording, I discuss the fact that the power of attorney did not have the power to change a beneficiary, so the power of attorney is irrelevant to this forgery. However, what is relevant is that Attorney Steven Guardiano stated in his sworn statement that David Fouts was not in any condition to sign the power of attorney about a month prior to it being signed on June 28, 2016 *and* June 29, 2016. This would have been at the end of May; yet, the Policy Change Form was signed on May 6, 2016.

So, if Captain Kilpatrick went with Alexa Fouts to meet with Attorney Guardiano at the end of May, then she did not help Alexa Fouts obtain a power of attorney so that Alexa Fouts could have David Fouts sign the Policy Change Form as she stated because the change had already occurred on May 6, 2016.

Also, one could suspect that if David Fouts was not in any condition to sign paperwork at the end of May, then he certainly was not in any condition to sign paperwork within the first twelve (12) days following the accident.

There are four questions to consider regarding the forgery of this Policy Change Form: What was the urgency in changing the Policy Change Form on David Fouts' life insurance policy if he was awake and improving as both Captain Kilpatrick and Alexa Fouts claim; Why did Alexa Fouts state that the change of the beneficiary "is what he would have wanted" as if that is her belief; Why did Captain Kilpatrick state that she told the insurance agent that David Fouts would not want his ex-wife to get any money if "he were to die"; and Why did Alexa Fouts need the power of attorney prior to the beneficiary change on the policy if she was having David Fouts sign the Policy Change Form himself?

The following four points should be considered:

- David Fouts was in a coma when two of his life insurance forms were signed *with his name*.
- David Fouts' life insurance forms were changed and signed without anyone have the authority to do so.
- The insurance check was paid out based on a forged death claim.
- The insurance check was never given to David Fouts nor used for his benefit.

The true victim is out there who has had nearly all his money and belongings defrauded from him. David Fouts was taken advantage of during his dire time of need, so by not seeking justice and holding accountable the individuals who are responsible for this heinous criminal and unethical activity, your office is allowing a disabled, medically-retired police detective to continue to be taken advantage of. In addition to being defrauded, David Fouts was released to go home after a year and half in the care of medical facilities with nearly nothing from his life prior to the accident. Most of his personal belongings were gone and he currently does not know where everything went and is left with tens of thousands of dollars in debt, with the majority being his medical bills from the accident. So, no one can say that anything was done in the best interest of David Fouts.

This is the side you are refusing to hear from, a man who dedicated 14 years of his life to the justice system that is now working against him. Your office has been in communication with administrators from the Port Orange Police Department regarding other cases as one of your attorneys is helping to spread the same rhetoric that the Port Orange City Officials and Administrators of the Port Orange Police Department are desperately trying to spread. This façade is being created to cover up their corruption. If your office is choosing to believe this rhetoric of a “union war” instead of looking at the evidence, then your office is choosing to take part in their corruption, just as it appears the Florida Department of Law Enforcement-Brevard Field Office has done.

Furthermore, upon reviewing the audio-recorded sworn statements and Florida Statutes, I also learned that in Officer White’s second audio-recorded sworn statement, the following statements occurred:

Officer White: “Per our policy, I reported it [Captain Kilpatrick alleged perjury] in writing to Chief Grimaldi. I sent it in a memo with the attached paper, the beneficiary forms and the power of attorney attached to them and that’s where we stand.”

Agent Deerdoff: “And what is the memorandum?”

Officer White: “The memorandum, did you get a copy of it from him?”

Agent Deerdoff: “I don’t believe so, sir.”

Officer White then preceded to provide Agent Deerdoff with the memorandum and supporting documents, and then Agent Deerdoff took a minute to review the documents.

This interaction between Agent Deerdoff and Officer White as well as other evidence I have appear to show Chief Grimaldi withheld evidence from Florida Department of Law Enforcement, and thus, appears he concealed official documents which is a violation of F.S. 838.022(b)(c) and the Law Enforcement Officer Ethical Standards of Conduct.

Due to the information discussed in this letter, I believe Agent Deerdoff and Captain Kilpatrick also violated the Law Enforcement Officer Ethical Standards of Conduct in addition to Florida Statutes. Moreover, your office’s failure to fully review this case and ensure that a full and impartial investigation was conducted shows me that there have been violations of the Florida Rules of Professional Conduct. Finally, due to the criminal and/or ethical violations made by your office, Agent Deerdoff, Chief Grimaldi and Captain Kilpatrick, I believe there has been a breach of public trust.

Thank you for taking the time to review the information I have provided you.

Regards,

A handwritten signature in cursive script, appearing to read 'C White', written in black ink.

Cathleen White

Enclosures:

USB Flash Drive of both FDLE Investigations