

IN THE CIRCUIT COURT OF THE  
EIGHTEENTH JUDICIAL CIRCUIT, IN  
AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO. 05-2013-CF-064037-AXXX-XX

Plaintiff,

vs.

MITCHELL A. NEEDELMAN,

Defendant.

\_\_\_\_\_/

**DEFENDANT MITCHELL A. NEEDELMAN'S  
MOTION FOR CHANGE OF VENUE**

**THE FOLLOWING PAGES ARE PART 2 OF DEFENDANT MITCHELL A.  
NEEDELMAN'S MOTION FOR CHANGE OF VENUE - THE ENTIRE DOCUMENT  
WAS TOO LARGE TO E-FILE IN ONE FILING.**


s/Warren W. Lindsey  
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Saturday, January 19, 2013

### Former Clerk's Digitizing Contract Under More Scrutiny

TITUSVILLE, Florida - Documents released by the new Brevard County Clerk of Courts reveal a complicated payment arrangement between former Clerk Mitch Needelman and BlueWare, Inc. They also raise questions as to what a \$6.1 million is being used for.

New Clerk Scott Ellis has maintained since the summer of 2012 that the digitizing contract between Needelman and BlueWare is a "sham."

A promissory note – a copy of which was released to Brevard Times by Ellis – was signed on October 23, 2012 and indicates that the clerk's office would receive the funds from Hewlett-Packard Financial Services Company for "essential" equipment.

The note states specifically that "the use of the equipment is essential for Maker's proper, efficient and economic operation, Maker will be the only entity to own, use or operate the Equipment during the term of this note and Maker will use the Equipment only for Maker's governmental purposes."

A legal opinion written by Joe Teague Caruso, legal counsel for the clerk's office, also notes, "The Equipment is personal property and will not become a fixture."

Neither the note nor the legal opinion indicates specifically what the "equipment" is.

Then, on October 24, 2012, Needelman requested that the money be directed to three "vendors," each receiving differing amounts: Blue Gem - \$5,690,526; Brunswick Companies - \$209,474; and The Hanover Insurance Company - \$200,000. A second identical payment direction was signed on October 29, 2012.

Hewlett-Packard accepted the promissory note on October 27, 2012.

To further complicate the arrangement, there is disagreement between the documents as to exactly what it should be called.

The promissory note calls the agreement both an "advance" and a "lease." The payment direction letter calls it a "loan." And the clerk's legal representative calls it a "lease."

Deputy Clerk Tyler Winik told Ellis in email communication on January 15 that he is continuing to investigate the relationships between Blue Gem,

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- Florida Food Stamp Cuts Begin Today
- Charlie Crist Will Run For Florida Governor
- Obamacare 'Navigator' Ready to Help Brevard County Residents

#### About Me



Charles Parker

I cover politics, sports, and local news for Brevard Times. I also write opinion. You can email me

at [cpbrevard@gmail.com](mailto:cpbrevard@gmail.com) and follow me on Twitter @cpbrevard These views are mine alone and do not necessarily reflect the views of Brevard Public Schools.

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Brunswick, and Hanover.

Posted by Charles Parker at 6:42 PM

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## 14 comments:



Anonymous January 20, 2013 at 7:32 AM

Who is Maker?

[Reply](#)

Charles Parker January 20, 2013 at 8:17 AM

"Maker" is the Brevard County Clerk of Court

[Reply](#)

Anonymous January 20, 2013 at 8:54 AM

I was under the impression that any government contract has a 24 hour cancellation clause without cause. If that is true couldn't the county simply cancel the contract with HP and stop payment. Yes HP would basically be out of the money they paid in advance but that is not the county's problem.

I guess the real question is how does HP get the money they have advanced? I would hope they would have provisions in their contract with Bluegem that if that clause was exercised they would have the ability to reimburse the advance.

I am still not sure why would HP advance money for services not rendered? I remember we had to indicate work was complete, services delivered or equipment was received and then payment would be issued. Has any of the above been completed for HP to make payment and if so why are the documents not all digitized?

So many questions that have not been answered and I still do not understand why public pressure cannot have the owner of Bluegem come forward and explain to tax payers the complexity of this contract in simple terms.

I understand private businesses have the right to keep their business private but once you enter the public sector everything is supposed to be transparent and correct me if I am wrong we are talking about a public sector contract?

[Reply](#)

Anonymous January 20, 2013 at 9:01 AM

Anonymous 5:54 - you want simple terms I will help you out -

Blueware pulled a fast one on the county and HP and despite warnings got away with it.

Rose is hiding in the UK leaving everyone else here out to dry.

HP can't get their money. It is either spent or hidden. She is laughing at all you fools who gave her the contract, did not stop it despite warnings, paid for a building for her, paid for the employees who work there and think she was the saviour.

You had one basic question to ask and no one was smart enough to do it - why are we paying in advance for services not rendered?

Is that simple enough for you?

[Reply](#)

scott ellis January 20, 2013 at 10:48 AM

You can't say Blueware pulled a fast one on the Clerk's Office if the upper management of the Clerk's Office was in on it. Just because a deal is stupid for some does not make it stupid for all, witness the Sarno Landfill.

[Reply](#)

scott ellis January 20, 2013 at 10:53 AM

HP has no contract with Blueware, it is the beauty of the scheme orchestrated by Blueware. HP loaned \$6.1 million to the Clerk of Court, who directed \$5.7 million of the loan proceeds to Blueware and the other \$409,000 for a Blueware performance bond. HP thought they were the smart ones by sending the Clerk's hired attorney (who collected \$50,000) the language he needed for 'his' opinion to bless the deal. All they did was ensure their own loss of six million dollars.

[Reply](#)



Anonymous January 20, 2013 at 11:16 AM

So in the end Rose won. She found some people she could manipulate - the economic development committee, an easy mark in Mitch, a company hungry for a sweet deal and put her devious plan in motion.

Six months later - nothing has improved in the county. Mitch is somewhere counting his payout. HP is stuck with a significant loss of money and Rose is across the pond living large on stolen money.

How sad things are. I am just pissed that I did not realize the taking was that easy or I would have figured a plan to take a few million myself instead of working hard in a struggling economy - who is the fool?

Reply



scott ellis January 20, 2013 at 12:24 PM

It's not over yet. There is still plenty of evidence of fraud and misconduct. I suspect the desire is to pull the money and split leaving behind a 'corporate mess' but evading any criminal issues. We'll see how it unfolds, there is evidence aplenty if the State Attorney chooses to act on it.

Reply

Replies



Anonymous January 20, 2013 at 3:05 PM

will your office still continue to make entire case files available online or will we have to do it in person???



scott ellis January 20, 2013 at 8:42 PM

We have been scanning for ten years and will continue. The Bluware files are all ten years or older.

Reply



Space Coast Conservative [dot]com January 20, 2013 at 5:52 PM

This story still appalls amazes me. Why is Needelman NOT in jail yet? When will that happen? When will Brevard County Taxpayers get our money back? I know we won't actually get a refund, but at least bring it back to be used properly by the Clerk's office if nothing else.

Please do put the records online and be completely transparent in this. It will be good for Brevard County Taxpayers to be able to see what happened to their money and how it was misused and mishandled by Needelman. This scam needs to be totally uncovered and prosecuted to the fullest extent of the law.

Reply



Anonymous January 20, 2013 at 8:35 PM

Too many people involved who are in political offices for anyone to want to touch this one. It is safer to just count the losses and say we learned from this one.

Once you start peeling back the layers you have to go all the way back to say who wanted this company to come to Florida in the first place and the answer is not pretty.

Reply



Anonymous January 20, 2013 at 8:36 PM

They close schools and spend fraudulent money on this scam? Where is the state attorney???

Reply



Anonymous January 24, 2013 at 4:42 PM

I see Rose's kids Kaitlin and David have traveled to England. Are they on holiday visiting their scam artist mother, or have they moved there to avoid the scandal as well?

Reply

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Thursday, January 24, 2013

## Ellis: Emails Appear To Contradict Needelman Attorney's Testimony



From left: Scott Ellis, Mark Cook, Merrily Longacre during July 23, 2012 court hearing.

TITUSVILLE, Florida - Emails released by Brevard County Clerk of the Court Scott Ellis indicate that an attorney for former Clerk Mitch Needelman may have been mistaken in a court hearing last summer regarding contracts between Needelman's office and BlueGem, L.L.C. for scanning operations. Ellis defeated Needelman in last November's election.

During those proceedings before Brevard County Circuit Court Judge John M. Harris on July 23, 2012, Merrily Longacre, speaking on behalf of Needelman's office, denied knowledge of a contract prior to the one officially released on June 29. She said that Ellis had been provided with all contracts related to BlueGem.

(A partial court transcript and video of the exchange between Longacre, Ellis, and Judge Harris that is germane to this article is included at the end.)

Ellis contended at the time that there was a contract on May 23, which released \$500,000 to BlueGem. The original contract was worth over \$8.5 million.

Ellis has now provided email communication from May 23 and 24 to Brevard Times that shows correspondence between Longacre, another clerk's attorney Mark Cook, BlueGem owner Rose Harr, and BlueGem Vice-President of Finance Deena Brigham regarding a contract.

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### About Me



Charles Parker

I cover politics, sports, and local news for Brevard Times. I also write opinion. You can email me at [cpbrevard@gmail.com](mailto:cpbrevard@gmail.com) and follow me on Twitter @cpbrevard. These views are mine alone and do not necessarily reflect the views of Brevard Public Schools.

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**Exhibit H**

"There never was a signed copy," Ellis said. "They agreed (Michael) McDaniel (former Clerk Finance officer) would send the \$500,000 that day and they'd officially 'sign' a contract later, meaning after the election. Legally the Electronic Funds Transfer is an implied contract, but realistically the contract was drawn and existed as I have said all year. Even on the Electronic Funds Transfer McDaniel noted it was the contract down payment."

Karen Kirksey, Public Information Coordinator for the Florida Bar, said in an email that there is not an open Florida Bar investigation against Longacre in the matter.

When asked about an attorney's ethical obligations to the judge regarding the truth, Kirksey cited all of Florida Bar Rules of Professional Conduct 4-3.3 CANDOR TOWARD THE TRIBUNAL. The rule not only prohibits a lawyer from lying to a judge, but also imposes the extra duty that "A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal."

Kirksey added that it would depend on the facts of the case and the attorney's background as to the penalties an attorney might face for making misrepresentations to a judge.

Brevard Times was unable to locate Longacre to obtain a response to this story. Harr and Brigham did not respond to email requests.

On May 23, an unsigned contract was emailed as an attachment from Brigham to McDaniel, Cook, and Longacre. The accompanying message said, "In addition to the change we made whilst on the phone, I have added the Proof of Coverage verbiage as Clause 11.3 and the Indemnity verbiage as Clause 26. Payment schedule has been revised as well. Please let me know if you have any questions."

This was the only email released by Ellis that had an attachment.

Cook responded at 9:00 am on May 24, "Deena, the only other change is we need to replace 11.7 with the same language in 11.4.3 (supplier shall be liable for provable damages). I will be out of the office most of the day, I have to go to the 5th DCA. If you need me I will be on my cell 321-427-6812. Thanks Mark."

Brigham replied at 9:15 am, "Here is the scanning contract with the requested revision."

At 12:15 pm, Longacre wrote to Cook, "Please advise if this contract is ok with you and see that it gets signed. Original to go to Mike McDaniel. Scanned copy of fully executed original to be provided to Carole for logging into my contracts file. Thanks for your help. M"

Cook responded to Longacre at 3:15 pm, "Not sure what's going on with contract. Will let you know. Mark"

At 3:46, Longacre responded to Cook, "I got the finished copy! Have they signed? Call Mike. I am on the way to the plane!! Thanks. M"

Then at 3:48, Harr wrote to Longacre and copied to Brigham and Cook, "Dear Merrily, Good afternoon, Thank you for reaching out to me. I have received your email and I happily acknowledge receipt. Thank you for your good council on the recent contract we worked on with you."

"How can this be when we were told there is no May 23rd contract?" Ellis queried.

Beyond the issues with the court, the dates are also important politically because Needelman claimed at the time - during his campaign against Ellis - that a vendor for the scanning operation had not been chosen until June.

Transcript from Brevard County 18th Circuit Court July 23, 2012:

THE COURT: Okay. Mr. Ellis, what is your next issue?

MR. ELLIS: My belief is that there was a Contract signed on May 23rd between the Clerk and BlueGem. I would like to request a Copy of that contract. If the clerk insists there is no such Contract, I would like a letter that no contract exists. What I have is a SunTrust wire transfer on May 23rd of \$500,000, which clearly states initial payment on Signing. And I've got given you a Copy of that up there. Clearly, if that's initial payment on signing, that indicates the contract has been signed.

THE COURT: That is what that would indicate. Ms. Longacre.

MS. LONGACRE: I believe, Your Honor, the document speaks for itself, and at the bottom it says it's in escrow, and that it's refundable. And as far as I know, to my knowledge, there was no Contract signed on the 23rd. The contract actually came to fruition on June 29th. And copies of that were supplied to Mr. Ellis, and, therefore, he has everything that he has asked for in that regard.

THE COURT: Well, is that what was requested, or is it the contract itself?

MR. ELLIS: Yes. And, Judge, and also for Ms. Longacre, what I was given as the SunTrust wire transfer, which I've printed for you, there's nothing on here about any kind of trust. It's just not here. And I've given -- you've got a copy over there. I printed that straight from the PDF file that I was given.

MS. LONGACRE: Oh, he's right. I was thinking of another transfer.

MR. ELLIS: And it may be, but what I was given, it says initial payment upon signing. And it's \$500,000, not 5,000, \$500,000. My contention is on May 23rd a contract was signed, therefore, there were no negotiations after May 23rd, that the vendor had been selected, the vendor had been paid. The Krasny/Dettmer were evaluating the contract for BlueGem, and they met on that on May 21st. Every indication is that the Contract was signed on the 23rd. Therefore, this whole month of June, you can't claim that they're in negotiation if you've already given them a half a million dollars.

MS. LONGACRE: If I may object to relevancy and materiality. Mr. Ellis has asked for certain things in the petition. The petition goes through May 22nd, May 26th, May 29th. To my knowledge, he has been given everything. He admits he has everything with the one exception that was just noted to Your Honor. And you have that for in Camera inspection. He has all the ITN'S. He has the committals. He has the Contract for BlueGem, Blueware, Roseware, all of them that we have. There's a drawer, I went through it. He has May 23rd does not ring a bell with me. And I know that nothing that was given to me, disclosed to him, involves a contract, actually, signed on May 23rd. Now, having said that, I will have to object to relevancy and materiality to continuing to argue about a Contract that he supposes exists. To my knowledge, I don't have

THE COURT: Let me look at the petition, Mr. Ellis. Where in the petition do you ask for this contract?

MR. ELLIS: Judge, I've asked for all contracts with BlueGem, Blueware, Roseware. Those were part of my public records request.

THE COURT: Ms. Longacre, the request, specifically, seems to be copies of any of the contracts involving Blueware, Roseware. Your position is, not just an agent for the clerk's office, but an officer of this Court, that there is no contract between the clerk's office and Blueware, Roseware relative to the request by Mr. Ellis, other than the signed one from June 29th?

MS. LONGACRE: Well, there's one on June 29th. There's one on the April 6th. There's an addendum to that one on May the 1st. And there was one earlier than that on cost containment. I think there was one in March. As far as I know, he has all of those contracts.

MR. ELLIS: Yes, ma'am.

THE COURT: All right. Mr. Ellis, it appears that the Clerk has responded to that request, and given you copies of what they have. And their position is there is no May 23rd contract.

MS. LONGACRE: Not that I know of.

THE COURT: If it turns out there is, we're going to have a conversation.

MS. LONGACRE: I understand that.

MR. ELLIS: Judge, I want you to understand that what we're hearing from the attorney is that she has no knowledge. You clearly said you have no knowledge of the contract. I would like to you did you know -- you cannot know there's no Contract. The only person



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## 13 comments:



Anonymous January 24, 2013 at 6:02 PM

Lawyers never lie.

Reply



Anonymous January 24, 2013 at 8:33 PM

Wow. Good stuff. If that isn't enough for the State Atty to move forward then I will be absolutely convinced that Needelman is being PROTECTED by the FL SA's office. No question about it.

Harr: "Dear Merrily... Thank you for reaching out to me...I happily acknowledge receipt. Thank you for your good council on the recent contract we worked on with you"... Longacre working for (counseling) both sides seems like a big conflict of interest -- all to BC's detriment.

Yeah, I'll bet you happily took your ill-gotten gains from the BC tax-payers, Harr.

Thanks again Scott Ellis and Charles Parker for not letting this go and getting the word out.

FL State Atty: The taxpayers of Brevard deserve action on this. We are WAITING. Where are YOU?!

Reply



Anonymous January 24, 2013 at 9:03 PM

Scott Ellis was right again!!! You go Scott...I'm sure he will be providing more proof of Needelman's lies as he digs deeper. We will be waiting for the next round.

Reply



Anonymous January 24, 2013 at 9:14 PM

Good time to look back at what Florida Today chose to report on after that hearing, and who has since avoided this obvious scam like the plague.

Rick Neale FLORIDA TODAY July 24, 2012 ..."Needelman did not attend the hearing. Interviewed Monday afternoon, he said the \$500,000 wire transfer was "a deposit in good faith to continue negotiations" — and he called Ellis "a pathological liar. The man lives in fantasy world. He just makes things up out of the blue. The contract was signed on the 29th of June. There was no contract on (May) 21. Six attorneys worked on the contract — four with us and two with the company," Needelman said."

Reply

Replies



Anonymous January 25, 2013 at 5:46 AM

We can never rely on FLORIDA TODAY to do any real "watch dog" work. They are in the center of, and help facilitate the corrupt politics in Brevard.

Look at their heavy connections with the Space Coast EDC which sets up all these dirty deals. FT is always the cheerleader for these crony projects.



Randall Brungart January 25, 2013 at 6:31 AM

Merrily Longacre appears to have lied, as an officer of the court, to the Judge. Judge John M. Harris needs to "have a conversation" with Attorney Longacre, doesn't he?



Randall Brungart January 25, 2013 at 6:47 AM

to anonymous, for your post at 9:14pm, January 24, 2013, Rick Neale of Florida Today, July 24, 2012, in his article quoted then Clerk of the Court, Mitch Needelman as having said, the \$500,00 wire transfer was "a deposit in good faith to continue negotiations-..."

That statement by former Clerk of the Court, Mitch Needelman, was clearly a total lie. Who is the pathological liar? As most of us who have known Scott Ellis and Mitch Needelman for a very long time would say under oath, Mitch is the pathological liar, to the best of our knowledge.

I don't know what happened to Mitch when he went to Tallahassee as a member of the Florida House of Representatives. I wish I knew.

Is it just that money corrupts? I don't know. Do you?



Anonymous January 25, 2013 at 10:19 AM

In Matt Reed's world, no Brevard County corruption exists outside the school maintenance building.

Reply



Randall Brungart January 25, 2013 at 6:35 AM

Charles Parker of Brevard Times should be commended for his reporting.

Why did we not see this event and its follow-up published in the Florida Today newspaper?

Reply



Randall Brungart January 25, 2013 at 7:27 AM

I was present at this hearing July 23, 2012 in Judge John M. Harris' court proceeding.

Scott Ellis acquitted himself well against Mark Cook and Merrily Longacre. Merrily fortunately had the sense to leave her position early this year before the problems began to be uncovered by Scott.

Will we see a "perp" walk later this year?

Reply



Anonymous January 25, 2013 at 8:57 AM

Where is Rose Harr now? She always had so much to say until the truth surfaced. She had press conferences, ribbon cutting ceremonies, she is attending EDC meetings and now she is nowhere to be found.

Sure seems strange to me she has all of a sudden became quiet. I thought they were having a big open house and ribbon cutting ceremony in December. What happened to that party?

I guess they took our money and now her and her kids are hiding in the UK. What ever happened to looking forward to coming to Melbourne and hiring the local talent and developing roots here? You got what you wanted and left town?

Let's get real and stop talking about what we are going to do - they broke the law, the state attorney needs to get the files from FDLE and prosecute these crooks - end of story.

Reply



Anonymous January 25, 2013 at 9:06 AM

Anyone know if there is any activity going on at the building in West Melbourne that Harr paid top dollar for with our stolen money?

Reply

11/5/13

### News: Ellis: Emails Appear To Contradict Needelman Attorney's Testimony



I went by the building this week and despite the ominous sign on the front door that says "By Appointment Only" it looks like an empty shell with folding tables and chairs made to look like a busy work environment.

I think the most money they spent on it was getting it painted blue from green and I heard they did not pay for that but that was part of the deal in buying it the original owner had to paint it blue.

Amazing a woman who tries to pretend to be a division of IBM with her continual use of the word Blue did not get IBM to give her the money for the deal but had to go to HP when IBM looked at the her software and the business requirements and told her she was crazy and walked away from the table.

Poor HP got stuck believing the wizard of Oz and now they are stuck with an empty wallet and she is off in the UK buying houses and businesses and living the good life.

So to answer your question - nothing is going on there except what the wizard wants you to believe.

Reply

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#### About Me



Charles Parker

I cover politics, sports, and local news for Brevard Times. I also write opinion. You can email me at [cpbrevard@gmail.com](mailto:cpbrevard@gmail.com) and follow me on Twitter @cpbrevard These views are mine alone and do not necessarily reflect the views of Brevard Public Schools.

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withheld public records from Mr. Ellis. And even now that Scott has been elected back to Clerk of Courts he is still being stonewalled and records are being withheld."

Previous Clerk Mitch Needelman, who Ellis defeated in a primary in August 2012, paid the BlueWare contract in full before leaving office by obtaining a loan from Hewlett Packard Financial Services. Ellis has said that this \$6.1 million loan is illegal and that the Clerk's office will not pay HP.

Following is a timeline of events related to Ellis and his communications with the EDC as well as communications with the EDC and Brevard Times.

1/10/2013 – Bart Carmichael of the Clerk's office visit the EDC and request to see the "BlueWare file." Ellis says they are told that the file cannot be released as it is subject to a confidentiality agreement, which sunsets on January 31, 2013.

1/11/2013 – The EDC receives two documents by FAX from BlueWare owner Rose Harr. One is a confidentiality request form signed by Harr and dated "January 31, 2012." The second is a letter requesting a 12-month extension to the original confidentiality agreement. While there is no address associated with BlueWare on these documents, the FAX originated at "Grand Hotel Eastbourne." This hotel is in East Sussex, England.

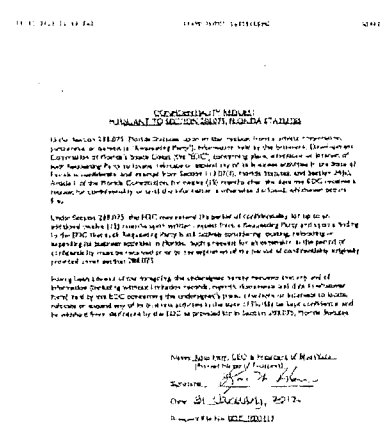
1/17/2013 – Carmichael formally requests the EDC/BlueWare "file" by email.

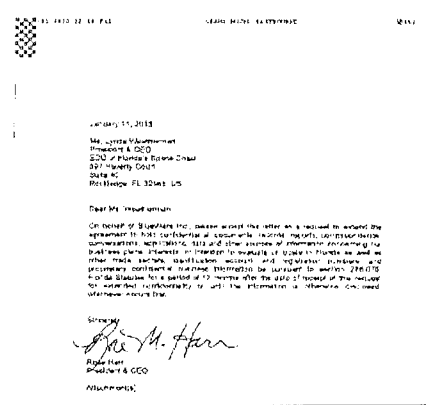
1/24/2013 – A legal opinion is provided to Ellis that says the documents in the BlueWare file are confidential.

1/24/2013 – When asked by Brevard Times whether they know that Harr lives in England, the EDC says they "we have no knowledge of the president's private living arrangements"

2/1/2013 – Ellis and Carmichael return to the EDC to request the BlueWare file as the original 12-month non-disclosure agreement ended on January 31. The EDC informed Ellis that the file was under a 12-month confidentiality extension and then presented with the two documents that had been faxed from England.

BlueWare representatives and the remaining county commissioners did not respond to email requests for comment.






Posted by Charles Parker at 7:35 PM

+2 Recommend this on Google


19 comments:

 Anonymous February 6, 2013 at 8:51 AM

OK Linda explain why a time stamp appears on the document of 2013 for a document signed in 2012. You indicate that his claim is based on this - yes that is true and we would like an answer now on why that is so.

Do not delay and try to come up with a story to explain this - answer the question I am sure your answer is not protected under confidentiality laws.

Reply


 Anonymous February 6, 2013 at 9:03 AM

We should have a contest and see who can come up with the best excuses that Linda can use.

Let me start -

- 1 - We found it was easier to call Rose in the UK and ask her to send her copy of the signed confidentiality agreement rather than going to our own filing cabinet and getting a copy.
- 2 - Every time I travel abroad the three things I carry are my passport, medications I use, and my EDC confidentiality agreement with Brevard County EDC.
- 3 - Funny you should ask, I know I said I do not know where Rose is located these days but I was talking to her and she said I was cleaning out some old files and I found these documents in my suitcase and thought you may need them.
- 4 - Some people carry business documents with them when they move to a new country and some people even carry them when they are vacationing at a fancy hotel - ok let me see, sun tan lotion, a good book to read and I can't forget my EDC confidentiality agreement - OK I am packed time to go.

Reply

 Anonymous February 6, 2013 at 10:58 AM

This is so whole line of articles are so unbelievably full of sh\*t it's unbelievable.


The quality of BrevardTimes.com news reporting is incredibly poor as this article is just full of point-blank lies.

I suggest you perform a better un-biased investigation before you guys get yourself in a hefty law suit that you won't be able to pull yourselves out of.

Disgusting.

Reply

Replies

 Charles Parker February 6, 2013 at 11:07 AM

Quotes from both sides, attempted quotes from others, documents to view by readers. Where is the bias?

Anonymous February 6, 2013 at 11:14 AM



Charles don't get upset. You are getting too close for comfort so they use strategy 101 - attack the messenger. I know you have a lot more speculation you can print but do not do it until you have confirmed the facts. They are just getting nervous.



Anonymous February 6, 2013 at 12:19 PM

The negative comment was probably written by someone from Blueware. Right Kaitlin?

Keep up the Great Reporting. This scam needs to be completely exposed and the guilty sent to jail.



Anonymous February 6, 2013 at 1:16 PM

Impossible - she was making sure someone buttoned their shirt correctly, combed their hair and took the laundry tag off the shirt - can't be her.



Anonymous February 6, 2013 at 2:35 PM

Rose's son David still has not learned to take care of himself I see.

Reply



Anonymous February 6, 2013 at 10:59 AM

If Blueware is an imaging company then shouldn't they have this kind of stuff accessible without having to send faxes from around the world?

Reply



Anonymous February 6, 2013 at 11:04 AM

Here is what I don't understand -

October 17, 2012 press release from Blueware Kaitlin Welliver - Rose's daughter and protege of the leader - here is the part of the press release justifying the recent contract -

Before the end of the year, BlueGEM will have scanned 1.5 million documents of the county's court records and have made them accessible online, allocating more time and resources of the tax payers' dollars to more pressing matters than the quality of paper storage that is no longer required.

Ellis told us yesterday they have only scanned a few thousand by December 31. So why is no one holding them accountable, why are they not explaining the reason, if you hire someone for a job and they do not do it do you ignore it or do you pay them - well the county pays them and ignores it.

Someone needs to explain to me where are my tax dollars and why was the work not done. This has gone far enough! It is time that someone from Blueware answers the questions or give us our money back and pack up and get out of town.

Don't ask me which one I prefer.

Reply



Anonymous February 6, 2013 at 11:12 AM

10:58 Anonymous - I am interested in knowing which part are lies -

1 - the document was not sent from England the day after Ellis requested it - it appears there is a time stamp on there to prove he is correct

2 - only 8,000 documents were scanned when Blueware stated in their own press release <http://www.blueware.us/news> they would have 1.5 million - the link is there follow it

3 - Rose wrote the contract herself and it was signed when everyone denied that was done. Ellis has sent emails proving that was true.

4 - Legal counsel did not lie that no one knew about it when the court hearing was played back and Ellis showed documents showing he was right.

5 - Matt DuPre had a relation with Needleman and negotiated the deal and then went to work for Blueware that he created the deal for. He corresponds now as the VP of BlueGem.

6 - Rose got prepaid for a contract that she wrote with no consequences for if she did not deliver. I am pretty sure we all knew she got the money before any real work was done.

7 - Rose got incentives to move her company to Melbourne and create new job opportunities and invest in the community. How many of the 192 jobs have been filled with \$69,000 salaries, why does the woman move her and her family to the UK if she is the sole owner and is supposed to be developing business for Melbourne, FL. Why does she buy a house in the UK and still no purchases in Melbourne - minus the building the state paid for.

Instead of claiming bad reporting and lies why don't you check the facts.

Reply

Anonymous February 6, 2013 at 12:17 PM



Can someone please explain to me why the State Attorney General's office has not moved on this sham contract? Rose Harr and her accomplices should all be in jail.

Reply

Replies

Anonymous February 6, 2013 at 1:13 PM



And there my friend lies the mystery we all want to know. I know in the past things like this are not investigated for many reasons but two that may be apparent here - too many local officials are involved and it could get messy or there was a big media push for the governor and creating publicity for getting 70,000 new jobs for Florida. He supported this effort and now it is an embarrassment.

Reply

Anonymous February 9, 2013 at 6:20 PM



Typical - these grievances and concerns get posted by tax payers and Linda and Rose's defense is to say nothing. So pathetic how corrupt these people are.

Wait Bluewhatever is on a big hiring spree job postings everywhere - I pity the fool who takes one of those jobs. She pays too low and it won't be very long working.

My favorite part - you will become a member of the President's Executive Team - that must be a very exclusive club because the members change every three months.

Reply

Anonymous February 9, 2013 at 10:21 PM



Here is one for you that you will love - she has this advisory board that is comprised of industry leaders that she put together since she has moved to Florida. They meet every other month. So many people have quit because they do not want to be associated with her that she has never had two meetings with the same attendees.

She promises them all these phantom stock the only thing I do not realize it is a phantom company.

Reply

Anonymous February 13, 2013 at 4:24 PM



Here is a telling stat on how bad things have gotten at Blueware.

HIMSS is THE IT conference of the year. Rose has always spent \$50K plus each year to be a vendor at this event. They are not vending at this year's conference in New Orleans in couple of weeks.

Guess she figures she fleeced Brevard County for \$6M and has no need to continue to sell her Vaporware software. As stated above...good luck all you job hunters. Trust me, your current job or unemployment is better than working for Rose.

Reply

Anonymous February 14, 2013 at 4:50 AM



Wow! This is amazing! I only learned of BlueWare after finding out that my ex-wife has recently (January) hired on with them. I looked at her offer letter and at a glance it seemed to be a reputable company. The salary and benefits sounded inviting also. There was a pretty interesting statement concerning benefits however. It stated that the employee would have to wait 90 days to receive benefits. That doesn't sound like anything that I'm use to. Last but not least, they made sure to state that they are an employment-at-will company, meaning that they wouldn't have to give a reason to let employees go. Verbatim..

Benefits-- all available upon success completion of the 90-day probationary period

- Health, dental & vision benefits available
- Life Insurance - you are eligible for life/AD&D insurance of \$10,000
- Paid Time Off - 12 days per annum accrued monthly after 90 days consecutive full-time employment
- Paid Holidays - 7 pre-determined annual paid holidays, plus 3 floating holidays

Your performance will be evaluated after completion of 90-day probationary period.

BlueWare, Inc (including its affiliated companies) is an employment-at-will organization. Either BlueWare, Inc or you can terminate the employment relationship at any time, with or without cause, and with or without notice.

Reply



Replies



Anonymous February 15, 2013 at 10:01 AM

There are two milestones in the life of a Blueware employee. The first is when you have been there 6 months and are eligible for unemployment. The second, and perhaps the greatest milestone, is the day you quit, get "laid off", or fired. Just getting away from the toxic environment is better than any paycheck.

Reply



Anonymous March 6, 2013 at 11:28 AM

Oh, what a tangled web we weave. The reason nothing has been done is because all these so called facts are false!

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THURSDAY, AUGUST 29, 2013

## Brevard Clerk of Court Sues Economic Development Commission For BlueWare Documents

BREVARD COUNTY, Florida -- Brevard County Clerk of Court Scott Ellis filed a lawsuit today against the Economic Development Commission of Florida's Space Coast (EDC) which seeks a Circuit Court judge's order that the EDC hand over its documents regarding BlueWare.

BlueWare is the company caught up in a public corruption criminal case brought by Florida State Attorney Phil Archer against former Clerk of Court Mitch Needelman, his former business partner Matt Dupree, and BlueWare CEO Rose Harr.

The EDC had helped BlueWare and some of its affiliated companies to qualify for various government programs and other "workforce incentives" that could have totaled at least \$1.31 million from the State of Florida, plus a local match of somewhere between \$250k to \$350k from the City of Melbourne and Brevard County. None of those incentives were ultimately awarded to BlueWare because it did not meet its performance benchmarks.

After the Clerk's office learned from a Brevard Times investigative article published on August 26, 2013 that State of Florida Department of Economic Opportunity officials said the BlueWare's confidentiality had lapsed and Governor Rick Scott's Office said the BlueWare incentive contract was canceled on April 5, 2013, the Clerk sent his auditors to the EDC in Rockledge the next day to request a copy of the EDC file on BlueWare. The Clerk alleges in the lawsuit that the EDC then refused to comply with the public records request made by his auditors or provide a current reason why the documents would be exempt from Florida's public records laws.

Additionally, the Clerk alleges that BlueWare's "purported" request to the EDC in January 2013 for an extra year of confidentiality failed to meet the statutory criteria because BlueWare was not "actively considering locating, relocating, or expanding its business" since BlueWare had already located its business headquarters in Melbourne.

Last week, the Brevard County Board of Commissioners voted unanimously to request that the EDC relinquish its documents regarding BlueWare to the Clerk.

Also today, the EDC filed an action in Brevard County County Court which seeks a declaratory judgment as to whether or not the BlueWare documents should remain confidential.

According to an EDC press release, the EDC's decision "supports the recommendation of County Attorney Scott Knox" who wrote in an advisory opinion to the County last week that "The declaratory judgment action might be an option the EDC wants to consider should any person requesting the records insist that they be made available immediately."

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Knox advised the County that the documents could be considered confidential because they are now part of a criminal investigation after the Florida Department of Law Enforcement subpoenaed the documents from the EDC and that BlueWare had requested an extension for confidentiality in January 2013.

The EDC added in the release that if it turns over its files at this time as requested, it could face fines and up to six months in jail.

"We believe we have complied with the Florida statute and look forward to the court clarifying our interpretation of the law," said EDC President and CEO Lynda Weatherman.

Editor's Note: The Brevard Times received an email from the Clerk's office announcing the lawsuit at 4:24 p.m. on Thursday and did not get wind of the EDC's announcement until afterwards. According to an e-mail sent by Lynda Weatherman to the EDC's Board of Directors earlier that day, of which FLORIDA TODAY belongs:

"As a valued member of the EDC Board of Directors, we wanted to be sure you were the first to know about some steps we've taken today in connection with the BlueWare records request...

...Please review the attached news release, which we plan to send out this afternoon, for additional details. We wanted to be sure you were informed before we made our actions public."

Had the EDC sent the announcement to the Brevard Times earlier, its statements could have been blended more evenly in the article rather than added as an after-thought and the headline might have also been altered.

Brevard Times was the only news source to continue a series of in-depth investigative articles led by Charles Parker into this story:

Scott Ellis To Run For Clerk of Court Again January 4, 2012

Clerk of Court Staffer Endorses Needelman, Ellis Responds February 7, 2012

Needelman Calls Ellis A Liar In Brevard County Clerk of Courts Debate February 16, 2012

Brevard County Clerk of Court Debate: Video March 23, 2012

Brevard County Clerk of Court Debate in Titusville: VIDEO April 23, 2012

Scott Ellis Wins Clerk of Court Viewer Poll April 30, 2012

Brevard County Clerk of Court Debate In Melbourne: VIDEO May 8, 2012

Mitch Needelman Named Finalist For 'Tax Cutter' Award May 17, 2012

Brevard Constitutional Officer's Straw Poll Results May 25, 2012

Charles Parker: Clerk's Race Heats Up May 30, 2012

Brevard County Clerk of Court Debate: VIDEO June 4, 2012

Ellis: Taxpayers Foot Bill for Endless Self Promotion of Mr. Needelman June 25, 2012

Charles Parker: Mitch Needelman June 25, 2012

Charles Parker: Scott Ellis June 25, 2012

Needelman: Ellis' "Complicated" Requests Delayed Release of Clerk Documents, BlueWare Contracts Jul 5, 2012

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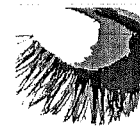
Scott Ellis Republican Picnic Video (Mitch Needelman Not Present) July 15, 2012

2012 Bi-Annual Brevard Republican Picnic Straw Poll Results July 15, 2012

Clerk of Court Sunshine Lawsuit Hearing Monday July 21, 2012



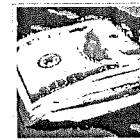
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Cuts Coming To Florida Food Stamps On November 1st

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Louisiana Walmart To Pay For Food Stamp Rampage: VIDEO

Republicans To Blame For Gas Prices Under \$3

Activists Join Global "March Against Monsanto"

Needelman Wins Partial Victory in Court Case Brought by Ellis July 23, 2012

Opinion: Why I Support Ellis, Blickley, Ivey, Trettis, Kneessy, Romney July 25, 2012

Republican Primary Candidates Brevard County Clerk of Court Monday, July 30, 2012

Needelman: Ellis Complicit in Extortion Plot? August 12, 2012

Ellis: Panic sets in as Race comes to an End August 13, 2012

DIRTY BREVARD COUNTY POLITICS CAUGHT ON SURVEILLANCE VIDEO AUG 13, 2012

Brevard Clerk of Court Recount. No Layoffs Anticipated August 24, 2012

\$8.5 MILLION BREVARD CLERK OF COURT RECORDS DIGITIZING UNDERWAY OCT 17, 2012

CLERK'S ATTORNEY REFERS STAFFING QUESTIONS TO BLUEWARE NOV 1, 2012

BLUEWARE MISSES CLERK'S OFFICE DEADLINE NOV 7, 2012

UPDATE: Needelman and Company Owner Mum Regarding Digitizing Contract Nov 15, 2012

DuPree Confirms BlueWare Scanning Readiness Nov 17, 2012

Charles Parker: Hey Mitch and Matt: How About Some Answers? December 4, 2012

Charles Parker: Divergent Views on Clerk's Contract Continue December 11, 2012

ELLIS PLANS MONEYSAVING CHANGES IN CLERK'S OFFICE JAN 5, 2013

SCOTT ELLIS SWORN IN AS BREVARD COUNTY CLERK OF COURT JAN 8, 2013

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FORMER CLERK'S DIGITIZING CONTRACT UNDER MORE SCRUTINY JAN 19, 2013

ELLIS: EMAILS APPEAR TO CONTRADICT NEEDELMAN ATTORNEY'S TESTIMONY JAN 24, 2013

BREVARD EDC CITES "NON-DISCLOSURE AGREEMENT" AND CONFIDENTIALITY JAN 25, 2013

ELLIS CLAIMS PROOF OF NEEDELMAN CAMPAIGN LIES IN EMAILS AND VIDEO JAN 29, 2013

ELLIS AND WEATHERMAN AT ODDS OVER BLUEWARE DOCUMENTS FEB 5, 2013

COMMISSIONER ASSERTS EDC CONFIDENTIALITY CLAIM "RAISES QUESTIONS" FEBRUARY 14, 2013

Economic Development Commission of Florida's Space Coast Subpoenaed By FDLE February 28, 2013

Charles Parker: BlueWare, Rose Harr. and Me March 2, 2013

BlueWare Not Using Available Training Funds Mar 15, 2013

Hewlett Packard Threatens Lawsuit Over BlueWare Debt Mar 23, 2013

Brevard County Clerk of Court Files Suit Against BlueGem March 29, 2013

Details of Brevard Clerk of the Court Lawsuits Against BlueGem and RoseWare Emerge In Court Filings March 29, 2013

Space Coast Economic Incentives Make Florida Headlines Apr 1, 2013

BlueGem Counter-Sues Clerk's Office: Claims Ellis' "Ignorance" May 5, 2013

Ellis and Hewlett-Packard Still At Odds Over Scanning Contract Loan Payments June 2, 2013

Hewlett Packard Sues Brevard Clerk of Court For Disputed Scanning Contract Payments Jul 26, 2013

Former Brevard County Clerk of Court, Business Partner Arrested - Warrant Issued for Blueware CEO August 15, 2013

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County Commission Tells Economic Development Commission To Turn Over BlueWare Documents August 20, 2013



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Posted by Brevard Times at 6:16 PM

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Anonymous August 29, 2013 at 10:20 PM

Scott, there you go trying to be a hero again -

AND YOU ARE SO MINE! Thank you, Thank you, Thank you!

Lets start cleaning up this hot mess from bottom to top - starting exactly where you are heading -EDC. This action is long overdue for the health of Brevard going forward.

Reply



Ron Taylor August 30, 2013 at 10:37 AM

It's time for the EDC to come to the citizens of Brevard with open hands...not to ask for money...but for transparency and to rebuild trust in the organization. It is a noble cause they espouse and their behavior needs to match the public image they portray. BlueWare was a very serious incident and the EDC needs to do more than just say "trust us" and expend monies on legal maneuvers to avoid the inevitable. Scott Ellis is on solid legal ground on this one.

Reply



Anonymous August 30, 2013 at 1:02 PM

I have a question for Lynda - if the EDC did their due diligence in vetting Blueware how come they did not know this company was a financial mess when they came to Florida? Everyone in the industry knew no one used their product and the only money they actually made was

people paying to get off their system. But why did no one check at the EDC? Did they read only the web site hype or listen to Rosie and her marketing bs? Blueware was in a negative growth cycle for the past two years so what made them think they were going to grow their company 5 times moving to a depressed area unless they were promised the ability to buy contracts - just doesn't make sense.

Reply

Anonymous August 30, 2013 at 1:06 PM



Blueware claims to have their software installed at 220 hospitals when in reality at their peak it was maybe 60. The problem is Rosie counts every building at a hospital as an installation. Here is the truth about the software - it is old, tired and not very creative in many analyst opinions. Users knew this and wanted off - so the only way they could get off the Blue system and move to something new was to pay Blue to convert the data for them so it could be transported. That is how Blue made all the money they have made over the last 2 years. Probably not the business model you would want to incentivized to move to Melbourne. Call any hospital on their web site that they tout as customers and see if any of them are using the software.

Reply

Replies

Anonymous September 3, 2013 at 9:37 AM



Their biggest customer is/was the hospital chain - CHS. And they are/have moved off the Blueware product to another system. They are going on almost 4 years without a new hospital client.

Rose required companies to pay upfront for converting their data and it takes months (up to 6+ months) for Blueware to even start the conversion process.

Rose admits in private the software side of the business is dead. She was hoping and praying some other company would step up and buy it from her. Of course that is not likely to happen.

Rose also admits privately that Melbourne is a stop over on her way to the sunny shores of California. She will undoubtedly try this scam again once she gets out of prison.

She played Melbourne, Brevard County, and the State of Florida for fools. She would have got away with it too if it were not for Scott Ellis. Now, all I see in her future is bankruptcy and prison. A fitting end for a truly horrible person.

Anonymous September 4, 2013 at 7:26 AM



I have witnessed these same conversations and facts you have declared here. Her exact words were - they said I couldn't build a company and I did, they said we would never have a European presence and we do and they said we would never conquer Florida and I have. My next dream is to have a west coast office.

Now I am the first to say dreams and goals are great but first you need a product and the second is you need to have an honest business. One built on lies and deception in the end will only lead you to her fate.

It is just mind boggling to me when you read her Facebook posts or the comments from her daughter on their multiple twitter and blog sites they feel they have done nothing wrong. They feel the enemy is Ellis and some type of personal vendetta for them.

How can one family be so delusional and not see the reality of their ways? But then you read the Facebook comments of her son Brian and you realize the family as a whole has some serious mental challenges and we should probably consider pity for them.

If by some luck or another deception she is able to avoid jail or paying back the money that has been stolen I think we will all be a little sad that she was able to manipulate, deceive and play the weakness of our system for her benefit. But the fact is Bluexxxx is dead and it is now just closing down the pieces and having a fire sale if a fool is interested in buying it. But I am not sure what you are buying - no product, no reputation and no presence.

In the end one thing will be true - she will have to wake up every morning and realize the reality of her lies where nothing but delusions in her mind. I know she likes to quote famous people and their comments on their struggles so here is one for you - the things we are remembered for tomorrow are the things we have done yesterday - from where I am sitting yesterday was not so good to you.

Reply

Anonymous September 23, 2013 at 9:41 AM



What we have here is a bunch of crooks in the Brevard County Government, particularly the County Commissioners themselves. Why would they need an expensive organization such

11/5/13

### Politics: Brevard Clerk of Court Sues Economic Development Commission For BlueWare Documents

as this EDC? AT \$1.5M a year, they have spent far more than they've brought into the tax base.

We have too much government and the more government you have, the less freedom and money you have.

Needleman slipped up and got caught. I suspect that is but the tip of the iceberg here. Anderson/Bolin/Nelson/Fisher all appear to be communist thinkers. They are corrupt.

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# Judge: Is EDC subject to public records disclosure?

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Scott Ellis vs. Lynda Weatherman document battle. Judge to decide whether Economic Development Commission files are public records in spinoff of BlueWare case. Video by Dave Berman. FLORIDA TODAY Taken: 11/1/2013

Written by Dave Berman FLORIDA TODAY

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News Local News

A court hearing Friday involving a request for documents from Brevard County's main economic development agency turned into a battle over whether the group is a public agency.

The Economic Development Commission of Florida's Space Coast argued that it is not a public agency subject to provisions of [public records](#) laws, so it was not required to release its files related to technology company BlueWare Inc. that Brevard County Clerk of Courts Scott Ellis requested.

During Friday's 40-minute hearing, Circuit Judge John Moxley Jr. ruled that a petition filed by Ellis to immediately compel production of [public records](#) was not appropriate in this case. But Moxley said he wanted to hear more about the public records and public agency issues raised during the hearing.

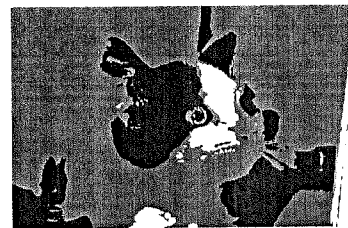
In an email to EDC directors, President and Chief Executive Officer Lynda Weatherman wrote: "As we have long maintained, materials related to site-location projects are

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BlueWare and its chief executive officer are the focus of a felony case involving former Clerk of Courts Mitch Needelman. / FLORIDA TODAY FILE

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afforded confidentiality protections that companies need and expect, and, as such, we are guided by the legal limitations for the release of documents.

As the case proceeds, the EDC will provide a legal brief on our status as a private organization, at which time a new hearing date will be set. We are eager to move beyond this unsolicited, time-consuming matter. As recent company announcements show, our time is far better spent helping to spur job creation and economic growth across the Space Coast."

Ellis said he disputes Weatherman's contention in her email that "the denial of the petition means the court believes there was no clear, legal requirement for us to provide the records."

"Judge Moxley will rule on that issue when each side prepares their briefs," Ellis said.

How this case turns out potentially could affect how the Economic Development Commission operates as it tries to attract companies to Brevard County or to help companies expand local operations.

This case centers on Ellis' requests for EDC files on BlueWare and affiliated companies. The Economic Development Commission helped BlueWare in the process of qualifying for about \$1.8 million in state, county and Melbourne incentives for locating in Melbourne, and its promise to add 190 jobs. The company never received those incentives because it did not meet its job-creation and capital-investment goals.

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Scott Ellis · Top Commenter

The Judge will rule on the Public Records issue, but it is the EDC which now asserts they are not subject to FS 119, the Florida Public Records Law. The Judge did not originate the issue.

Reply · 12 · Like · November 1 at 10:10am



James Conway

FS 286.075?

Reply · Like · November 1 at 1:45pm



Rick Howe · Yorktown, Virginia

"providing confidentiality"? To what end? What are they hiding?

Reply · 1 · Like · November 1 at 2:34pm



James Conway

Rick Howe nothing ( trade secrets, business practices, and such ) is hidden, just temp held in confidence until a such time as a deal is secured. The same as every EDC. The real question is how much is the Clerks vendetta is costing tax payers?

Reply · 1 · Like · November 1 at 2:47pm

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Robert Lehr · Top Commenter

IF there is not public accountability via public records the BBCC should remove its County funding. WE the taxpayers deserve that at minimum

Reply · 5 · Like · November 1 at 10:14am



Robert Lehr · Top Commenter

BREVARD COUNTY COMMISSION NOT BBCC

Reply · 1 · Like · November 1 at 10:15am



Michael Hartman · Top Commenter · President at Concor LLC

There should be a contract between the EDC and the County governing the use of the \$1.4 Million that the taxpayers give to the EDC. In that contract, it should give the County the right to examine all records of the EDC. If it doesn't, then someone needs to be fired for failing to include that in the contract between the EDC and the County. I wouldn't fund the EDC another nickel of County money.

Reply · 1 · Like · November 1 at 8:38pm



Scott Ellis · Top Commenter

STATE VS NEEDELMAN MITCHELL

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All or that is in the contract plus an audit clause for records.

Reply · Like · November 1 at 6:46pm



Michael Hartman · Top Commenter · President at Concor LLC

So if the County Commissioners had a spine they could demand those records?! Something really stinks here!

Reply · Like · November 2 at 1:46pm



Thomas Gaume · Guru at Self Employed Tech Consultant

Technically it's a PUBLIC / private partnership. It does solicit and accept PUBLIC funding (tax dollars) and should be accountable to those tax payers, and their records should be PUBLIC at any time, including when they're recruiting new businesses to the area. If those aren't the rules, there should be no PUBLIC funding.

Reply · 1 · Like · November 1 at 6:18pm



Randall Victor Brungart · Top Commenter · University of Virginia, Pennsylvania State University, Humboldt Institut

Thomas, my opinion is that Lynda Weatherman is wasting public funds, if ANY public funds are being used to pay attorneys to prepare briefs to be heard by the 18th Judicial Circuit Judge.

Reply · Like · November 2 at 2:06am



James Conway

Mr Ellis, if you don't mind, would you answer a few questions for your constituents ( and please try to stay on point, as you have a tendency to drift off to other talking points )?

- 1) Is the information you are requesting standard information that any EDC would hold in confidence, as good business practice, or do you expect to find some nefarious action perpetrated by the EDC? If so please expound.
  - 2) Speaking of the information you are seeking, Will this standard practice confidentiality become open, accessible, public record within the next 90 days ( give or take a few ) anyhow , and has it already been reviewed by Law Enforcement investigators who have found nothing?
  - 3) Your opinion of FS 288.075 which specifically exempts EDCs from FS 119 as it pertains to the documents you are requesting?
  - 4) How many man hrs have you spent on this specific item ( the confidentiality agreement )? The clerks office and personnel ? The courts ? And finally taking these figures, hrs, associated court costs, and attorneys fees into consideration...How much has this venture cost the citizens of Brevard to date ?
- I hope you don't feel me as cynical, or disrespectful, and will take the time to answer these questions truthfully and straight forward. Thank you.

Reply · Like · November 2 at 5:48am



Scott Ellis · Top Commenter

Let me tune in instead of drift away, then.

No EDC would maintain an ENTIRE file is confidential, their position for 10 months. Some parts may be confidential, never all.

No EDC would hold a file as confidential six months after the State revoked their confidentiality, as our EDC has done.

I don't know how the EDC handled any vetting or coaching of Blueware. The file may shed light on the subject.

The EDC has taken the position they as an agency are NOT subject to FS 119, the sunshine law on public records. With such position nothing becomes public record ever.

We do not know what the FDLE has found, I'm not sure why you'd say they found nothing.

Corporations are not charged with crimes, people are.

The EDC claims they are not under FS 119. Therefore FS 288.075 is irrelevant.

How ever, if we looked at 288.075, look at 288.0... See More

Reply · Like · November 2 at 8:33pm



Randall Victor Brungart · Top Commenter · University of Virginia, Pennsylvania State University, Humboldt Institut

"Moxley said he will give attorneys for both sides time to submit written arguments, then will schedule another hearing to further address the issue." Good. Then, after the written arguments are submitted, and the other hearing takes place, and the issue is addressed to the Judge, my guess is that the EDC, and Lynda Weatherman loses this argument.

The public needs to be served by transparency. That is something sorely lacking at the EDC. Think BlueWare.

Reply · Like · November 2 at 2:12am



David Kearns · Top Commenter · Realtor at Century 21 Indian River Realty

If the organization is funded with taxpayer dollars it should be beholden to the taxpayer and produce records when asked. It is a county chartered body. When has this ever been in doubt but in this Brave New World of runaway corporatism? Of course the newspaper could dig, and read the fine print of the county charter. It should be in there somewhere. Every county has a charter, a set of rules. And - wait for it - it too is a public record.

Reply · Like · November 1 at 6:57pm



Randall Victor Brungart · Top Commenter · University of Virginia, Pennsylvania State University, Humboldt Institut

And, yes, David, the EDC is funded with taxpayer dollars, to the tune of about \$1.4 million or so annually. Lynda Weatherman is pulling out the Obama Administration playbook to deceive taxpayers. This has to stop.

Reply · 1 · Like · November 2 at 2:08am



James Conway

Randall Victor Brungart really...really...? Obama 2 Care to explain this complaint? You Top Commenter

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are your own worst enemy. Attacking business and commerce? "Job creators"..... Keep going Randall, maybe they will let Obama have a third term.  
Reply · Like · November 2 at 6:38am



**Robert D Schoales** · Top Commenter · Melbourne, Florida

If the EDC were privately funded that would be one thing. If they get taxpayer money they should be transparent about its use. Defund the EDC. I am not interested in county government running some secret black budget operation..  
Reply · Like · November 2 at 4:25am



**James Conway**

Robert, I believe the EDC's budget is MOSTLY private ( investors, private business, and such ), maybe the clerk can confirm this. The COUNTY has wisely identified this group and their mission as vital, and of immense benefit to the citizens and local economy, so much so that annually they chip in to help the group achieve its goal.... ECONOMIC DEVELOPMENT and the improvement of many lives right here in Brevard county. I cannot recollect, but I would almost bet this clerk even supported this group back when he was a commissioner.  
Reply · Like · November 2 at 6:46am



**Scott Ellis** · Top Commenter

Not so, Mr. Conway. One half is from the county, another one fourth from the state. You lost your bet as well, as a Commissioner I consistently voted to zero out the EDC. Recruiting business is a private sector job and the EDC should be funded by the private sector.  
Reply · Like · November 2 at 8:35pm



**Meredith Raney** · Top Commenter · Orlando, Florida

Is the Economic Development Commission a public agency subject to provisions of public records laws or not? Are the employees of the EDC on the county health care/benefit system? The answer to the second question will probably be the answer to the first question.  
Reply · Like · November 3 at 5:38am



**Warren McKee** · Top Commenter · Cocoa, Florida

Let it go, do your own job!!  
Reply · Like · November 1 at 5:36pm



**Scott Ellis** · Top Commenter

Please take the time to learn what the Clerk's job is.  
Reply · 1 Like · November 1 at 6:47pm



**James Conway**

Pretty sure chief sleuth, law enforcement, prosecutor, martyr, and champion of the Tea Party are not listed in the job description. I appreciate a watchdog with tenacity, this one just tends to bite before it barks.  
Reply · Like · November 2 at 6:32am



**Scott Ellis** · Top Commenter

Funny I heard the same thing in 2011 on the Bluew are deals.  
Reply · Like · November 2 at 8:36pm

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Saturday, March 23, 2013

## Hewlett Packard Threatens Lawsuit Over BlueWare Debt: Ellis Stands Firm

TITUSVILLE, Florida – Hewlett-Packard Financial Services has warned Brevard County Clerk of the Courts Scott Ellis in a letter from their attorney that they will “file a lawsuit” to recover funds regarding the Clerk’s office digitizing contract with BlueWare, Inc.

In the past Ellis has said he would not pay the note. Ellis added on Friday, “I am looking forward to the lawsuit and we shall govern ourselves accordingly!”

In part the letter from Berger Singerman law firm says, “As you know, on October 23, 2012, the Brevard County Clerk of the Circuit Court (the “Clerk”) executed Promissory Note number 479236750100001 (the “Note”) in the amount of \$6,100, 000.00 payable to HPFS representing payment for certain software provided to the Clerk’s office, which has been and continues to be used by the Clerk. As you know, no payment has been made to HPFS on this obligation since December 2012 and the Note is now in default. (Another payment of \$110,776.00 is due on March 26, 2013.)

The letter further says that the loan is in arrears of \$332,328.00 and to be current the Clerk’s office should pay \$443,104.00 by March 26. (See entire letter below.)

Former Clerk Mitch Needelman originally hired BlueWare in the summer of 2012 with an \$8.5 million contract to scan court documents. Needelman changed the deal in October 2012 by borrowing \$6.1 million from Hewlett-Packard and paying BlueWare in full.

BlueWare has repeatedly refused comment on the scope of work completed so far. They have said that their goal was to have 1.5 million documents scanned by December 2012.

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#### About Me



Charles Parker

I cover politics, sports, and local news for Brevard Times. I also write opinion. You can email me at [cpbrevard@gmail.com](mailto:cpbrevard@gmail.com) and follow me on Twitter @cpbrevard These views are mine alone and do not necessarily reflect the views of Brevard Public Schools.

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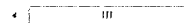
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05-2013-CF-064037-AXXX-XX

HP Contract Demand Letter



BERGER SINGERMAN



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Posted by Charles Parker at 8:40 AM

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Space Coast Conservative [dot] com March 23, 2013 at 2:17 PM

Stand Strong, Scott Ellis! We don't need Needelman's wrongful dealings hogtying us. We need to be free from his vile deeds.

[Reply](#)



Anonymous March 23, 2013 at 2:22 PM

How about a claim on the insurance policy so we can add insurance fraud to all of this.

[Reply](#)



Anonymous March 23, 2013 at 10:15 PM

How about they said there would be 1.5 million documents scanned and they have not done that yet - Blueware defaulted on the contract so HP needs to go after them and leave the county alone. If they want to sue the county then go after Mitch - he is the one who signed the contract.

[Reply](#)



Anonymous March 23, 2013 at 10:17 PM

I am a little rusty on my state law but if I remember correctly the clerk of the court is the only elected position that is able to sign a contract with a no bid method. The caveat to all of it is that same position becomes personally laible for any contracts that are signed. Sounds like HP needs to go after Mitch. Lets see if Matt and Rose will be standing behind him then. I haven't seen any of them at the yacht club lately - they must have found a new place to hide.

[Reply](#)



scott ellis March 24, 2013 at 11:36 AM

The Clerk cannot lawfully borrow money. If the Clerk could borrow money they could lose an election, borrow all kinds of money and distribute it to friends, and leave the new Clerk holding the bag.

Reply

Anonymous March 24, 2013 at 1:05 PM

Does anyone even know where Mitch is located these days? I am sure if HP wants to go to court he is going to be their star witness. I can imagine the first question by Mr. Ellis's attorney - Mr. Needelman do you think it would have been important to tell HP that you lost the election and the contract you are signing is illegal? Mitch's response - is that important fact or is this another conspiracy theory? Judge - OK this hearing is over - Mitch go directly to jail and do not pass go - bailiff please get Ms. Harr in the court room so we can hear her side of the story - Bailiff - your honor Ms Harr said she cannot make it in right now she is in the lobby and sees that we need a new carpet in the reception area and she is forming a company called Blue Carpet and wants us to buy the carpet from us. Judge - Does she know anything about carpet? Bailiff - I asked that same question and her response was the usual - is that a requirement, I thought you all just gave money away in this county???

Reply

Anonymous March 24, 2013 at 2:05 PM

Needelman, a star witness? No way. HP would likely have to name MN and Harr as co-Defendants or their case goes nowhere, and that band of thieves won't be talking while an FDLE investigation is under way.

A lawsuit would mean we finally get to do some discovery. Open those books on this whole scam. and I'm sure Scott has plans for Admissions and Depositions locked and loaded. Bring it on HP!

Reply

Anonymous March 25, 2013 at 9:50 AM

Comment to Scott...Isn't that what happened? Mitch borrowed money and gave it to Rose and Matt?

Reply

scott ellis March 27, 2013 at 7:44 AM

Mitch signed off on a deal brokered by Bluegem with HP. The Clerk's Office signed an unlawful \$6.1 million promissory note and the money went to Bluegem, never touching the Clerk's Office.

Reply

Anonymous March 28, 2013 at 4:19 PM

"payment for certain software provided to the Clerk's office, which has been and continues to be used by the Clerk."

What "software? Continues to use what?

Is that what the Chunky Tiger is telling HP? or that BlueScam provided something that is in use today?

Reply

Anonymous April 9, 2013 at 6:49 PM

As a former Michigan BlueWhatever employee, this has all been intriguing to watch. I very well remember the day Rose returned from her first Florida trip and bragged about the new contracts and all the money...while we were all wondering how she would make payroll that week. I was hired and "Laid off" in a three month period, ending March 2012 just after the move was announced. So many people were let go in Michigan to fund this adventure, all while Rose and kids jetted to FL and the UK and back again. Showing pictures of her wonderful new place...paid for by you of course. I learned the term Vaporware only after I was hired by BlueWare, lol! They were masters of it. Rose is literally the most unstable, frightening person; I think she is a true sociopath. You should also ask how she gets away with all of the UK trips, she made all of us lie about why we were entering the UK on work trips. We were always there to visit good old Barry Geaney, an old family friend! There is sooooo much bitterness and hate I'd love to spew, but it won't do any good. I just hope when the lawsuit moves forward, that they think to subpoena Michigan employees who might have been hired at the beginning of this process, most heard way too much for Rose's comfort.

Reply

Anonymous April 9, 2013 at 8:24 PM

I certainly hope someone will be smart enough to question Michigan BlueWare employees let go or excuse me "Laid Off" around the time this all began. Rose came back from Florida in February to brag it up and had a payment of some sort by late February and a commitment. Moving began immediately for her and her family. I think this started a bit earlier than most people realize.

Reply

Anonymous April 18, 2013 at 11:50 AM

Some of us former Michigan BW employees have been interviewed by FL-SP

11/5/13

News: Hewlett Packard Threatens Lawsuit Over BlueWare Debt: Ellis Stands Firm



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