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July 22, 2024

## Press Release regarding Brevard County Commission Audit

The Brevard County Clerk of the Circuit Court and Comptroller's Office ("clerk's office") has completed its audit of the Brevard County Commission's purchasing card spending. This audit was requested by the Brevard County Commission by a unanimous vote on February 22, 2022. The clerk's office had also been monitoring the spending of the District 2 office for some time due to some of the unusual purchases made by this district and the dollar amounts being just below or at the cap threshold of the purchasing card for a single transaction.

One of the many roles of the clerk's office is to conduct independent audits of expenses and activities within the county related to county funds. Comptrollers ensure county funds have been spent in accordance with the law to promote fiscal accountability within local government. The Clerk of Circuit Court and Comptroller's Office does not have the authority to issue subpoenas for these types of investigations in the State of Florida.

Brevard County Clerk of the Circuit Court and Comptroller, Rachel M. Sadoff, organized a small team from her office to conduct the audit and to ensure a comprehensive review would be completed. Clerk Sadoff and the audit team recognized that an asset inventory would be necessary to properly address all of the objectives of the audit and began their asset review in the afternoon hours shortly following the commission vote on February 22, 2022. The audit team met with either staff and/or commissioners in the District 1 and District 2 offices on February 22, 2022 and continued with their inventory the following day with Districts 3, 4, and 5. During these inventories at each district office, photographs and videos were obtained of the items purchased and the office space where the items were being utilized. The audit team also prepared multiple spreadsheets detailing each district's expenditures, costs, and description of these items. Additionally, an assortment of individuals were interviewed by the audit team to include current county employees, former employees, elected officials, as well as both current and former commissioners as a part of this investigation. Former Commissioner Lober and one of his staff members refused to be interviewed by the audit team. Commissioner Lober did not want to participate in an audit interview but was willing to answer written questions sent to him. Clerk Sadoff did not permit written questions to be sent to Commissioner Lober as it would have treated Commissioner Lober differently than everyone else who was interviewed for the audit.

During this process, it became apparent that many of the expenditures were not consistent with county policy and were considered questionable as to whether some of the District 2 office's transactions were being made for personal or county use. Additionally, suspected improper use of the county's tax-exemption certificate by Commissioner Lober was identified. The audit team recognized that additional investigation was warranted and contacted the Office of the State Attorney for further direction. The 18<sup>th</sup> Judicial Circuit State Attorney, Phil Archer, requested that the audit team contact the Florida Department of Law Enforcement Office of Executive Investigations to request a criminal investigation to be conducted in order for the audit to be completed.

The audit team initially contacted FDLE on November 16, 2022, and the Executive Investigations office immediately assumed the criminal investigation over the District 2 office while the clerk's office audit continued. FDLE submitted their investigation to the State Attorney's Office (Seminole County) for a filing decision for criminal charges against former Commissioner Bryan Lober on May 20, 2024. The

SAO determined that their office was unable to file the applicable charges in this matter and provided their disposition to FDLE on June 28, 2024. It was determined by the State Attorney's Office that FDLE did not provide them the documents necessary within the time limitations to enable the State to file charges against former Commissioner Lober. The clerk's office was notified of the filing decision on July 9, 2024 by FDLE.

The audit team was awaiting information from FDLE concerning the analysis of those accounts in which purchases were made by former Commissioner Lober in order to complete the audit. Both the Clerk and investigators with the audit team contacted FDLE several times over multiple months concerning the length of time it was taking to complete their investigation.

Additionally, the audit team had to return to the District 2 office following the initial inventory to locate assets the District 2 office had purchased. The audit team also learned through their investigation that former Commissioner Lober, being aware of the audit, was donating items he had purchased to the county IT office without notifying the audit team of these donations, thus delaying the inventory of these items.

Certified Public Accountant, Daniel O'Keefe, with the offices of MSL, was also utilized by the audit team during several occasions throughout this audit for an independent review to ensure objectivity and relevance in their findings.

The clerk's office believes that District 2's use of the county purchasing card, specifically by former Commissioner Bryan Lober, was often indiscriminate, wasteful, and not for a legitimate public use. Several items purchased by former Commissioner Lober have not been recovered and continue to be unaccounted for. The audit determined former Commissioner Lober spent over \$9,000 of county funds for items that were never accounted for. Additionally, during many of these transactions, he utilized personal email addresses/accounts that created difficulty to obtain these public records.

The commission audit also provides recommendations to the county commission to further prevent fraud, waste, and abuse by individuals assigned a purchasing card in the future.

We recognize that there will likely be many requests for public records of this audit. My office has created a link for the public to access and download these records on our website, which should be available by the end of today.

As always, thank you for the opportunity to serve along with each of you.

Sincerely,

A handwritten signature in black ink that reads "Rachel M. Sadoff". The signature is written in a cursive, flowing style with a large, prominent initial "R".

Rachel M. Sadoff, CFCC  
Clerk of the Circuit Court  
& Comptroller