

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.

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**DEFENDANT MITCHELL A. NEEDELMAN'S AMENDED MOTION FOR  
DISQUALIFICATION OF JUDGES OF THE EIGHTEENTH JUDICIAL CIRCUIT**

COMES NOW the Defendant, Mitchell A. Needelman (hereafter "Mr. Needelman"), pursuant to section 38.02 Florida Statutes, Florida Rule of Judicial Administration 2.330, and Florida Code of Judicial Conduct Canon 3E(1), and moves for disqualification of all judges of the Eighteenth Judicial Circuit. Mr. Needelman is simultaneously moving for change of venue to Orange County, or to another county in close proximity to both Orange County and the Eighteenth Circuit.

The basis of the motion is that every judge of the Eighteenth Circuit has a close working relationship with Scott Ellis, Brevard County Clerk of Court, and his staff. Mr. Ellis is interested in this litigation and its outcome, both personally and as Clerk of Court. Combined, these facts create an appearance of impropriety that require disqualification of every judge of the Eighteenth Circuit.

As Clerk of Court, Mr. Ellis is the plaintiff in a civil suit seeking damages and rescission of the contracts that form the basis of the criminal charge. The Office of the

Brevard County Clerk of Court is the alleged victim in the criminal case. The civil suit will be impacted by the results of the criminal case.

As Clerk of Court, Mr. Ellis will have custody and control of all documents filed and all evidentiary exhibits in both this case and the civil case.

As Clerk, Mr. Ellis and his staff have a working relationship with all judges of the Eighteenth Circuit, including those in Seminole County, any of whom might be assigned to serve in Brevard County. This relationship extends well beyond this case. It involves continuous, daily contact between the judges and either Mr. Ellis, or a clerk's employee over whom Mr. Ellis holds authority. This working relationship between the judges of the Eighteenth Circuit and a person who has a direct and substantial interest in the outcome of the case creates an appearance that Mr. Ellis has the ability to influence any Eighteenth Circuit judge assigned to this case.

Finally, an event that bolsters the appearance of impropriety has already occurred. Judge John M. Griesbaum, the judge who administered the oath to Mr. Ellis following his election, was initially assigned to preside over this case by the clerk's office. Although Judge Griesbaum immediately recused himself on the basis of knowledge of the parties, see Order of Recusal dated September 24, 2013, the initial assignment was a matter within the authority of the Clerk of Court. This is just one example of actions or events which create the appearance that Mr. Ellis can, and perhaps has, used the authority of his office to influence the course of this case.

There is long-standing enmity between Mr. Ellis and Mr. Needelman, who was his opponent in the last election. Mr. Ellis was elected Brevard County Clerk after a bitterly fought and acrimonious campaign, which Mr. Ellis described in the media as personal.

During the campaign, Mr. Ellis accused both Mr. Needelman and co-defendant Rose Harr of improper and illegal conduct related to contracts executed between the office of the Clerk of Courts for Brevard County and companies owned or controlled by Ms. Harr. That same conduct is the subject of this prosecution and of the civil suit.

Both during the campaign and since his election, Mr. Ellis has made disparaging, accusatory, and condemning comments about Mr. Needelman, Ms. Harr, the contracts at issue, Mr. Needelman's family and Rose Harr's company, BlueWare, in personal interviews before the media and comments posted to print and internet news articles. Most of these comments are extremely derogatory, and many display a vitriolic hatred of Mr. Needelman. Beginning in January 2013, Mr. Ellis has posted many of these articles to the Clerk's official website, <http://brevardclerk.us/> (Exhibit A), including the derogatory comments. Mr. Ellis has thus used his authority as Clerk in a way that tends to influence public opinion, and may impact both this case and the civil suit.

These actions reveal Mr. Ellis' personal interest and active involvement in this case, as well as his use of his position as Clerk to influence the public debate and thus further his personal enmity. It is inappropriate for him to remain in a position of authority in this case.

### **FACTS**

As Clerk, Mr. Needelman entered into contracts with two subsidiaries of BlueWare, Inc., Ms. Harr's company. One of the contracts was to make digital copies of existing records now stored by the Clerk in paper form, making required redactions to the documents accessible to the public. During the 2012 election, Mr. Ellis vigorously attacked the legality of these contracts, and attacked the honesty and integrity of both Mr.

Needelman and Ms. Harr, making this issue a lynchpin of his campaign. As part of his campaign, Mr. Ellis repeatedly, explicitly, and publicly accused Mr. Needelman, among others, of being a liar and a swindler.

The statements noted herein are a sample of those made by or attributable to Mr. Ellis, both during the campaign and after his election.<sup>1/</sup> This motion will focus only on Mr. Ellis's statements. These statements provoked a firestorm of responses, mostly from persons who chose to remain anonymous, which are addressed in Mr. Needelman's motion for change of venue, filed contemporaneously herewith.

#### **Scott Ellis media quotes**

1. In a January 2, 2011, article in TCPalm, written by Florida Today reporter Rick Neale (Exhibit D), Mr. Ellis likened Mr. Needelman to "a blind, toothless hound. See <http://www.tcpalm.com/news/2011/jan/02/controversial-brevard-county-clerk-of-courts/>

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<sup>1/</sup> Statements quoted by reporters as having been made by Mr. Ellis are so noted. Comments counsel has found in Internet postings include comments attributable to Mr. Ellis, those attributable to others (both named and unnamed), those denigrating Mr. Needelman, and those denigrating multiple persons, including Mr. Needelman and Ms. Harr. The Internet comments selected for quotation herein are those attributable to Mr. Ellis and aimed at Mr. Needelman, either directly, by innuendo, or as part of a group of alleged wrongdoers. Although it cannot be stated with certainty that Mr. Ellis is actually the "scott ellis" who posted every one of these Internet comments, on December 12, 2012, in part of the comment string accompanying a December 11, 2012, BrevardTimes.com article by Charles Parker (Exhibit B), a poster calling himself "scott ellis" invited persons to e-mail him at [sellis@spacey.net](mailto:sellis@spacey.net). Space Coast Conservative, a publication "Serving all Brevard County True Conservatives," contains a paid political advertisement "paid for and approved by Scott Ellis, Republican for Clerk of the Courts" in which Mr. Ellis identifies this e-mail address as his own. *available at* <http://www.spacecoastconservative.com/se/scott4.htm> (Exhibit C) last accessed October 17, 2013. Finally, many of these BrevardTimes.com articles, including comments posted by "scott ellis," are accessible from links on the Brevard County Clerk's official website (Exhibit A).

2. In five separate comments<sup>2/</sup> to a February 3, 2011, article in Florida Today, Mr. Ellis wrote about Mr. Needelman: "I have never met a man so brimming with unmerited confidence. The entire office has been under a Stalinist purge similar to having a loaded gun pointed at you by an 80 IQ thug. He further stated that Mr. Needelman was "drunk on power" and "the most dangerously overconfident man" he has ever met. He goes on to accuse that Mr. Needelman will "create positions for all of his political hacks and award contracts as favors." Mr. Ellis further compares his own "lapdog" style to Mr. Needelman's "watchdog," stating "pure terror is the Management by Intimidate style of the day. You know, kind of like you treat hapless boaters in t-shirts and shorts with fishing poles. See <http://www.floridatoday.com/comments/article/20110203/NEWS01/102030310/New-clerk-of-courts-cuts-costs-staffing.html> (Exhibit E).

3. A January 4, 2012, article in the Brevard Times states that Mr. Ellis believes that Mr. Needelman has "engaged in political cronyism" ever since he took office; and questions Mr. Needelman's honesty concerning savings his programs brought to the Clerk's office ("Ellis questions the \$2 million savings figure"). Further, Mr. Ellis "**compares Needelman to Hitler**" and called Mr. Needelman "Stupid, Dishonest, and Arrogant." See <http://government.brevardtimes.com/2012/01/scott-ellis-to-run-for-clerk-of-court.html> (Exhibit F).

4. On January 16, 2012, in a Florida Today article, Mr. Ellis said "The man lied when he got into office . . . and used that lie to establish himself as a 'crisis' clerk and create a smoke screen for a slew of terminations, crony hiring and millions of dollars in no-

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<sup>2/</sup> The poster's name, as it appears in the comments is "scott ellis," not capitalized.

bid contracts. He has established a literal reign of terror over the employees, crashed the operations and has not saved the taxpayers anything. The whole operation is an evil lie.”  
See <http://www.floridatoday.com/article/20120117/COLUMNISTS0207/301170005/Matt-Reed-Grudge-match-ahead-clerk-s-race.html> (Exhibit G).

5. In a February 7, 2012, Brevard Times article, Mr. Ellis called Mr. Needelman a liar, cowardly, and without decency. See <http://government.brevardtimes.com/2012/02/clerk-of-court-staffer-endorses.html> (Exhibit H).

6. In an article on February 16, 2012, the Brevard Times, reported a debate between Mr. Needelman and Mr. Ellis. The article reports Mr. Needelman calling Mr. Ellis a liar and Mr. Ellis characterizing Mr. Needelman as “evil.” See <http://government.brevardtimes.com/2012/02/needelman-calls-ellis-liar-in-brevard.html> (Exhibit I).

7. On June 25, 2012, in the Brevard Times, Mr. Ellis characterized his race against Mr. Needelman as “It’s personal.” Mr. Ellis is described as “waging a two-front war” against Mr. Needelman and describing the office under Mr. Needelman as “chaos in the Clerk’s office.” Mr. Ellis is further quoted that “The whole office is for sale,” referring to his accusation that payments made to BlueWare were “kickbacks.” He said “The whole point is to give Blueware [sic] millions of dollars.” See <http://government/brevardtimes.com/2012/06/scott-ellis.html> (Exhibit J).

8. Also appearing in the June 25, 2012, edition of the Brevard Times, was an editorial by Mr. Ellis. Mr. Needelman respectfully suggests that the title of the editorial - Ellis: taxpayers Foot Bill for Endless Self Promotion of Mr. Needelman - is sufficient to reflect the lengthy accusations contained therein. The editorial is available at

<http://government/brevardtimes.com/2012/06/ellis-taxayers-foot-bill-for-endless.html>  
(Exhibit K).

9. On July 5, 2012, in the Brevard Times, Mr. Ellis stated that "My belief is the current strategy (allegedly by Mr. Needelman) of starving operations to award no-bid and sham-bid contracts to companies represented by Friends of Mitch (FOM) will be expanded."

See <http://cpnews.brevardtimes.com/2012/07/clerk-of-courts-digitizing-contract.html>  
(Exhibit L).

10. A December 11, 2012, Brevard Times article states:

Clerk of Courts-In-Waiting Scott Ellis sent out a missive that he titled "Clerk Loots \$6.1 Million for Blueware: Hewlett Packard Left Holding the Bag." In it, he once again calls the BlueGem digitizing contract a "scam" and claims that Hewlett Packard has loaned money to the Clerk's Office to pay-off the contract.

See <http://government/brevardtimes.com/2012/12/charles-parker-divergent-views-on.html>  
(Exhibit M).

11. A January 19, 2013, Brevard Times article quotes Mr. Ellis as referring to "bogus contracts being paid," and stating "The Clerk (outgoing clerk Needleman [sic]) unlawfully borrowed \$6.1 million from Hewlett Packard and fronted Blueware \$5.7 million for their five year contract." See <http://cpnews.brevardtimes.com/2013/01/former-clerks-digitizing-contract-under.html> (Exhibit N).

12. That same January 19, 2013, Brevard Times article states "New Clerk Scott Ellis has maintained since the summer of 2012 that the digitizing contract between Needelman and BlueWare is a 'sham.'" See <http://cpnews.brevardtimes.com/2013/01/former-clerks-digitizing-contract-under.html> (Exhibit N).

13. In a January 8, 2013, Brevard Times article, Mr. Ellis was quoted as saying that Mr. Needelman "unlawfully borrowed \$6.1 million from Hewlett Packard and fronted Blueware \$5.7 million for their five year contract." See <http://government/brevardtimes.com/2013/01/scott-ellis-sworn-in-as-brevard-county.html> (Exhibit O).

14. On March 29, 2013, a Brevard Times article quotes Mr. Ellis that "We do not believe the BlueGem scanning contract was legitimately bid nor awarded. . . .," speaking about Mr. Needelman's actions as Clerk. See <http://cpnews.brevardtimes.com/2013/03/details-of-brevard-clerk-of-court.html> (Exhibit P).

15. An April 1, 2013, article in the Tampa Bay Times blog "The Buzz," states that "recently elected Clerk of Court Scott Ellis slammed the contract as corrupt and filed a lawsuit . . . to recoup millions of dollars." The article further quotes Mr. Ellis as saying "The entire bidding, selection and negotiation process regarding the (Invitation to Negotiate) was fundamentally flawed and against public policy. . ." and "It was a sham bid." The article goes on to state that Ellis "blames his predecessor (Mitchell Needelman). . ." Available at [www.tampabay.com/blogs/the-buzz-florida-politics/brevard-clerk-files-lawsuit-against-company-lured-to-florida-with-economic/2112410](http://www.tampabay.com/blogs/the-buzz-florida-politics/brevard-clerk-files-lawsuit-against-company-lured-to-florida-with-economic/2112410) (Exhibit Q).

16. An August 16-2013, Brevard Times article printed the following quote by Mr. Ellis concerning the arrest of Mr. Needelman: "FDLE has done an outstanding job on the case," said Current Brevard Clerk of Court Scott Ellis who repeatedly raised these allegations during his 2012 campaign to defeat Needelman. "We are mostly just relieved to see these actions brought to justice." See <http://government.brevardtimes.com/2013/08/former-brevard-county-clerk-of-court.html> (Exhibit R).



17. A September 5, 2013, article in Florida Today quotes Mr. Ellis criticizing Mr. Needelman's actions as Clerk, saying "why do that when you control the clerk's millions in budget?" Available at [www.floridatoday.com/apps/pbcs.dll/article?AID=2013309050021](http://www.floridatoday.com/apps/pbcs.dll/article?AID=2013309050021).

**More Internet Comments by Poster "scott ellis"**

1. Comments posted to a November 7, 2012, Brevard Times article, available at <http://cpnews.brevardtimes.com/2012/11/blueware-misses-clerks-office-deadline.html> (Exhibit S), include the following comments attributed to poster "scott ellis":

- a. "The whole job is a scam..." (post dated Nov. 8).
- b. "The whole Blueware deal is nothing but a multi-million scam perpetrated on the people of Brevard and Florida." (post dated Nov. 13).
- c. "A contract awarded under fraudulent conditions is not valid. FDLE has been all over this. They cannot do the indictment. Needelman should have been indicted and removed months ago. If this blog is correct it is more millions of tax dollars squandered by delaying justice for all of these flim flam artists." (post dated Nov. 14).

2. Comments posted to a December 11, 2012, Brevard Times article by Charles Parker, available at <http://cp.opinion.brevardtimes.com/2012/12/charles-parker-divergent-views-on.html> (Exhibit T), include the following comments attributed to poster "scott ellis":

- a. As part of a string of comments that make it clear Mr. Needelman, Ms. Harr, and BlueWare are the subject of discussion, poster "scott ellis" said "I would also bet a large chunk of the \$5.7 million has disappeared overseas. The funny item in the HP loan was the \$200,000 for Brunswick Corporation. Rose had wanted to buy a fancy boat, perhaps HP via the Clerk has now paid for it?" (post dated Dec. 12).

b. "It is like the thieves on Wall Street skinning us alive and saying what a wonderful thing TARP is for the whole country." (post dated Dec. 12).

3. In a comment to a Brevard Times article dated March 23, 2013, available at <http://cpnews.brevardtimes.com/2013/03/hewlett-packard-threatens-lawsuit-over.html> (Exhibit U), poster "scott ellis" said "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." (post dated March 27).

At last check, the January 5, 2013, January 19, 2013, January 25, 2013, and March 23, 2013, Brevard Times articles, including the comments by poster "scott ellis," can be accessed by links appearing on the Brevard County Clerk of Court website, <http://brevardclerk.us/current-news> (Exhibit A).

#### **Additional facts**

Mr. Ellis is likely to be called as a witness in this case.

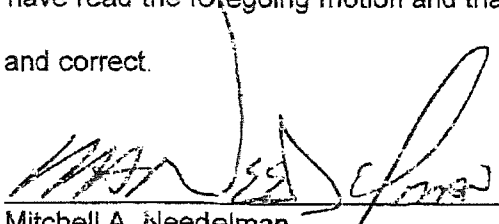
The judge initially assigned to this case was Judge John Griesbaum. The January 8, 2013, Brevard Times article "Scott Ellis Sworn In As Brevard County Clerk of Court," referred to above (Exhibit O), contains a picture of Mr. Ellis with Judge Griesbaum, who administered the oath. The picture depicts the men on friendly terms.

There is no suggestion of impropriety on the part of Judge Griesbaum. Judge Griesbaum promptly recused himself as soon as the first motion was filed in this case. Nonetheless, it tends to reinforce Mr. Needelman's well-grounded fear that his publicly-declared enemy may use, and perhaps has already used, his authority as Clerk of Court to interfere with and influence the course of this case given the fact that of all of

the judges in Brevard County who could have been chosen, the judge initially assigned to this case by the Clerk's office appears to be a friend of Mr. Ellis.

#### CERTIFICATION

Under penalties of perjury, I swear that I have read the foregoing motion and that the facts and assertions stated therein are true and correct.



Mitchell A. Needelman

#### MEMORANDUM OF LAW

Rule 2.330 and section 38.02 Florida Statutes govern disqualification of trial judges. Section 38.02 provides for disqualification if the judge before whom the cause is pending is interested in the result of the cause. Rule 2.330 provides not only for disqualification when a judge is interested in the result, but also when the party fears he will not receive a fair hearing because of specifically described prejudice or bias of the judge. Canon 3E(1) of the Code of Judicial Conduct provides "A judge shall disqualify himself or herself in a proceeding **in which the judge's impartiality might reasonably be questioned....**" [Emphasis added]. The Commentary to this Canon states that "a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific rules in Section 3E(1) apply."

Although none of these authorities explicitly provides for the disqualification of all judges of a court, in exceptional circumstances, failure to grant such a motion is reversible error. Wickham v. State, 998 So 2d 593 (Fla. 2008).

Mr. Wickham was convicted of murder and sentenced to death. Many years later,

he filed a motion for post-conviction relief pursuant to Florida Rule of Criminal Procedure 3.851 which included claims of ineffective assistance of trial counsel. He moved to disqualify all judges of the Second Judicial Circuit from consideration of the motion.

The trial counsel whom Mr. Wickham alleged had been ineffective was Philip Padovano, who ran for a circuit court judgeship while the case was pending, and became a judge on the Second Circuit shortly after Mr. Wickham's trial. Judge Padovano sat on the Second Circuit for almost eight years, serving as its Chief Judge for three years, and at the time of the motion, sat on the First District Court of Appeal, which hears appeals from the Second Circuit. Also at the time of the motion, Judge Padovano's wife was a judge on the Second Circuit. "Under these extraordinary circumstances, it is reasonable for a defendant in Wickham's position to fear that a Second Circuit judge hearing Judge Padovano's testimony in determining Wickham's ineffective assistance of counsel claims would be biased in favor of Judge Padovano and against Wickham." 998 So.2d at 596.<sup>3/</sup>

The circumstances of this case are equally extraordinary, and Mr. Needelman's fear of bias by the judges of the Eighteenth Circuit is even more well-grounded than was Mr. Wickham's. Not only do the judges of the Eighteenth Circuit have a close working relationship with Mr. Ellis, the Clerk, and his staff, but that relationship is both a current, ongoing relationship and a past relationship. In Wickham, only the past relationship was true of Judge Padovano and the Second Circuit at the time of Mr. Wickham's motion.

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<sup>3/</sup> Like the Eighteenth Circuit, the Second Circuit is a multi-county circuit, consisting of Leon, Gadsden, Jefferson, Wakulla, Liberty, and Franklin counties. § 26.0021 Fla. Stat. The Florida Supreme Court held that all the judges of the entire circuit, and not merely those from Leon County where the case arose, should be disqualified.

Moreover, there was no intimation that Judge Padovano held any personal animus against his former client, or would take any adverse action, other than offer truthful testimony at the hearing. Here, Mr. Ellis has consistently displayed active hostility toward Mr. Needelman, and a determination to prevail at any cost. He has stated that his battle against Mr. Needelman is personal, as reflected by the numerous quotes above. Mr. Ellis has further has used the contracts at issue in this criminal case and in his civil suit as a weapon against Mr. Needelman. Mr. Ellis has gone to great lengths to smear Mr. Needelman in the media, and has actively encouraged others to do so, see Defendant Mitchell Needelman's Motion for Change of Venue. Much of the derogatory press coverage is posted on the Clerk's official website, thus demonstrating Mr. Ellis' willingness to use the power of his office to further his personal goal of destroying Mr. Needelman and those associated with him.

Canon 3E(1) requires a judge to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned. This requirement "focuses on those matters from which a litigant may reasonably question a judge's impartiality rather than the judge's perception of his ability to act fairly and impartially." Livingston v. State, 441 So.2d 1983, 1986 (Fla. 1983).

Whether any judge is actually biased is not at issue. The primary consideration in determining whether a motion to disqualify a trial judge should be granted is whether the facts alleged, if true, would place a reasonably prudent person in fear of not receiving a fair and impartial trial, Arbelaez v. State, 898 So.2d 25, 41 (Fla. 2005), and the facts alleged in the motion need only show that the moving party has a well grounded fear that he will not receive a fair trial at the hands of the judge. Livingston, 441 So.2d at 1087. If the

attested facts are reasonably sufficient to create such a fear, the motion must be granted. Id. The facts underlying the well-grounded fear must be judged from the perspective of the moving party. Goines v. State, 708 So.2d 646, 659 (Fla. 4th DCA 1998).

In Berry v. Berry, 765 So.2d 855 (Fla. 5th DCA 2000), an attorney-client relationship arose between the trial judge and counsel for the husband after the trial but before judgment was entered. In ruling on the wife's motion for disqualification, the judge determined that his disqualification should be entered only after judgment resolving the issues previously tried had been entered, and directed the husband's attorney to prepare the judgment, based on the oral ruling on the merits the judge had made before he entered into an attorney-client relationship with the husband's attorney. The Fifth District granted prohibition. "In the instant case, we have no reason to believe that the trial judge's professional relationship with the husband's attorney resulted in unfair treatment of the wife. Nonetheless, such a relationship establishes reasonable fear in the wife that the trial judge would not treat her fairly." 765 So.2d at 858.


It is a matter of no concern what judge presides in a particular cause, but it is a matter of grave concern that justice be administered with dispatch, without fear or favor or the suspicion of such attributes. The outstanding big factor in every lawsuit is the truth of the controversy. Judges, counsel, and rules of procedure are secondary factors designed by the law as instrumentalities to work out and arrive at the truth of the controversy.

The judiciary cannot be too circumspect, neither should it be reluctant to retire from a cause under circumstances that would shake the confidence of litigants in a fair and impartial adjudication of the issues raised.

Livingston, 441 So.3d at 1085-86, quoting Dickenson v. Parks, 149 So. 459, 462 (Fla. 1932).

### CERTIFICATE OF GOOD FAITH

I, Warren W. Lindsey, the undersigned attorney, hereby certify that the foregoing Motion and the Defendant's statements are made in good faith.

  
\_\_\_\_\_  
Warren W. Lindsey

### CONCLUSION

The comments cited above present a picture of a man entirely committed to the destruction of Mr. Needelman and others. The level of vitriol displayed by Mr. Ellis, combined with the initial assignment of Judge Griesbaum to preside over this case, creates a well-grounded fear that Mr. Ellis will use whatever means available to effectuate that destruction, including using the authority of his office to influence the outcome of this case. Additionally, as Clerk, Mr. Ellis is an interested party who has a working relationship with every judge of the Eighteenth Judicial Circuit.

It is the duty of courts to scrupulously guard the litigants' right to an impartial judge, and to refrain from exercising jurisdiction when the judge's qualification to preside is seriously brought into question, State v. Borrego, 105 So.3d 616, 617-18 (Fla. 3d DCA 2013). Mr. Ellis is both a potential witness in the case and, as Clerk, the alleged victim. Given the animus demonstrated by Mr. Ellis, and his close and continuing working relationship with every judge of the Eighteenth Circuit, scrupulous care to guard Mr. Needelman's right to an impartial judge cannot be effected by any measure less than the disqualification of every judge of this court.

WHEREFORE Defendant Mitchell Needelman respectfully requests the disqualification of every judge of the Eighteenth Judicial Circuit.

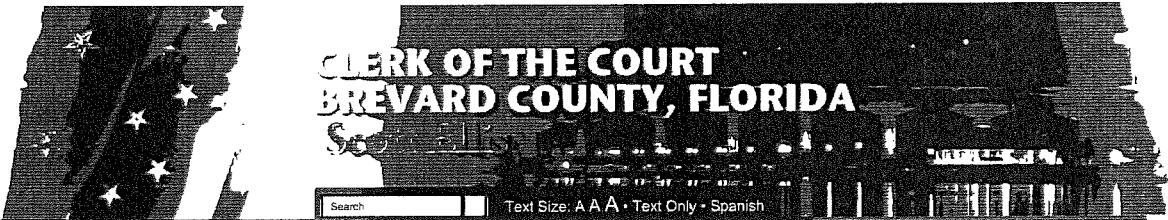
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 21<sup>st</sup> day of November, 2013, a true copy of the foregoing was filed utilizing the Florida Courts E-Filing Portal and was served via electronic mail to: Office of the State Attorney, Felony Division, 2725 Judge Fran Jamieson Way, Bldg. D, Viera, FL 32940, at [BrevFelony@sa18.state.fl.us](mailto:BrevFelony@sa18.state.fl.us); to Mark L. Horwitz, Esquire, Law Offices of Mark L. Horwitz, P.A., 17 East Pine Street, Orlando, Florida 32801, at [mark@mlhorwitzlaw.com](mailto:mark@mlhorwitzlaw.com); and to Fritz Scheller, Esquire, Fritz Scheller, P.L., 200 East Robinson Street, Suite 1150, Orlando, Florida 32801, at [fscheller@flusalaw.com](mailto:fscheller@flusalaw.com).



s/Warren W. Lindsey \_\_\_\_\_  
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- [Hewlett Packard Threatens Lawsuit Over BlueWare Debt: Ellis Stands Strong](#)  
March 23, 2013
- [Brevard Performs Well in Public Records Test](#)  
March 09, 2013
- [Space Coast Economic Development Commission Subpoenaed by FDLE](#)  
February 28, 2013
- [Ellis and Weatherman at Odds Over BlueWare Documents](#)  
February 5, 2013
- [Ellis Claims Proof of Needelman Campaign Lies in Emails and Videos](#)  
January 29, 2013
- [Brevard EDC Cites "Non-Disclosure Agreement" and Confidentiality with](#)

Exhibit A

Regard to BlueWare Relationship  
January 25, 2013

- ▶ Ellis: Emails Appear to Contradict Needelman Attorney's Testimony  
January 24, 2013
- ▶ Former Clerk's Digitizing Contract Under More Scrutiny  
January 19, 2013
- ▶ Ellis Plans Money Saving Changes in Clerk's Office  
January 05, 2013

ARCHIVED NEWS/EVENTS

- PROPOSED LEGISLATION THREATENS TO DESTROY JUDICIAL CHECKS AND BALANCES -  
Diane M. Matousek - Volusia County Clerk of the Court - February 2009 PROPOSED LEGISLATION  
THREATENS TO DESTROY JUDICIAL CHECKS AND BALANCES.pdf (77.4 KBs)
- Preserving the Public's Right to Access: - letter from Clerk of Court Diane Matousek to Legislative  
Delegation, February 27, 2009 Clerk\_Letter.pdf (320.2 KBs)
- CCOC Comparative View: Article V Budgeting Realities: - CCOC\_ComparativeView.pdf (89.7 KBs)

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Tuesday, December 11, 2012

### Charles Parker: Divergent Views on Clerk's Contract Continue

Within a 20-minute timespan on Monday, I received two emails whose contrast could not be starker.

The subject of both is the controversial contract between the Clerk's office and BlueGem Technologies to digitize court records. The contract has been under scrutiny since its signing during the summer.

Clerk of Courts-In-Waiting Scott Ellis sent out a missive that he entitled "Clerk Loots \$6.1 Million for Blueware: Hewlett Packard Left Holding the Bag." In it, he once again calls the BlueGem digitizing contract a "scam" and claims that Hewlett Packard has loaned money to the Clerk's Office to pay-off the contract.

Shortly after, Clerk of Courts-In-Limbo Mitch Needelman issued a press release that begins, "On Friday, December 07, 2012, a milestone event took place in Brevard County that will change the way the Clerk of Courts does business from now into the future."

The English teacher in me cries out, "...two roads diverged in a yellow wood..."

The contract has raised questions many questions. I am still waiting for the answer to a few of them: Who is working, how much are they being paid, what property/equipment was bought, and what are the contract deliverables?

I have asked the Clerk's Office, BlueWare/BlueGem, Matt DuPree, the Economic Development Commission, all five county commissioners, and the Melbourne Regional Chamber of Commerce.

None have answered. However, I think I already know the answer. These basic criteria – present in most government contracts – are not written down anywhere.

The contract is basically this: Here's the money. We don't care how you get the job done or how you spend the money, you have to get the job done by 2017. Oh – and if you don't – we're covered by insurance that we paid for. So really – we don't care whether you get the job done or not.

And evidently the terms of the contract have changed from the original one signed this summer.

Incoming Clerk Ellis lays out the wide-ranging and winding road-like scenario

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- Charles Parker: Obama Feckless and Reckless
- Charles Parker: Is Xun Energy the EDC's Next BlueWare?
- Charles Parker: State Education Disarray Offers Chance For "Deep Breath"
- FIRST LOOK: 2014 Candidates for County Commission District 4
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- Merritt Island High School Students Get First-hand Look at Space Launch

### Politics

- EDC Claims It's Not A Public Agency, Not Required To Produce BlueWare Records
- Florida Food Stamp Cuts Begin Today
- Charlie Crist Will Run For Florida Governor
- Obamacare 'Navigator' Ready to Help Brevard County Residents

this way:

Needelman contracts with BlueWare. Needelman realizes Ellis will cancel the contract and tries to sell it. HP lends money to Needelman – who in turn gives some of the money to BlueWare, buys an insurance bond, and evidently purchases bowling balls (what else does Brunswick Corporation do?).

Also, in October BlueWare chief Rose Harr is given a cushy spot on the Brevard Workforce Board of Directors and then in November is given \$760,000 by the same board for job training.

In this scenario, Ellis assumes the motive of Needelman – to keep Ellis from stopping payments to BlueWare and cancelling the contract when he takes office in January 2013.

But there is a problem with assuming the motive: there is no proof. I am sure if Needelman did not write down contract terms and deliverables, he did not write down the terms of a nefarious plot.

As well, I am sure Needleman would say his motive to change the terms of the contract – which went from \$8.5 million to \$6.1 million – was solely to save taxpayers' money.

Ellis claims, "Clerks cannot enter into promissory notes and borrow money. Legal opinions will be forthcoming when I get into office." At the same time, I would be shocked if Needelman didn't have attorneys who gave him the "okay."

And so the beat goes on. Taxpayer money is being spent on a noble project, but the taxpayers don't really know whether their money is being spent legally and efficiently. For government projects, both should be the standard.

Posted by Charles Parker at 12:43 PM

+2 Recommend this on Google

### 35 comments:



scott ellis December 11, 2012 at 2:46 PM

The Clerk by law may not borrow money.

No terms in any Blueware contract have been changed.

Blueware got a \$5.7 million advance on the \$7.5 million remaining. The Clerk also picked up paying 3.55% interest on the note and the Clerk as customer paid for the Performance Bond for the vendor, Blueware (\$200,000) plus the bizarre \$200,000 payment to Brunswick.

Why would anyone borrow money to make an advance on a five year no interest contract, even if the contract were legit (and it is not)?

The money this time is stolen from Hewlett Packard.

Reply



Tyler Winik December 11, 2012 at 4:02 PM

Charles,

If non-taxing elected officials could apply for credit and obtain it from companies, wouldn't constitutional officers all over Florida and across the nation already have maxed out their credit ratings?

As the Clerk has its budget given to it by the Legislature, it doesn't have a bond rating. It cannot issue bonds, cannot tax, etc. It must spend only what the Legislature gives it, no more.

The budgets of the Clerks in Florida are heavily reviewed by the Clerk of Courts Operation Corporation ("CCOC") before being sent to the Legislature for ratification. Even then, the Legislature, not the CCOC, makes the final decision as to what county gets how much.

This is yet another illegal power grab in an attempt to provide liquid cash for Mitch & Co. pending January 8th.

Reply



scott ellis December 11, 2012 at 6:50 PM

It is also by no means a noble project. It is a useless and unnecessary project. It would be bad enough to pay triple price for something you need, but these files are so rarely touched no mass imaging serves any purpose. It serves a purpose by pushing money in a circle through a circle of friends and accomplices. Rose Harr made the statement she needed to defend her contract from Scott Ellis to another company they tried to use to scam the public (too honest, they refused) and they found their way by having the Clerk borrow the money for them.

#### 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.

[View my complete profile](#)

Too bad for Hewlett Packard, they may already know they have been left holding the bag.

Reply



Anonymous December 12, 2012 at 2:34 AM

Charles, I can fully support Scott's contention that this is a wasteful, unnecessary make-work project that arose ONLY to facilitate the scam. I have used the Clerk's records in my work on a daily basis for decades. Since the land records from '80 forward have been on-line, I have never once needed a doc older than that (14+ yrs?). Should I ever require such an old doc, I would consider this archival research and understand that retrieving it may take more time and effort.

What we never got the numbers on:

1. How many requests does the Clerk get each year for these old documents and how much Clerk's time is spent responding to them.
2. How many total documents are there to be scanned?

Answers to these questions would have exposed this scam for what it is - hardly a 'noble' project.

Reply



Anonymous December 12, 2012 at 3:04 AM

To my previous post I can add this:

I can state with 99% certainty that no other county in FLA has spent \$\$ to digitize their ancient documents.

This from the first County Clerk record search I checked - Dade

"The Miami-Dade County Clerk's Office is making every effort to serve the public in an efficient, professional and courteous manner. Most recorded documents from 1974 to the present are available online at County Recorder's Official Record Search with older documents available from microfilm at our library located at Courthouse East."

Old records on Microfilm is good enough for Dade, but not little ol' Brevard?

Reply



Anonymous December 12, 2012 at 5:40 AM

You are all making this more complex than it really is. The first mistake is your applying logic trying to identify a need and then applying a solution. This whole project had nothing to do with improving a process. This is all about money and a quick hit.

Here is the history:

- 1 - Rose moved to Florida and needed to make money. She has no product and a big commitment to hire a lot of people in order to get the incentives Blueware committed to.
- 2 - Matt meets Rose and they both need each other. Matt needs a big payday and Rose needs the money - see 1 above.
- 3 - Matt and Mitch are buddies. Matt can make a deal happen but needs to find something that somehow meets what Rose's company with no product does. Medical Records - Court Records, OK that's close enough.
- 4 - Matt writes some specifications, gives to Mitch he posts them, Rose responds with Matt authoring a response to his questions and Mitch awards the deal to Rose.
- 5 - Matt gets paid \$90,000 for bringing the deal in and then gets hired by Rose. Life is good but Mitch loses election.
- 6 - Rose needs to make sure she still gets the money. She tries to find a company to loan the county the money now so she can get paid. If she waits five years when the work is actually done it will be cancelled by someone not in the fix. IBM says no, HP says yes. HP does not know all the history.
- 7 - Rose gets the money and spends or hides it all.
- 8 - Result = County is out the money, HP is left holding the bag and Matt, Rose, and Mitch are laughing all the way to the bank.

Accomplices to the scheme - Jennifer the make believe sales executive and Debbie the party planner.

Not that complicated.

Reply

Replies



scott ellis December 12, 2012 at 7:27 AM

I agree, Rose did not even have the rock for rock soup. However, I believe Matt & Mitch & Associates have taken in far more than \$90,000. Given how horrible the HP deal in unlawfully loaning money to the Clerk I'd give the money trail a few hound dog sniffs towards Hewlett Packard. Just as when something is too good to be true it is not, when something is too stupid to be true it also probably is not.  
Blueware/HP = Sarno Landfill/County Government. Both made \$6 million in one day producing nothing. Neither will ever be used.



Anonymous December 12, 2012 at 7:48 AM

The \$90,000 was the first installment. The day the county wrote a check to Rose for

\$500,000 she wrote a check to Matt for \$90,000. That was payment number one with moer to follow. Another part of the deal was she hired him as VP for BlueGem, paid him \$200,000 plus commissions for future jobs and passed jobs. He needed to get on the payroll as soon as possible to pay for his medical bills that were adding up.



scott ellis December 12, 2012 at 8:03 AM

Yes, and other payments of \$10,000 and \$30,000. On top of those were the \$5,000/\$10,000 monthly payments to Eligere, the corporate lobbying firm he ran. I would also bet a large chunk of the \$5.7 million has disappeared overseas. The funny item in the HP loan was the \$200,000 for Brunswick Corporation. Rose had wanted to buy a fancy boat, perhaps HP via the Clerk has now paid for it?



Neal December 12, 2012 at 8:46 PM

Wow, you might have something there. I got side tracked with the Bowling Ball silliness, but I recall now that Brunswick owns a boat builder. Too funny!

Reply



Anonymous December 12, 2012 at 5:58 AM

The funny part is the folks at Blueware think everyone is upset because the scanning is not done yet. So they are keeping a low profile trying to get it all completed as quickly as possible. Then in January they will pop their head out of their hole and say - Look we have 1.5 million documents scanned already.

The only problem is they are so naive they do not realize the reason people are upset is because we paid 3 times as much for a useless fixed project that never should have been awarded to anyone in the first place. All the hiding and avoiding answering questions can never change that fact.

Scott you also don't know they are using proprietary methods to scan the documents that you need their software to read the document. So when you fire them, any documents they have scanned you are going to have to pay them again to convert them into a readable format for any generic program out there.

That is how they made money over the last 18 months. All their old clients have been paying them the hostage fee to get their data back.

Reply



scott ellis December 12, 2012 at 7:13 AM

There will never be 1.5 million images in the next four weeks. The photos from the press release are a Potemkin Operation. Live files which had already been scanned were shipped down for the photo-op for the press release. HP should have followed up with me when I contacted them a month ago, they would have had a better chance at recovering some of their money. I will say all damage wrought on this office since the election is due to the failure of those in power (and I am not talking FDLE) to have had the crooked rats removed back in September.

Reply



Anonymous December 12, 2012 at 7:44 AM

What photos? What press release? Is it on the web?

Reply



scott ellis December 12, 2012 at 8:14 AM

Charles has it as a .pdf. He graciously sent it to me. I am sure if you email BrevardTimes@gmail.com you can get it. It would be better if they have the time to post it, laughable, a pure Potemkin set-up. It is like the thieves on Wall Street skinning us alive and saying what a wonderful thing TARP is for the whole country.

Reply



scott ellis December 12, 2012 at 8:15 AM

Or e-mail me if you'd like, sellis@spacey.net.

Reply



Anonymous December 12, 2012 at 8:56 AM

I have read the press release and I am not really sure what they are proud of after reading the statements.

This digitization of records will enable everyone who desires to access public records to be able to do so from any computer anywhere by the year 2017 - I can monitor my whole house and access my home computer from my smart phone today. They are bragging about a capability that they will have in 2017. We paid \$8 million I want something today not in 5 years from now.

Reply

Replies



scott ellis December 12, 2012 at 10:43 AM

The Clerk's records are already online for the last decade. When was the last time you needed to see a case from 1993? Even worse, the Blueware plan is to do far more destruction than imaging. So if you really wanted to see that whole case from 1993, many pages will be gone forever.



Anonymous December 12, 2012 at 1:01 PM

And they have experience in destruction of classified records. There is nothing on their web site that indicated that. Let me guess they are subcontracting that part as well.

Reply



Anonymous December 12, 2012 at 6:59 AM

Brevard County is the FIRST in the State of Florida to get digitization underway. I am very proud of both the Clerk's employees and BlueGem for getting this project up and running so quickly -

Seriously!!! The contract was signed in April of this year and they just began scanning the documents after you have already paid them millions of dollars and you are proud of them for getting things up so quickly. What were they doing for the past 9 months???

Reply



Anonymous December 12, 2012 at 9:07 AM

After lengthy negotiations that have spanned months, the contract for digitization of Brevard County's citizens' private and public records was awarded to BlueGem Technologies -

I thought the specs were written by Matt, and then Matt responded to his own specs on behalf BlueWhere and then Mitch approved them and the contract was awarded. The whole process took three days. And from what I have read of the contract and specifications there is not a lot of details - we will give you \$8 million and have the records scanned by 2017. No milestones, no checks and balances, no requirements.

Oh yeah you had a bunch of make believe meetings in the Holiday Inn Express where Rose stood in front of the room pretending she was doing discovery for what the county needed and wanted with a whole bunch of fifth grade sticky notes. the contract was already written and signed at that point this was a dog and pony show for the employees to pretend it was some serious negotiations.

Not really sure where the law allows the winner of the contract to be the one identifying the specifications of the contracts with the employees. Shouldn't the specifications already be defined and then we ask the contractor to meet those needs. I would think the contractor would leave out the stuff they find in discovery that would be hard to do or expensive and take the low hanging fruit.

Reply



Anonymous December 12, 2012 at 10:27 AM

Can't wait for Karma to come and get Mitch and all of his associates for ripping off the taxpayers of Brevard County!!! Scott had said ALL along...Mitch is bad business. Boy was he right!!!!

Reply



Paul December 12, 2012 at 11:26 AM

Hey folks ...you do know that the Clerk's Office already has 11 High-speed Canon 9050 scanners and in reality had NO NEED to Outsource the project in the 1st place. If the Clerk's Office was setup to index in a more efficient way they could internally scan 2 million images a month

Reply



Anonymous December 12, 2012 at 1:31 PM

So the Clerk's office had more equipment the day they signed the contract to scan documents than the company they signed the contract with.

Do you think a program to setup an index system cost more than \$8 million?

And you ask why everyone is so mad....

Reply



Anonymous December 12, 2012 at 2:10 PM

Anon 5:58 said: ...So when you fire them, any documents they have scanned you are going to have to pay them again to convert them into a readable format for any generic program out there.

- An additional criminal charge of Theft of Gov Property?

Anon 1:01 said: And they have experience in destruction of classified records?  
-An additional criminal charge of Destruction of Govt Property?

Reply



Anonymous December 12, 2012 at 3:11 PM

Great to know we have all this scanning equip while the process of scanning the most RECENT daily records has ground to a screeching halt this month.

I'm now waiting on court case docs filed in early Nov to be viewable, that have for the past 5 yrs, been viewable within 5+ days of filing. Yes, great progress.

Too bad we couldn't have gotten an INJUNCTION against screwing up all that was humming along just fine pre election!

Reply



Anonymous December 12, 2012 at 9:10 PM

But if Mitch didn't lay off all the staff that were doing the scanning already how was he going to justify a scanning project and pay Rose all the money - stop using logic!!!

Reply



Anonymous December 14, 2012 at 7:15 AM

Sad to say.....us Floridians are easy pray for the Chunky Tiger....

Reply



Anonymous December 19, 2012 at 7:32 AM

I see Blueware has conned some people to joining their "sales team". Good luck selling a non-existent product. Lets see: The product is not finished, there is no user manual, there is no defined installation process or project plan, there is no installation team, the list goes on and on. Yeah, a recipe for success.

Don't you people do your research on a company before joining them? You will make no money, be told by Matt Raab that he just cannot get an update/conversion done inside 6 months for your angry soon to be former customers, and you will be subjected to Rose's stupid ramblings about following her 23 steps to a sale. A bit of advice: Be sure you send out that Cup and Packet. I am sure getting a coffee cup and some tea will guarantee you get the sale.

I guess the job market is still so tough that people will work for a corrupt company run by a psycho nut job. My guess is they do not last 3 months..and that is being generous.

Reply



Anonymous December 27, 2012 at 6:03 PM

I worked at Blueware about 8 months ago - in sales. They kept promising the product was coming but in the meantime just keep selling to the customers I was told. I could never get a release schedule or what particular modules actually made the product.

When the sales were not coming - because people do not buy vaporware - Rose blamed me for not following her patented 23 steps to a sale. These 23 steps is her excuse to use on her team when things fail. If it was so successful don't you think others would be using the 23 steps.

And yes I was eventually fired because I did not send the coffee mug to my potential customer and she blamed the no-sale because I forgot that important step.

In the end it was the greatest day in my life to get away from her and her family who are all a little warped.

Let me tell you a secret - there is no product, she has no idea what she is doing and she blames everyone else. If you are a man she will hate you the moment she meets you.

Reply



Anonymous December 27, 2012 at 6:09 PM

I just looked at their web site and under leadership team, why do they have a picture of people who no longer work there. Answer - no one else is willing to have their picture put up there.

The other interesting notation is she envisions Blueware leading the future of electronic health records. Here is the sad part of that diluted statement. There is this little thing called Meaningful Use - what it means is if the federal government certifies your product in the electronic health record arena they will pay people to use it. Like a rebate for your purchase. This Blueware software that Rose envisions for leading the future is not Meaningful Use certified, never has been and never will be. I am pretty sure if someone has an option between using vaporware with a dwindling user base and not reimbursable and any other product out there, they are probably going to chose any other product out there.

Her and her daughter need to stop making global statements that are not true and make no sense. Here is a New Year's resolution for you - try telling the truth just for one day.



Reply



Anonymous December 26, 2012 at 10:52 AM

Here is an absolutely hilarious comment by Rose. What a JOKE. Here is the url for the post:

<http://www.healthinformaticsforum.com/profile/RoseHarr>

Rose Harr commented on Chris Paton's blog post "Robot and Frank": The Future of Home Healthcare Robots?

"Dear Mr. Paton and my friend David, Thank you for this ! The video is wonderful. I will use it for my company meeting if you dont mind. We are working in Robots also with Artificial Intelligence. Thanks for inspiring us. Rose Harr"

Seriously??? Rose and Blueware are developing robots with artificial intelligence? They cannot even finish a software program. To envision her company as a developer of robots and artificial intelligence shows how delusional she really is.

Reply



Anonymous December 26, 2012 at 2:44 PM

How many years can she use that picture? It was a glam shot she had taken 10 years ago. I think it is time to get a new shot. No one will take you seriously in the tech field when you look like you are modeling for JC Penney. I think Ellen DeGeneres is using this same pose. Take some of the money you recently taken and get new photos.

Reply



Anonymous January 3, 2013 at 6:35 AM

It is the new year. Scott...when will the contract be cancelled and the legal proceedings begin?

Reply



Anonymous January 4, 2013 at 11:38 AM

Shoot, I'm just waiting for the office to be functional and up and running again in his first few weeks. The clerk services have all but ceased to exist at this point!

Needelman - the biggest loser/jerk/crook to ever have held an office in this County - hands down!!!

Reply



Anonymous January 9, 2013 at 10:00 AM

Scanning images and shredding, who cares? This is only part of the obligation, the easiest and cheapest part. The REDACTION process is the most critical component and most needed service for any of the scanning (regardless of who does it) to be of any value to the Clerk's office and citizens.

Reply

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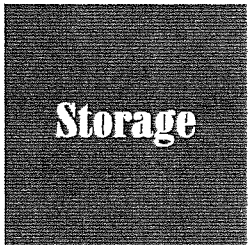
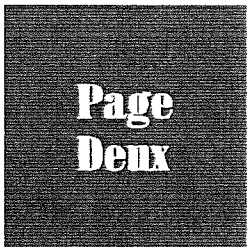
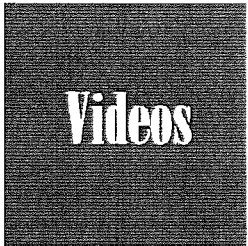
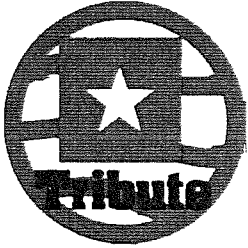


Exhibit C

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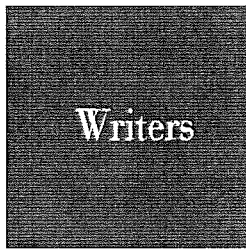
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## County Commission Lack of Oversight Allows Clerk Finance Fiasco

Despite repeated warning to the County Manager and the Board on the critical changes created by the new Clerk in County Finance, nothing was ever done to demand an accounting of the Clerk was being spent. Now more than a year after the changes, the County's Comprehensive Annual Financial Report (CAFR) limped home under the wire, the exter likewise do the same by June 30th, and the Board's own Internal Audit contractors have noted numerous yellow and red flags in the operation of County Finance.

The Board budgeted over \$600,000 in 'contracted labor' for the Clerk out of the \$2.1 million appropriation with no idea what the money was paying for. Despite seeing numerous te outsourcing in County Finance in 2011, 100% funded by the Board, never was the alleged 'savings' demanded back by the Commissioners. I have included an e-mail exchange bet County Manager, which I know he had copied the Board and the new Clerk, in early 2011. I have included the link to the Internal Audit report (the link reads better than the paragra County Commission meeting in April, 2011, where I again raised the issue the Board had no idea what they were paying for.

In the same meeting, Mr. Needelman offered to look at Commissioner Fisher's offer to allow him to unload County Finance to the Board. You'll have the minutes and the link to the vehement objections and the new Clerk's willingness to go along to get along.

Please note highlighting is mine.

Scott

Paid political advertisement, paid for and approved by Scott Ellis, Republican for Clerk of the Courts

-----Original Message-----

From: scott ellis[sellis@spacey.net]  
 Sent: Friday, February 11, 2011 6:00 PM  
 To: sellis@spacey.net; Infantini, Trudie; Tipton, Howard  
 Subject: RE: Clerk's Finance and County funded County Finance

I wish you well, Howard. You are paying for four positions now gone to the tune of about \$300,000. Where do you think those funds are going, and if unspent, do you expect to get Clerk's Finance did not have four spare people. They had none. Perhaps one accountant could have been moved over, not four or five.

Good luck on checking the time cards.

I'm requesting the cost centers under FS 119. I'll also be requesting time cards as this progresses.

See if you can find another county with a Clerk's Office of more than 400 people working off the detailed equivalent of DOD time cards.

You can forward anything you choose of mine to Mr. Needelman. At least you cannot be fired for communicating with me.

Scott

----- Original Message -----

From: "Tipton, Howard"  
 Date: Fri, 11 Feb 2011 17:08:09 -0500

Hi Commissioner,

While it is a different way of operating to be sure, it is a common practice in smaller Clerk's Offices. There is nothing prohibiting the combination of duties that I'm aware of as long as resources) is accounted for. They will need to make sure that they are properly accounting for time spent on the court and county side. Funds cannot be comingled. It is simply a time properly paying the amounts from the right funding sources. I asked Alphonso to check with FLCCOC which confirmed my thoughts. It is also true that in Orange things were segreg there was a separately elected Comptroller who handled the Board finances.

Wanting to be sure we're all on the same page with the changes in place, Stockton arranged a meeting this past Monday with the Clerk, his new Finance person, Alphonso, Stockton meeting and we shared appropriate Board and Administrative policies and our contact information if there were any questions. As we know, their success is our success and it was g with Mr. Needelman as I didn't know him prior to his election.

Filing 7651630

www.spacecoastconservative.com/se/scott4.htm

STATE VS NEEDELMAN MITCHELL

05-2013-CF-064037-AXXX-XX

3/7

I will make sure the Clerk and his team are aware of the need to account for things appropriately and will suggest to him that he may wish to check with other Clerk's who have come he is following the proper reporting requirements. Certainly if there are operational issues that become apparent, our team will bring them up to the Clerk. So far I'm not aware of any questions about his plans, if it is ok with you I'll just forward those questions to the Clerk and let him respond.

Howard

Howard N. Tipton  
Brevard County Manager

-----Original Message-----

From: scott ellis [mailto:sellis@spacey.net]  
Sent: Thursday, February 10, 2011 5:22 PM  
To: Tipton, Howard; Infantini, Trudie  
Subject: Clerk's Finance and County funded County Finance

There should be no job sharing, we always kept the duties clearly delineated. I'm sure Howard will tell you they did the same in Orange County. The State through Article V pays for pay for County Finance.

When I asked to have only a 10% cut it for Finance personnel for the County side, there was no mixing of funds.

It is critical you all figure out how he thinks he can run County Finance with his changes.

Good luck, Scott

[Audit Executive Summary Report 4/18/2012](#)

#### Executive Summary

During fiscal year 2011, the County experienced significant turnover in key positions of the Finance Department including the CFO, Assistant Controller, Accounts Payable Supervisor institutional knowledge. We noted issues around timeliness and review of cash account reconciliations, and remittance of unclaimed property during the Timekeeping and Payroll audit. These issues and the turnover in the Finance department were considered in our risk assessment. The primary purpose of this cycle audit is to assess the timeliness, completeness, and cash account reconciliations during fiscal year 2012. This cycle audit includes testing for compliance with the Clerk of Courts General Accounting Procedures Manual Section 6.A rec timeframe requirement. This report covers the first four months of fiscal year 2012, October 2011 through January 2012. Testing for this cycle audit of cash reconciliations took place second cycle audit of cash reconciliations will be issued to the Audit Committee later in 2012.

Each issue is assigned a relative risk factor. Relative risk is an evaluation of the severity of the concern and the potential impact on operations. Items rated as "High" risk are considered concern and could cause significant operational issues if not addressed. Items rated as "Moderate" risk may also cause operational issues and do not require immediate attention, but soon as possible. Items rated as "Low" risk could escalate into operational issues, but can be addressed through the normal course of conducting business. The following is a high level issues identified during our cycle audit of cash reconciliations. The details of these issues are included within this report.

1. Timeliness of Cash Reconciliation Preparation and Review: Clerk of Courts Finance General Accounting Procedures Manual Section 6.A states "Reconciliation is to be performed within 30 days after the close of the month." Of the 4 selected months of bank reconciliations reviewed, we noted the following:

- The October 2011 cash reconciliation was not prepared until 1/7/2012, and not reviewed until 3/22/2012.
- The November 2011 cash reconciliation was not prepared until 3/19/2012, and not reviewed until 3/22/2012.
- The December 2011 cash reconciliation was not prepared until 3/22/2012, and not reviewed until 3/22/2012.
- The January 2012 cash reconciliation was not prepared as of our audit fieldwork dates.

Reconciliations quickly identify errors and needed corrections. If reconciliations are performed infrequently, errors and adjustments can go undetected, resulting in the need for significant reconciliations are performed. Any reconciling differences should be corrected before the books are closed for the month end.

2. Transactions Identified but not Recorded - Through our review of the monthly cash reconciliations, we noted "unrecorded deposits," "unrecorded debits," and "transactions record. Although these transactions were identified by Accounting they required further documentation/investigation to book the transaction into the General Ledger. All of these amounts represent that occurred and posted to the bank in the month reconciled, but were not posted in the general ledger until after the month closed. The general ledger cash balance was not adjusted during the month. In some cases, the delay in posting was up to four months.

3. Unclaimed Property: Florida Statute Section 717.113, states the following rule for unclaimed property held by governments: "All intangible property held for the owner by any county governmental subdivision or agency, public corporation, or public authority that has not been claimed by the owner for more than one year after it became payable or distributable is § 1 noted 19 outstanding checks that had not yet been remitted to the state, totaling \$3,837.53.

Holders of unclaimed property can be subject to fines and interest penalties if the unclaimed property report and remittance are not submitted by the due date.

4. Petty Cash Checking Account Use and Reconciliation: County Administrative Order 22, Petty Cash and Change Funds, includes the following guidelines for the handling of petty cash. Controller shall review the frequency of requests for reimbursement to see if there is a need to increase or decrease the fund. Request for reimbursement should be on a regular basis the fiscal year. If fund is no longer used, it should be turned in." Two departments' petty cash fund checking accounts were replenished only once during 2010 and 2011, and appear

feel free to watch the entire agenda item for a full flavor of how we are being sold out. Below is the verbatim.

Commissioner Fisher begins about 1:25

Commissioner Fisher begins again about 1:41

Scott Ellis begins about 2:08

(1) Chairman Fisher advised his concern is, because he keeps hearing about the shortfall, he feels bad for Mr. Needelman's organization having all these shortfalls; and advised the Clerk to bring those functions back if that is something that Mr. Needelman could research and study for the County. Mr. Needelman stated he thinks if it is researched, there could be some kind of satisfactory.

(2) Chairman Fisher stated one of the things that he thinks is important for the public to understand is that the reason he is asking for those services to be brought back in-house, is that he has to allow the Clerk to provide those services to the Board; the Board cannot demand for the Clerk to bring it back in-house, it is a request; it has to be released back to do that; the public understands that, but the Board would have to go back and do a Charter change; and the Board is respectfully asking Mr. Needelman to consider that.

Mr. Needelman stated there is nothing wrong with sitting down and looking at what options can be done in which to save money for the taxpayers; he has absolutely no problem with as he meets his constitutional and statutory requirements; and he thinks it should be done in open dialogue, to see what services can be rendered in such a way to pass on savings.

(3) Scott Ellis stated he has listened to the comments, he has read the Agenda Item, and he is present today to warn the Board to be very careful with what it is doing with laws of unit and not make any irrational reactions to an irrational action. He advised he heard Chairman Fisher's comment about the Board taking over County Finance and Clerk to the Board; it check and balance under the State Constitution, and a Charter amendment would have to be done to do so; and he is surprised that a Clerk would actually agree to that, because quite that those functions be separate from the Board.

Chairman Fisher stated Mr. Needelman could agree to it, though, correct. Mr. Ellis advised he would never agree to it. Chairman Fisher felt he knows Mr. Ellis, would not agree to it over those functions. Mr. Ellis stated the Board would have to do it by Charter amendment; it would have to go by referendum; and it cannot just simply take those functions over. Clerk knows the Board cannot take them over, but if Mr. Needelman wanted to offer it to the Board, he could. Mr. Ellis advised he cannot do so. Chairman Fisher inquired if Mr. Ellis is so responded he is absolutely positive; Attorney Knox would tell the Board the same thing; the Board will have to go to Charter amendment; and he inquired if he is correct.

Chairman Fisher inquired if the Board could take over those services, if he turned it over to the Board. Attorney Knox responded it certainly could be done by Charter amendment; it could be done by interlocal agreement.

Mr. Ellis inquired if the State Constitution could be undone and it be done by interlocal agreement.

Attorney Knox responded the Constitution does not tell Mr. Needelman how to run his office; and if he can outsource to a private company, he may be able to do so by interlocal agreement.

Mr. Ellis stated those employees are still under his control, which is another legal issue, that they are not allowed to talk about.

Attorney Knox stated that is a different issue.

Mr. Ellis stated the fact is, the Board cannot; it is no different if the Board took over the Property Appraiser and he let the Board decide the value of properties; it can only affect the Clerk so that if \$200,000 were taken, it can only come out of County Finance and Clerk to the Board; it is half way through the fiscal year and it is equivalent to taking \$400,000 from Clerk County Finance, that is the only place the Board can take the money; and stated he is not sure if the State money can be given to the Board for this. He stated he is going down the line talking about that do not make sense to him because it is trying to react in an environment that it should not be in, in the first place; the Board cannot take the functions; it can only take what is done; and there could be another problem if the Board starts splitting off the retirees, because if it is going to do it for the Clerk, it will need to do it for every other Constitutional Officer separated because it is not going to be able to just separate the Clerk. He stated regarding the \$200,000 Mr. Needelman owes the County, he hates to tell the Board, but he agreed to it; he thinks he does not owe the County one nickel; he reiterated he has argued this with the Board for years and years; every Commissioner has heard his arguments here that the bill, should only bill for active duty insurance cost to those people that are active duty; it should not be including the retiree subsidy in that billing; it should not be billing for people that do not take it; if it billed properly, it would not matter how many people who came or went, it would have no impact on the County's, and it has set itself up for that. He stated he can remember one time when Commissioner Bofin asked staff why there are billings for people who do not take the insurance; Commissioner Infantini is a CPA, Commissioner Anderson has done finance; why done, it has to try and do proper cost accounting because it is not proper cost accounting to charge those retirees to the active duty people and to bill the people that do not take it; a not change it here, it cost 20-some people their jobs because it refused to change it. He stressed the Board really needed to step back and look at this situation and the proper thing to do is to have proper accounting on the insurance to charge based on how many people take that insurance. He stated he can tell the Board when he left office there was \$300,000 carry forward, there was a Reserve Fund, \$600,000 dropped out of the sky on an old legal settlement; if the Clerk takes the 18 to 20 percent cut in the fourth quarter, which is Senator Alexander's bill, that is a nothing been done since the first of the year, there was plenty of money to cover all those problems; the Board expenses do not fluctuate on a day-to-day basis; that is the most stable part of the Board, which is the most absolutely stable part of the entire office; when the Board money comes in, it pays for a certain number of employees who are fully-funded, and when the money is too less, the Clerk can come back to the Board in the following fiscal year; there have been times when more people were wanted in Clerk to the Board; there are times when SAP has reduced the number of people in Finance; but that is the most stable function in the entire office. He stated he does not know about the audit; he does not want to get into the audit issue; he has every right to demand to know where its money has been spent this year; when he came to the Board last year, at budget time, he told the Board, if it gives the Clerk this much money, it would pay for by position, such as Fund Accounts, Accounts Payable, Supervisors, and Clerk to the Board; the Board has the right to know where its money had been spent year-over-year; projected to be spent until the end of the fiscal year; and he knows Mr. Jefferson has done something dealing with the State side, which is a morass if the Board gets into that; and he has a strong handle on where its Board money is going to today, what has been spent to date, where it is being spent, and where it is projected to be spent.

From August 2008 .....

Wolf Endorses Sheep for Watchdog

Mr. Needelman has proudly sent forth an 'exciting' endorsement of his campaign for the Clerk of Court by former County Manager Tom Jenkins. There's a little bit there about Mr. Needelman is what I consider a RINGING endorsement of Scott Ellis!

Scott Ellis, according to Mr. Jenkins, "has had a dismal record as Clerk of Court and has been a negative, disruptive force in County Government." With a County Government that has increased property taxes during my term my only regret is I could not have been more disruptive. During my one hitch as Clerk with Mr. Jenkins the County can point approvingly to having the Clerk's Office had to carry the ball, a \$73 million parks bond issue which was SUPPOSED to pay for all of the parks became a complete fiasco, resulting in the County passing to add another \$83 million in the forlorn effort of still trying to finish the job. During the hurricanes Mr. Jenkins proffered up a \$1 million contract deal for a friendly firm to watch the parks.

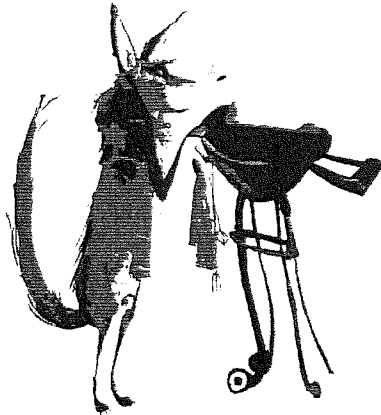
people who picked up the hurricane debris. Since Mr. Jenkins left to become Chief Jenkins with the BCSO the Clerk's Office has continued to battle against millions of lost dollars or more wastefully irresponsible spending year after year.

As for the supposed dismal record as Clerk of Court, Mr. Jenkins knows full well after my predecessor crashed the office the County had to front the Clerk's Office \$600,000 to fix (we repaid) and had a near total collapse of the Courts system. When we were able to restore the financial ledger and balance the books after the crash, Mr. Jenkins had our distributor audited by an outside accounting firm which found, disappointingly for him, the money was now correct and being distributed correctly. However, most distressing to Mr. Jenkins during our office was our dogged pursuit of the truth on the Sarno Landfill fiasco, an effort pursued almost completely by myself as Mr. Jenkins had conveniently wiped out the County funding of weeks of my being sworn into office.

The County worked for over a year to sandbag our investigation of the Sarno Landfill until finally the facts became so overwhelming even the Commissioners had to call for an investigation. County Manager, oversaw the rushed 'emergency' purchase of a parcel of land from sellers who literally bought it for \$1 million in the morning and sold it to the County for \$7 million. Confronted with the fiasco, Mr. Jenkins claimed no detailed knowledge of the deals working, yet while in Broward County one of the departments underneath him was solid waste. It almost immediately surplus and lies idle eight years later. As for other gifts that keep on giving, Mr. Jenkins masterminded the County construction of two golf courses (one a sweetheart which still to this day continue to lose over a million dollars a year for the taxpayers).

At our Florida Today interview, Mr. Needelman constantly harped that the Clerk's Office was overdoing the Audit function at the expense of other areas. The Auditors comprise about 450 full-time equivalent employees in the entire office. If FOUR out of 450 is a gross over-focus, I expect we can plan on ZERO if we have a new Watch Dog. I doubt if Mr. Needelman comes into office all 'disruptive' behavior will cease as the old County 'Go along to get along' mantra turns the watchdog function into a sheep roast.

Scott Ellis



And of course, this is a paid political advertisement, paid for and approved by (BOTH of these are approved by) Scott Ellis, Republican, Brevard County Clerk of Courts. I too am providing exciting endorsement.

From: Mitch Needelman [mailto:mitch@mitchforclerk.com]  
Sent: Monday, July 28, 2008 11:50 AM  
To: mitch@mitchforclerk.com  
Subject: Exciting Endorsement from Tom Jenkins

Mitch Needelman for Brevard Clerk of Courts  
2317 South Bignonia Street  
Melbourne, FL 32901  
321-768-7752  
mitchneedelman@earthlink.net  
www.MitchForClerk.com

To my friends, family, and supporters.

With less than thirty days until our election I am proud to forward you this letter from Tom Jenkins. With the support of respected members of the community like Tom, his wife Barb, I am certain that we will bring Positive Results to the Brevard County Clerk's office.

Sincerely,

Mitch Needelman  
Candidate for Brevard County Clerk of the Circuit Court

The upcoming primary election in August includes the elected office of Clerk of Court. Many of you may be receiving early voting ballots now and casting your votes early.

I wanted to make you aware that I am strongly endorsing State Rep. Mitch Needleman for the position of Clerk of Court. He is running against incumbent Scott Ellis. As County Ma worked with Scott for many years. He has had a dismal record as Clerk of Court and has been a negative, disruptive force in County Government. Mitch Needleman will bring respo office, and improve coordination within the Criminal Justice system.

Because this race is an open primary, Republicans, Democrats, and Independents can all vote in this primary race. Please share this information with your friends and neighbors.

Tom Jenkins

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Paid political advertisement. Paid for and approved by Scott Ellis, Republican, Brevard County Clerk of Courts.

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For the idiots out there who will make a fuss because they're too stupid to think it through: This is a paid political advertisement. Paid for and approved by Linda McKinney, 6025 Keystone Ave. Port St. John, FL 32927. No Party Affiliation, Phantom Candidate for a Phantom (Does Not Exist: created by obamination's administration: not reality) District in Florida Near You! Now bite me. Morons.

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Remember: Anyone who does not give you a wake-up call when they see you being stupid, self-destructive, or both, just plain doesn't care about you. It's those of us who do wake you up who care.

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## Controversial Brevard County Clerk of Courts steps down

Controversial Brevard County Clerk of Courts steps down

By Rick Wezle Florida Today

Sunday, January 2, 2011

VIERA — After spending 14 years as one of the Space Coast's most colorful — and controversial — political figures, Scott Ellis is returning to his roots to raise crops in Appalachia.

The Charleston, W.Va., native has resigned from his \$139,762-per-year job as Brevard County clerk of courts, two years before the end of his term. His last day was Friday.

The 52-year-old software engineer plans to become a self-coined "snowbilly" by farming in West Virginia and wintering in Eau Gallie. He hopes to secure 30 to 50 suitable acres amid the rugged, forested hills northeast of Charleston, then start growing organic fruits and vegetables by April.

"You'll miss the challenge, and you'll miss the people. But you don't miss some of the politics and things that people do (that) totally fly in the face of any rational decision," Ellis said. "You just want to pull your hair out.

~~"I don't deal well with most other politicians in Brevard County," he said.~~

The outspoken conservative has served as clerk of courts since 2001, when he replaced Randy "Sandy" Crawford. Ellis' replacement is former state Rep. Mitch Needelman, who starts work Monday.

~~Ellis defeated Needelman in a mudslinging match-up in the 2008 Republican primary during that campaign, Ellis likened his opponent to "a blind, toothless hound."~~

In the August primary, Needelman defeated two candidates to succeed Ellis, who had announced his resignation this spring. The former foes met after Labor Day weekend, and Ellis hired Needelman in early November as a \$10-per-hour part-timer to help ease the transition.

"He should be able to hit the ground running," Ellis said.

Needelman called the transition a "godsend." He visited each department and division, assembled what he believes is a strong staff of advisers and spent hours poring over and understanding the budget.

"You put the politics aside and you roll up your sleeves and you go to work as a team," Needelman said, adding as a joke that there was "no blood spill" between the two former political rivals.

"With what he had to work with ... and the issues he had to deal with, he was able to survive," Needelman said of Ellis. "This recession is not over."

Ellis served as county commissioner from 1992-96, lost a Florida Senate bid in 1996 to Patsy Kurth, and flirted last summer with a second Senate run against Thad Altman.

~~During an interview at the Moore Justice Center in Viera, Ellis repeatedly smacked his hand on a table while bashing what he considers governmental "fluff," such as parks and recreation projects and libraries.~~

Throughout his career, Ellis has irritated rivals and energized supporters by zealously railing against the Environmentally Endangered Lands program, pay raises for county workers, the Economic Development Commission of Florida's Space Coast and other topics.



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Comments for

## New clerk of courts cuts costs, staffing

New est first

- 1
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- Last



JackLaBalles wrote:

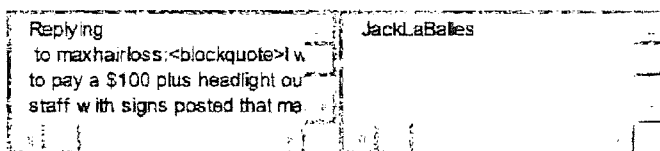
Replying to maxhairloss:

I was in there a couple of weeks ago to pay a \$100 plus headlight out ticket and there was a fraction of the staff with signs posted that many had been laid off. If they were serious about efficiency, you could pay idiotic tickets like these online.

The two \$90k salaries could go toward paying a few more clerks at a lot lower salary and result in better customer service. But it just goes to show you the irony and failed logic of it all: hire two people at a very high salary to "run it like a business"...isn't that government bloat?

We're not intelligent people. Yes sir may I have another. More taxes please and by the way, give yourself a raise.

2/3/2011 6:03:35 AM



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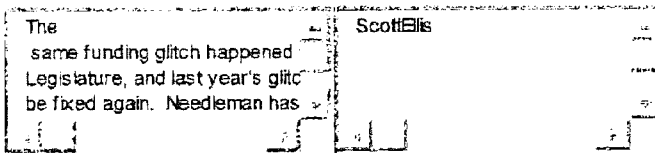
maxhairloss wrote:

I was in there a couple of weeks ago to pay a \$100 plus headlight out ticket and there was a fraction of the staff with signs posted that many had been laid off. If they were serious about efficiency, you could pay idiotic tickets like these online.

ScottEllis wrote:

The same funding glitch happened last year and was covered by the Legislature, and last year's glitch (8% revenue skim by the State) will be fixed again. Needleman has no idea the impact of the layoffs, or his 'mergers', as he has no idea how the office operates. I have never met a man so brimming with unmerited confidence. The entire office has been under a Stalinist purge, similar to having a loaded gun pointed at you by an 80 IQ thug. I am confident many of the mergers will be forced to be undone by external auditors from the County and Tallahassee (real auditors, not paid show trial auditors) as the office cannot pay for courts personnel with the county funding. There will also be a wake-up call with the County Manager when it sinks in the County Finance they depend upon has been crashed. Clerk and County Finance are two very distinct duties and paid for by different monies, one State, the other County. All you have left now is a mashed mess in which neither will function.

2/3/2011 4:11:01 AM

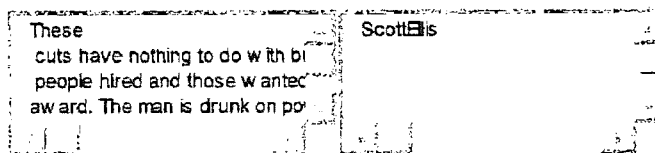


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ScottEllis wrote:

These cuts have nothing to do with budget other than to cover salaries of new people hired and those wanted to hire plus contracts he intends to award. The man is drunk on power. The little toadies can croak in all they want, The 'projected' deficit is a delusion. NOTHING has been sent down from Tallahassee, where Clerk's budgets are set and reset, on reductions other than the \$400,000 coming NEXT year, which had already been reduced this year in preparation. Numerous of the layoffs were political and numerous were outside of the courts budget. I suspect he has combined cost centers which he may not do. This is the most dangerously overconfident man I have ever met and believes math does not apply to him. I had thought he would crash the office by late Summer but he is well ahead of schedule. The FACC is a the political charade for the Clerks providing their boy cover, ask Mr. Long how many other counties have made deep cuts because they think the Legislature won't fix the glitch.

2/3/2011 4:05:49 AM



[Recommend\(3\)](#) [New Post](#) [Reply to this Post](#) [Report Abuse](#)

MislandParent wrote:  
Replying to MrChristi.

Replying to MislandParent:

Replying to ScottEllis:

Sorry partisan Scotty, the problem is with the republican legislature who stripped from the judges the ability to give consequences to frivolous filers. When liberal democrats passed the original law, a judge could assess, or waive, the filing fee depending on who he thought should pay. A Republican legislature passed a law which took from the judge the authority to assess a filing fee against wife beaters. A Republican, Jeb!, signed the bill into law.

Judges can only exercise the power the legislature gives them. Scotty is just another "R" parroting the party line.

Link the Law please and when it was enacted. Prove your facts.

Go to the law library, the staff will show you how to trace a statute through the session laws. You can't link to books, sorry.

2/3/2011 1:50:43 PM

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ScottEllis wrote:

I never looked at politics as a career so ify goal has never been to be a lifetime politician. My resignation created a simple no post election, unfortunately the winner has already crashed the office and is out looking for scapegoats. The December financials show clearly he inherited a \$350K surplus in Courts (preparing for a \$400K cut in July) and a \$300K reserve fund. That was not enough to create positions for all of his political hacks and award contracts as favors. If you want someone who wants to be in a political job for life you should be happy, you have one.

2/3/2011 1:54:57 PM

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hurdtall wrote:

I can't believe that an article about changes being made in the office of the Clerk of Courts has become a soapbox for this icand person - someone who obviously feels that he has been terribly wronged by local judges. Grow up icand - and take responsibility for your choices. YOU chose to marry the person who has treated you so badly - YOU chose to have children with that person. The problems in that relationship are YOURS to solve. Those problems can't be solved by a judge and they certainly can't be solved by people who just want to read the newspaper and find out what is being said about the changes being made by the new clerk. And it has to be said, SCOTT ELLIS, you quit the job. Got over it already. YOU DIDN'T STICK AROUND TO FINISH THE JOB AFTER THE CITIZENS ELECTED YOU. You can't whine now that the job is not being done the way you think it should be done.

2/3/2011 6:32:52 PM

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RockySteady wrote:

Are the 2 guys Needleman hired the ombudsman that he told Bill Mick he would pay out of his paycheck or got them to volunteer? A cut from combined incomes of Burdette and Blackley of \$134,000 to a combined income for the new hires of \$180,000 doesn't look like a savings to me. Needleman's math is SCARY!!! But maybe the physic knows something I don't know.

2/3/2011 6:33:10 PM

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EARib65 wrote:

Office morale? Ha, now there's something funny. Ask anyone making under 95,000/year. Wake up Brevard County. DO NOT VOTE THIS GUY BACK IN.

02/04/2011 3:47:01 PM

Recommend(1) New Post Reply to this Post Report Abuse

DocRavage wrote:

Replying to ScottEllis:

*Management by intimidation style of the day. You know, kind of like you treat hapless boaters in t-shirts and shorts with fishing poles*

Yes, those shorts and fishing guys...look at them. This is Florida..go put on a suit and tie, or a uniform with a shiny badge.

Otherwise you're a low life and the better people such as those working for the Fl. State Troopers, Bailiffs, Cops, State Attorney Greg Elesenmengers of the world and those better than you will arrest you, and do the best they can to intimidate you..

Unless you're a chick and then I hear they flirt with chicks...?

02/04/2011 2:25:01 PM

Recommend New Post Reply to this Post Report Abuse

DocRavage wrote:

Paid to not do his job?

What's new about that?

Then while they do nothing, if you do something, while they do nothing and you make them look bad..duck and run!

02/04/2011 2:19:51 PM

Recommend New Post Reply to this Post Report Abuse

JackLaBelle wrote:

Mitch....You're looking fat and worn down. I think that with my workout program, you could look and feel younger. Think about a juice o matic.

02/04/2011 2:14:01 PM

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ScottEllis wrote:

The projected case filings were not realistic of the work done. Since none of the counties are anywhere near the pie in the sky numbers of the legislature just maybe there was a slight estimating problem?

The Clerk of Courts is supposed to be a check and balance on the County and on the Judiciary, thus it is elected rather than serve at the whim of either other entity. County Finance evaluates expenditures as legal/illegal, in the courts the Clerk handles all the filing materials. Under the new regime all checks and balances are discarded, that has been the deal cut with outside agencies. I will not do my job and you are happy when I do not do my job, the exchange as predicted of lapdog for watchdog. For the employees, however, pure terror is the Management by intimidation style of the day. You know, kind of like you treat hapless boaters in t-shirts and shorts with fishing poles.

02/04/2011 2:01:03 PM

Recommend(1) New Post Reply to this Post Report Abuse

MrChristl wrote:

Replying to MIslandParent:



WEDNESDAY, JANUARY 4, 2012

## Scott Ellis To Run For Clerk of Court Again

VIERA, Fla. -- Former Brevard County Clerk of Court Scott Ellis will run for his old office again. Ellis, who had been this County's Clerk of Court for ten years, decided not to run during the last election in 2010.

Although he had bought a farm in West Virginia after leaving office, Ellis told BrevardTimes.com that he was willing to give up his summers on his farm to challenge current Clerk of Court Mitch Needelman after Needelman made drastic changes to the Clerk of Court's office. Ellis filed his candidacy papers yesterday.

Ellis believes that Needelman has engaged in political cronyism ever since he took office due to Needelman's creation of two chief deputy positions in the Clerk's office salaried at over \$100k each, the hiring of unqualified consultants and additional friends of Needelman placed on the Clerk's payroll, a no-bid contract to outsource a large amount of the Clerk's staff, a no-bid contract for employee health insurance, and a lack of financial auditing of the Clerk's office detailing expenditures.

Needelman made local headlines last year when he fired a large portion of the Clerk of Court's staff, then immediately offered to rehire the fired staff through an outsourcing company. The mass firing resulted in a lawsuit being filed by some of the fired employees against the Clerk's office. The litigation is still pending.

Needelman's outsourcing actions came under fire because he did not let the outsourcing contract go out for a competitive bid. There also remains the question of whether Florida Constitutional employees such as deputy clerks can be outsourced to a private company. Needelman later said that he would let the contract go out to bid by July 2011. However, the contract still has not gone out for a competitive bid nearly a year later. Ironically, Needelman, while a state legislator in 2005, criticized the Florida Department of Juvenile Justice for not using competitive bids for a contract to privatize behavioral treatment of troubled youths.

Needelman stated in a press release dated March 2, 2011 that the outsourcing would save \$896,000 during the first year alone which would bring the total savings made by his office up to \$2 million. Needelman credited his newly created position of Chief Deputy, occupied by Sean Campbell, for the idea.

Ellis questions the \$2 million savings figure because it is not reflected in Needelman's current budget projections.

Ellis also points out that the \$896,000 outsourcing savings were due to cuts in employee benefits and retirements. The reduced funding from the State of Florida to the Clerk of Court's office became a near wash when state employees were required to contribute 3% to the Florida Retirement System last year.

Beyond alleged cronyism and no bid contracts, Ellis is critical of Needelman's management

Filing 7651630

STATE VS NEEDELMAN MITCHELL

Exhibit F

05-2013-CF-064037-AXXX-XX

government.brevardtimes.com/2012/01/scott-ellis-to-run-for-clerk-of-court.html



style. Ellis compares Needelman to Hitler because Needelman drew up a new oath for employees where they pledge their allegiance to Mitch Needelman by name, rather than just benignly to the Clerk of Courts office. Upon taking power in Nazi Germany, Hitler required military personnel to pledge their allegiance to the Fuhrer rather than the state of Germany.

Ellis also points out that Needelman does not use e-mail. Ellis asked rhetorically, "How can you effectively manage an organization as large and geographically dispersed as the Clerk of Court's office without using e-mail?" Ellis had written around 1.5 million emails during his ten year tenure as Clerk. When Ellis had requested copies of his own emails which comprise only seven DVD discs, Needelman's office told Ellis that he would have to pay \$155,000 for the e-mails. The Clerk of Court's office only charged \$1.15 per DVD for a public records request under Ellis.

Mr. Needelman's office issued the following response to Ellis' announced run:

"Mr. Ellis quit as Brevard County's Clerk of Court half way through his third term in the midst of what was discovered to be the worst financial crisis ever faced by any Clerk's office in the State of Florida. Due to legislative changes, Mr. Ellis was unable to continue to borrow money from the Clerk's Trust Fund as he had in past years to cover the Clerk's office financial problems. Faced with potential layoffs and office closures, and nowhere to turn for funding, he chose to abandon his duties, his employees, Brevard County, and its citizens who had loyally supported him for over 10 years, and "retire" out of state. The phrase "cut and run" comes to mind.

Now, after a year of observing Mitch Needelman revamping and restructuring to achieve financial security in the Brevard County Clerk's operations, Mr. Ellis wishes to recoup his self-proclaimed position as Brevard's "watchdog" and continue the facade of being fiscally responsible.

Mr. Ellis' opinion of the current Clerk's operation is just that, his opinion - and has no basis in fact. Since he resigned office Mr. Ellis has relentlessly attempted to interfere with the everyday operation of the Clerk's office from as far away as West Virginia.

Mr. Ellis should focus his efforts on enjoying his retirement and leave conservative fiscal values that are actually practiced and not just talked about to our present Clerk of the Circuit and County Courts, Mitch Needelman, a community leader who has resurrected the Clerk's Office operations and continues to deliver sound and practical conservative leadership."

Following Mr. Needelman's response, Mr. Ellis issue the following reply:

"The Big Lie was shown to be false by Mitch himself. Stupid, Dishonest, and Arrogant are a bad combination.

Let's knock Big Lie Number One, the alleged deficit. It never happened and was just a smoke screen to issue the no-bid labor contract.

<http://www.floridatoday.com/article/20110512/COLUMNISTS0207/105120317/Matt-Reed-Needelman-sticks-court-clerks-privatization-plan-despite-state-bailout>

Once you expose the Big Lie all the other lies fall apart.

Reed still allows Needleman to lie without question.

You have to admire the gall on the final Needleman quote about cradle to grave.

The man was born to two career government employees. Upon high school graduation he became a government employee. He is now about 60 year olds, got two retirements from the State of Florida, and has NEVER been anything but a state employee. He is the LITERAL cradle to grave person."

Mr. Ellis is referring to the following quote in a Florida Today article:

"It's what I always talked about -- smaller government with the best possible service," Needleman said Wednesday. "The days of having a career in government from cradle to grave are over."

<http://www.floridatoday.com/article/20110512/COLUMNISTS0207/105120317/Matt-Reed-Needelman-sticks-court-clerks-privatization-plan-despite-state-bailout>

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# Matt Reed: Grudge match ahead in clerk's race

## Ellis comes out of retirement to fight successor Needelman

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I can't think of two local politicians who despise each other more than former clerk of court Scott Ellis and his successor, Mitch Needelman.

Both are political pitbulls who campaign as mean and obsessively as anyone in Brevard. So angry is Ellis with the way his successor has run the place - and blamed Ellis for leaving a fiscal mess in 2010 - that he has given up life as a part-time farmer and man about town to challenge Needelman in the August Republican primary.

Fortunately for you and me, they'll be arguing over serious issues for the courts, including finances, treatment of court staff and customer service. It's more than just personal.

"The man lied when he got into office about an impossible deficit and used that lie to establish himself as a 'crisis' clerk and create a smoke screen for a slew of terminations, crony hiring and millions of dollars in no-bid contracts," Ellis told me by e-mail Monday. "He has established a literal reign of terror over the employees, crashed the operations and has not saved the taxpayers anything. The whole operation is an evil lie."

Needelman called Ellis a "bitter quitter" Monday. And in a prepared statement released earlier to the Brevard Times website, Needelman vented:

"Mr. Ellis quit as Brevard County's Clerk of Court halfway through his third term in the midst of what was discovered to be the worst financial crisis ever faced by any clerk's office in the state of Florida? Faced with potential layoffs and office closures, and nowhere to turn for funding, he chose to abandon his duties, his employees, Brevard County and its citizens who had loyally supported him for over 10 years. The phrase 'cut and run' comes to mind."

Consumer-mixed conflict

The bitterest dispute between them has centered on whether the



Matt Reed

Matt Reed is Florida Today's editorial page editor and politically independent columnist. His mission: Defend the public interest with honest conclusions based on interviews, documents and data. Reed has worked as a writer and editor since 1991, primarily on investigations and local news. He hosts and produces a weekly interview program on FloridaToday.com and WBCC-TV. Follow him at Facebook.com/MattReedNews or on Twitter @MattReedWrites. • Read more Matt Reed columns

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Exhibit G  
05-2013-CF-064037-AXXX-XX

clerk's office ever faced a \$2.5 million budget deficit that Needelman used to justify the outsourcing of 127 file clerks and cashiers to a private staffing company a month after taking office in January 2011. The workers sued. And, as reported here last May, the Legislature erased the deficit by fully funding state courts through 2012.

Needelman's operation came out \$900,000 ahead on savings from employees' health and retirement benefits. But Needelman stuck to his privatization plan to "recession-proof" the courts, the former state representative told me last May.

On other relevant conflicts:

? Needelman raised the cost of a fix-it traffic ticket from \$14 to \$103, saying state law left him no choice. Ellis says the increase was unnecessary; he had never been questioned or challenged by Tallahassee for charging less.

? Needelman said his "staff sourcing" decision had no effect on service quality for court users, including attorneys, litigants and people who record documents. "We didn't shutter a single window," Needelman has said. (See Ellis' earlier comment about "crashing the operations.")

? Ellis requested copies of all of his past email on DVDs for which he said he would have charged \$1.15 per disk. One of Needelman's lieutenants initially billed Ellis \$155,000 for the 1.5 million emails.

### Early un-retirement

In retrospect, we should have known Ellis wouldn't stay retired long when he announced his departure after 2½ terms in the clerk's office.

"I am retiring from office for the next couple of years," Ellis told us back in May 2010.

Now, nearly two years later, Ellis was updating his campaign email lists and organizing volunteers Monday to gather the signatures he needs to qualify at polling places during the Jan. 31 presidential primary election.

Ellis was best known publicly for auditing and watchdogging the county commissioners from 2000 to 2010. But his health suffered while working 20-hour days and weekends to reorganize operations and cut costs during the recession. Needelman won the special election to succeed him that coincided with the 2010 fall primaries.

"I'm running," Ellis said, blaming the press for not doing a better job of indicting his rival. "The campaign will allow us to air out all the issues in the office that should have been covered but were not."

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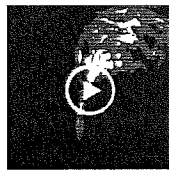
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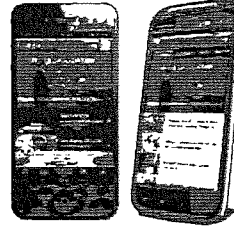
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TUESDAY, FEBRUARY 7, 2012

## Clerk of Court Staffer Endorses Needelman, Ellis Responds

TITUSVILLE, Fla. - Mitch Needelman's Executive Assistant, Renee McGrory, has endorsed Mr. Needelman for the 2012 Brevard County Clerk of Court's race. Needelman's opponent, Scott Ellis, has issued a response to the endorsement. Both of which are published below:

### **MCGRORY ENDORSEMENT:**

Greetings:

Please allow me to introduce you to someone I have a lot of respect for-MITCH NEEDELMAN, Clerk.

During the time that I have worked for the Clerk of Courts, I have had the opportunity to work for three different Clerks; Mr. Crawford, Mr. Ellis, and Mitch Needelman. Each Clerk had a totally different managerial style. While each of them brought something different to the table, Mitch Needelman is the first person I have ever offered to publicly support. All my co-workers have told me over the years that it is not wise to support a candidate when you work for an elected official. The reason for this is that if the person you are supporting does not win, then you will probably be out of a job after the election.

I was the assistant Personnel Director before Mitch Needelman was elected. As much as I loved that job overall, the last four years in that position were difficult ones. Our office faced many budgetary strains. One of my tasks was to process personnel changes that were implemented to reduce the Clerk of Courts budget shortfall in our office. I helped process pay reductions, hour reductions, furloughs, and lay-offs. Almost every time I would deliver the bad news to an employee, they would tell me what impact that change was going to have on them and their families. That was one of the hardest things I have ever had to do. It was heartbreaking every time I met with an employee and explained to them what was happening. It got so bad that each time I would go into an office, employees would avoid making eye contact with me and walk in the opposite direction in case I was there to deliver them bad news.

I was devastated when Mr. Ellis quit in the middle of his term. I could not believe that he was walking out on us (the employees) half way through his term. Many of the staff felt abandoned by him. I am not about to give him a second opportunity to abandon the employees or the citizens again. Mitch Needelman was elected by the citizens of Brevard County as the new Clerk of Courts for 2011-2012. I knew nothing about this man when he won that election. And he was going to be in charge of my future. I was shocked to say the least when the Personnel Director told me she had recommended me for the Executive Assistant position for Mitch Needelman. I was unsure about accepting a position of this nature and working for someone I did not even know. Mitch Needelman spent an entire afternoon with me telling me what his expectations would be and he listened as I told him what my concerns were. I literally tried to convince him not to hire me for the position. I told him I hated politics and did not really want to report directly to the Clerk. But the more time we spent together, a certain calm came over me and the job offer just "felt right". I accepted the offer to work as his executive assistant and have not regretted it one moment. It only took me about three months before I told him that I have never supported any candidates in the past. There comes a time when a person must stand up for what is right. My family and I are honored to openly support Mitch Needelman for Clerk.

Exhibit H

Mitch Needelman is a long time proven champion of fiscal responsibility who believes in reducing the cost of government without compromising service to the people. Mitch is also a community minded individual and with his wife's charity "4 the Kids of Brevard" works diligently to ensure that at risk youths are given an opportunity to be successful in life through music. Mitch and Joannie also assist indigent children and their families to receive presents at Christmas through the same 501C3. In addition to his experience as a public official and his charitable community service, Mitch holds a bachelors in Organizational Management and dual masters degrees: Public Administration and Human Resources.

While many other Clerks offices statewide did have to continue to process pay reductions, hour reductions, furloughs, and layoffs last year, our office did not. Mitch implemented innovative ideas that kept all of our employees secure in their jobs while returning money to the taxpayers. It is an honor to work for him.

#### **ELLIS RESPONSE:**

It's no big deal to write and blow Mitch's horn with a walk on water letter. If asked it would be hard to say no (the offer you cannot refuse) if you are an Administrative Assistant directly to the Clerk. I do know I never asked anyone in the office to prepare anything for me in the race with Mitch Needleman in 2008, and it's a good thing none did else they'd have been terminated with the other alleged politicals in the first wave in January.

Personnel went out to meet the employees when we had layoffs. For pay reductions and reduced hours I did the mass e-mails. But I must say we never had layoffs, furloughs, reduced hours, or pay cuts without everyone being told well ahead of time trouble was coming, finally giving everyone the dates of what actions would be taken, and everyone knew after those dates it was over. The employees knew when layoffs were coming, when they would be, when they would pass. When we had furloughs, the same. When we had pay and hour reductions I was the one who told the employees in the office. I also freely allowed people to transfer within the office and anyone was free to relinquish a position if they simply asked. Mitch in his first month canned about 20 people.

Those layoffs have gone down the memory hole as he and his people continue to tout their alleged savings on the outsourcing kept them from laying people off. NOBODY was told in January the layoffs were coming. During a 2010 forum for Clerk's candidates before the employees Needelman specifically said nobody was being canned and nobody was being brought aboard with him (both proven false the first 30 days). The layoffs (termed reorganization) was then overshadowed by the 140 people being outsourced. The cowardly way 140 people were herded unknowingly into a pen to be outsourced and given 15 minutes to sign up or be unemployed is completely shameful. Employees were not allowed to go home to discuss the issue with their family. Those who refused to sign up for SourceToo were pressured to turn in resignations. They of course did not resign, they were terminated. 140 employees were Pearl Harbored on the Outsourcing without the decency to let people know what was going to happen nor given time to even think about it.

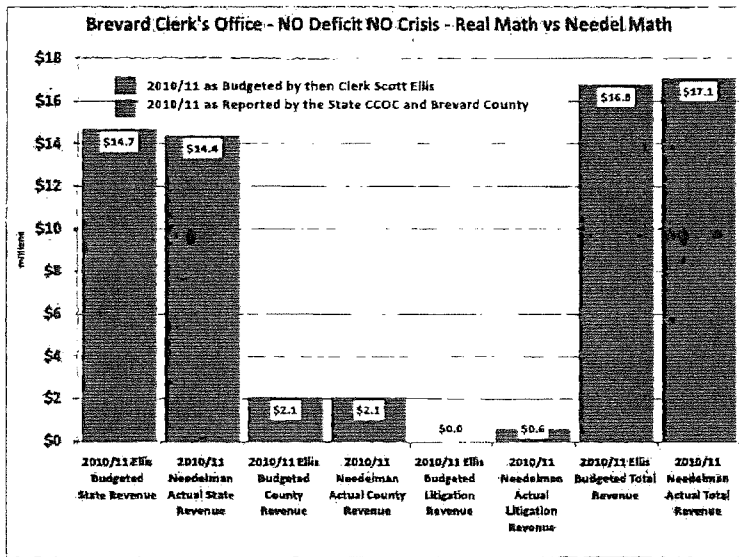
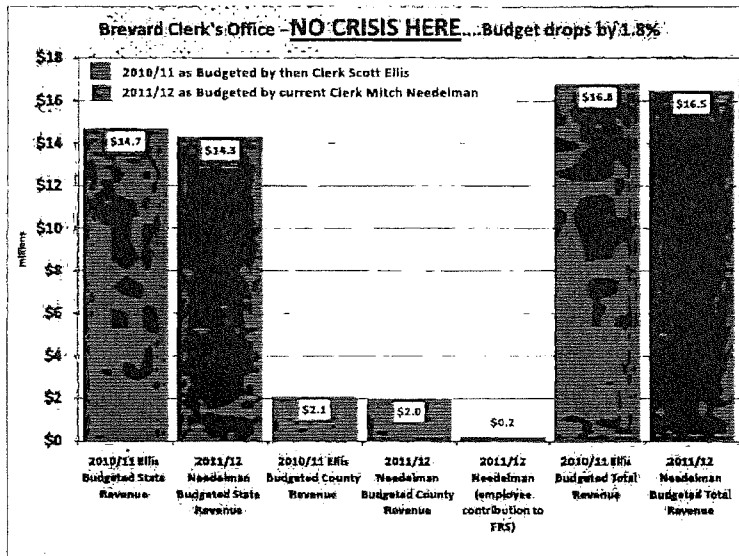
The Outsourcing meeting was scripted and had been rehearsed for a week in Titusville in the Brevard Room. Personnel and Admin knew weeks ahead of time 140 people were being outsourced. I'm not sure how saddened Personnel was dealing with people with a great deal of warning when there was and has been no remorse over terminating 20 with no hint of warning and then a month later herding 140 people into a mandatory Outsourcing meeting where'd they'd



deliberately been given no clue what the meeting was about.

It is unusual when one has intricate knowledge of a shock and awe campaign against your own employees and you're quite proud of the actions taken with no remorse. Evidently this was not one of the hardest things anyone ever had to do. I'm actually (after getting past the initial surprise) happy with the letter because it makes me even more determined in this election. Read the letter again, listen to the Outsourcing Meeting, and for good measure I threw in the graph of the 'deficit' for, as Mitch called it, "worst financial crisis ever faced by any Clerk's Office in the State of Florida".

<http://spacecoastpolitics.com/2011/11/18/audio-from-clerk-of-courts-outsourcing-meeting-just-plain-evil/>



9/16/13

Politics: Clerk of Court Staffer Endorses Needelman, Ellis Responds

Posted by Brevard Times at 10:49 AM

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THURSDAY, FEBRUARY 16, 2012

## Needelman Calls Ellis A Liar In Brevard County Clerk of Courts Debate



BREVARD COUNTY, Florida – The Brevard County Republican Executive Committee hosted the first debate between current Brevard County Clerk of Court Mitch Needelman and former Brevard County Clerk of Court Scott Ellis at the Holiday Inn in Viera.

The hour-long debate was heated at times, where Needelman called Ellis a liar and that Ellis' numbers were in "Fantasyland" while Ellis characterized the environment at the Clerk's office as "evil."

The major issue between the two is whether Ellis left the Clerk's office in the black prior to Needelman taking over. Ellis contended that there wasn't any crisis to justify the extreme changes made to the Clerk's office such as firing and rehiring Clerk employees through a private company. Needelman said that it wasn't outsourcing, but staff sourcing of Clerk employees which was put out to a competitive bid along with health insurance.

According to Needelman, there were three bids for the staff sourcing, and five bids for the health insurance.

The video of the debate can be seen [HERE](#).

Posted by Brevard Times at 8:21 AM

Exhibit I

Monday, June 25, 2012

## Scott Ellis

"It's personal." That's how Scott Ellis describes his race to unseat incumbent Mitch Needelman for Brevard County Clerk of Courts.

Ellis was Clerk from 2000 – 2010, when he resigned due to health reasons. He had beaten Needelman in 2008 by a wide margin. However, when he left office, Needelman ran again and won.

Ellis has been waging a two-front war since his decision to run again for the office he vacated. First, he is campaigning relentlessly on what he describes as "chaos in the Clerk's office." He believes the decision by Needelman to outsource jobs was a created crisis.

"These positions are detailed-oriented jobs. Now workers know they have little chance of getting badged (being hired by the state) so they have a day-labor mentality," Ellis said. "The place is in disarray. My opponent brags about a 25% turnover rate. But that's just not how you treat people."

If elected, Ellis will re-transform the office. "I will wipe out the new layer of management that Mitch has installed – they will be gone. I will also rescind the pay raises that were given."

Secondly, Ellis has been directly engaging his opponent's use of a bidding process called "Invitation-to-Negotiate" as opposed to a more traditional method of "Request-for-Proposal." A bid through an ITN usually takes less time to process than does a bid through an RFP. Ellis calls the ITN process "a sham" because "you only have seven days to present a multi-million dollar bid."

And he has been filing requests for public records at a prolific pace to try and prove that his opponent is practicing cronyism through this process.

"It is, however, tough to pierce the veil," he said. "I don't get it. If you're not doing anything dishonest, why not release the public records? You shouldn't need a legal opinion on this."

And Ellis particularly has his sights set on a contract pending with a firm named Blueware that Needelman is negotiating with to perform digitizing of old court records.

He has requested records for any payments made to Blueware, what account the money is coming from, and the date and purpose of the payment. Ellis believes that a personal friend of his opponent is reaping financial gain from the contract – a digitizing job that Ellis thinks is unneeded in the first place. He

Exhibit J

calls them "kickbacks."

"The whole office is for sale. Everything he touches is corrupt. The whole point is to give Blueware millions of dollars. Digitizing those old records is a waste of time and money.

"Plus, Mitch is now promoting a Blueware device called a digital pen to the Brevard County Sheriff's Office. Why should the Clerk of Courts be promoting a project to another agency?"

Ellis also takes exception to his opponent's characterization of the clerk's office's fiscal situation.

"It's a big lie. Mitch claims he saved the state and county money. How could he 'save' money if he just put it back in for raises for his new managers? That is not a savings."

Ellis describes the campaign as an affair in bullying. "They are accusing me of having frequent blackouts and doing cocaine. I drive all over this county everyday and have not had an accident. Does that sound like someone suffering from blackouts? Plus, I have never drank (alcohol) or smoked. Does that sound like someone with a cocaine problem?"

"If this stuff sticks, I lose. If it doesn't, I win," Ellis added.

In the meantime, all of this has not deterred Ellis in his personal confidence about his ability to do the job again.

"I told someone the other day I wish I could clone me. I could then be in each constitutional office and on the commission and bring some sense and fairness back into our local government."

Posted by Charles Parker at 10:00 AM

MONDAY, JUNE 25, 2012

## Ellis: Taxpayers Foot Bill for Endless Self Promotion of Mr. Needelman

VIERA, Florida – The Brevard County Clerk's Office has been mobilized to fund the re-election efforts of the current Clerk, Mr. Needelman. Numerous uses of Clerk funding and personnel is being done to continue to push the Clerk's name out to the public, often for no reason other than to raise the name recognition.

For example, radio ads ran for weeks on WMMB (and maybe other stations) promoting the Clerk's website and advertising on the website. Rather than have ads paid for by Zephyr Communications, the firm which sells the ads, the taxpayers paid for the radio ads (with some bogus disclaimer about being paid for by 'advertising revenue') steering individuals to first Mr. Needelman, Clerk of the Courts webpage, and second Zephyr Communications, a private company. The taxpayers pay to advertise Mr. Needelman and Zephyr, he gets the name ID and they get the business traffic. Heck of a deal.

Then came the bomb of a meeting inviting law enforcement to view a product of the Clerk's new imaging vendor, Blueware. The Digital Data Pen supposedly would save time for the police if they'd only buy it from Blueware, and wait there's more, the Clerk is hiring a Grants Writer and maybe he can get some free money for the pens. Not much response so far, but not to worry, the project will continue to be pushed by Clerk's personnel, public expense for private profit.

Early in the year the Clerk tried to drag County Commissioners into some publication he was calling an annual report. When I asked how much did the report cost to prepare, print, and then mail, I was told the project was on hold. Since the timing for an annual report would be in March after the County's Annual Financial Report has been completed, evidently this table top magazine will not be back until next January.

By the way, it was to be another freebie, not paid for by taxpayer funds. Since the project went on hold we may have to wait to know who was on the hook for the expenses.

Two large volumes entitled 'Scott Ellis Book of Lies' have been published with voluminous public records included. The Needelman campaign has yet to pay one nickel for any of the office work necessary to collect and assemble these records. While I have been charged hundreds of dollars for slow rolled copies, including the phenomenal \$155,000 for seven CDs with my office e-mails on them, the Needelman campaign gets the full use of public records and Clerk staff to prepare his campaign material.

Lastly is the totally shameless pandering to the jurors. Jurors are being hardcopy mailed and e-mailed a new letter (never done before) pandering to their jury duty. There is NOTHING in the letter in anywhere near the large font of the name 'Mitch Needleman'. The piece is simply more shameless name promotion.

Exhibit K

Although the office is critically shorthanded as operations is starved to save money for large capital contracts, Clerk's employees evidently are preparing and mailing these letters. For those receiving it by e-mail, I have to figure the Clerk is taking down private e-mail addresses and using them as a mailing list, maintained by the staff.

- Scott Ellis

If you would like to submit an editorial to Brevard Times, send your letter to the editor at [brevardtimes@gmail.com](mailto:brevardtimes@gmail.com)

Posted by Brevard Times at 9:09 AM