# Florida Department of Law Enforcement Case Number: OR-11-0279

Office of Statewide Prosecution Investigative Summary:



Grand Theft (\$20,000 - \$100,000) F.S.S. 812.014(2)(b)(1)

Incident dates: September 20, 2018 through November 15, 2018

> Case Agent: Special Agent Lauren Lamar



James Eric Foglesong

White/Male

DOB: 02/26/1977

SSN: 5949

Eyes: Brown Hair: Brown Height: 6'3"

Weight: Unknown

Florida DL# F

LKA: 102 Whitecaps Circle

Maitland, FL 32751

### Background

Florida Department of Law Enforcement's Special Agent (SA) Lauren Lamar was contacted by Special Agent Supervisor (SAS) Daniel Warren about assistance with a theft case. SAS Warren advised that approximately \$20,000.00 was stolen from a Political Action Committee (PAC) which was formed during John Mina's 2018 election for Orange County Sheriff. The PAC was operated by Chairman James "Eric" Foglesong and Treasurer James "Jim" Kitchens to assist with advertising for the campaign and was called, "Citizens for Safety and Justice" (herein CSJ).

Around October of 2018, one of the PAC's advertisement vendors, Millennium Consulting, distributed Mina election mailers as they were contracted to do. Kitchens was scheduled to be out of town during this time period and asked Foglesong to assist him in ensuring that Millennium Consulting was paid their fees for the job. Kitchens provided Foglesong with two blank signed checks, check number 0099 and 0100, from the PAC's bank account for Foglesong to pay Millennium Consulting. It was later determined that these two checks were made out to Foglesong's wife, Christina Martin. Check number 0099 was written for \$3,000.00 and dated Nov 7, 2018, and check number 0100, was written for \$450.00 on November 15, 2018, for a total of \$3,450.00. Martin has no affiliation with Millennium Consulting.

Foglesong was also the owner of a company called Focus Strategies, which was another one of the PAC's vendors who was hired to provide digital advertising. Focus Strategies provided two bills to the PAC for a total of \$17,000.00 for digital ads created for Mina's campaign; however, Focus Strategies never had a single digital ad created.

As a result of his role within the PAC, Foglesong stole \$20,450.00 from the "Citizens for Safety and Justice" PAC that was created to assist with the 2018 John Mina for Orange County Sheriff campaign.

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Original Appointment	Change of Appointment	SECRETARY OF STATE	
Change of Malling Address	Change of Physical Address		
	Registered Agent and Office	Information	
Name James T, Kitchens		Telephone 321-217-3763	
Street Address		[321-21/-3/63	
999 Juel Street City	State	Zip Code	
Orlando Mailing Address	(FL	32814	
999 Juel Street			
City Orlando	State	Zip Code 32814	
Signature of Registered Agent	g it with the applicable filing officer.	this appointment by executing a written  4/16/18  Date	
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Copy of "Citizens for Safety and Justice" Registered Agent Statement of Appointment

## Focus Strategies Invoices

Foglesong was the owner of a company called Focus Strategies, one of the PAC's vendors that was hired to provide digital advertising for the John Mina for Sheriff campaign. Focus Strategies was contracted with Rougarou Consulting, the company that would actually create the digital advertisements. Focus Strategies provided two invoices to the PAC; one dated September 20, 2018, for \$5,000.00 and one dated October 5, 2018, for \$12,000.00. These two bills totaled \$17,000.00 for digital advertising for CSJ; however, Focus Strategies never created a single digital ad. An interview with Steve Verzwyvelt, owner of Rougarou Consulting, confirmed that Rougarou Consulting never completed a contract with Focus Strategies to complete this job.

A search of Florida's Department of State, Division of Corporations, confirmed Foglesong as Focus Strategies LLC Registered Agent along with him and his wife as the company's managers.

The below invoices from Focus Strategies state, "Digital Ads for ECO". ECO stands for "Election Communication Organizations," which are related to the specific type of limited advertisements the PAC was to create. According to Florida's Department of State, Division of Elections, 2016 ECO handbook, an ECO is, "any group, other than a political party or political committee whose election-related activities are limited to making expenditures for electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee..."



September 20, 2018

Focus Strategies PO Box 947691 Maitland, FL 32794 321-202-4110 Eric foglesong@hotmail.com

Bill To: Citizens for Safety and Justice

Digital Ads for ECO

Total Due:

\$5,000.00

\*Due upon receipt

Copy of actual invoice sent from Focus Strategies to the PAC



October 5, 2018

Focus Strategies PO Box 947691 Maitland, FL 32794 321-202-4110 Eric\_fogleson@hotmail.com

Bill To: Citizens for Safety and Justice

Digital Ads for ECO

Total Due:

\$12,000.00

\*Due upon receipt

Wiring info:

Focus Strategies LLC

5th 3rd Bank

Routing:

042000314

Account Number:

74424211561

Copy of actual invoice sent from Focus Strategies to the PAC

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#### **Detail by Entity Name**

Florida Limited Liability Company FOCUS STRATEGIES LLC

#### Filing Information

Document Number FEI/EIN Number L12000098992

FEI/EIN Number Date Filed 46-0691880 08/01/2012

Effective Date State 08/01/2012 FI

Status Last Event ACTIVE

Last Event

REINSTATEMENT

Event Date Filed

06/20/2018

Principal Address

2241 Gillis Court Maitland, FL 32751

Changed: 06/20/2018

Mailing Address

P.O. BOX 947691

MAITLAND, FL 32794

Registered Agent Name & Address

FOGLESONG, JAMES 2241 Gillis Court

Maitland, FL 32751

Department of State, Division of Corporations records (via SunBiz.com)

## PAC Checks Written Out to Foglesong's Wife

Around October of 2018, one of CSJ's advertisement vendors, Millennium Consulting, distributed Mina election mailers as they were contracted to do. Around this time, Kitchens was scheduled to go out of town and asked Foglesong to assist him in ensuring that Millennium Consulting was paid their fees for the job. Kitchens provided Foglesong two signed blank BB&T checks, check numbers 0099 and 0100, from the PAC's bank account (account # 2093) for Foglesong to pay Millennium Consulting and recent campaign sign wavers.

On November 8, 2018, one of these checks (check #0099, dated November 7, 2018) was made out to Foglesong's wife, "Christina L. Martin," for \$3,000.00 and was deposited into Fifth Third Bank account # 7307. On November 16, 2018, the other check (check #0100, dated November 15, 2018) was made out to "Christina Martin" for \$450.00 and was deposited into the same Fifth Third account. Martin was never a vendor for the PAC and had no reason to receive any funds from it. It should be noted that the signatures on the back of these two checks differ.

SA Lamar issued a subpoena to Fifth Third Bank via the Office of Statewide Prosecution to verify the account holder information and for the bank to provide any surveillance video obtained during these deposits, if made in person.

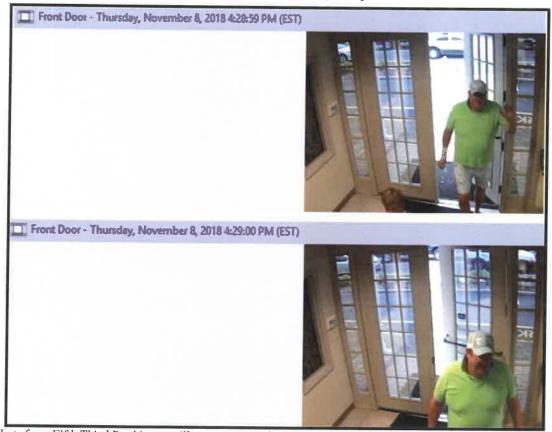
On January 7, 2019, SA Lamar received a subpoena response from Fifth Third bank. This response verified that account # 7307 belonged to account holder Christina L. Martin. The response also verified that the two above referenced checks were deposited into this account.

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Fifth Third's subpoena response also included the requested surveillance video of these two check deposits. SA Lamar reviewed the video and observed Foglesong, inside of the bank, making the check deposits. Foglesong is accompanied by a small male child (believed to be his son) in one of the videos; however, he is not accompanied by Martin during either deposit.

DOLLARS 1 2
James Hetter
20931
2018:108 8853837803 E375033 4 *ICFCM4 44304 68354472 1830 VS Bank >042000314< F8 WZ883 *hone (321>-202-4110
}

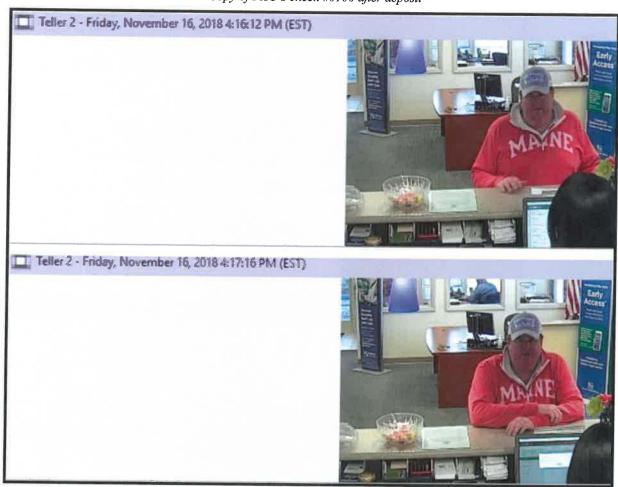
Copy of PAC's check #0099 after deposit



Screenshots from Fifth Third Bank's surveillance cameras during the November 8, 2018 deposit of the PAC's check #0099 Page 6 of 16

1117 THE SPEC STOCK	DATE	0100 to-elos/2021
PAY TO THE ORDER OF LETTING ALITHATIN TO THE HANDLESS OF THE PAY 1-100-04-1818 SET YEST OF THE PAY 1-100-04-	0 11	\$ +50.00
#ODD100# 12631913871	20181116 6653638832 E075033 4	and the second s
	FTCF-044 44304 89750a30 1816 5/3 Bank >0426003(14< FIS #500383 Phone (407)-883-7720	CMia.
		1

Copy of PAC's check #0100 after deposit



Screenshots from Fifth Third Bank's surveillance cameras during the November 16, 2018 deposit of the PAC's check #0100

# Interview of James "Jim" Kitchens

On January 8, 2019, SA Lamar and SA Richard Johannessen conducted an interview with Kitchens and his attorney, Robert Leventhal, at FDLE. SA Lamar placed Kitchens under oath and recorded the interview. The following is a synopsis of the interview:

- Kitchens has known Foglesong for approximately eight to nine years through various political campaigns that they worked on together. Foglesong and John Dowless contacted Kitchens in reference to establishing a PAC for the John Mina for Orange County Sheriff campaign in 2018. Dowless is the owner of Millennium Consulting, a company that conducts direct political mailers.
- On April 16, 2018, when the PAC was created, Kitchens was appointed as the Registered Agent and Treasurer and was the only one who had access to CSJ's BB&T bank account that he established. Kitchens was also the only one who was able to sign the PAC's checks. Foglesong was assigned as the PAC's Chairman and was their main fundraiser. The PAC established that, "everything in goes to Mina...everything out goes to Mina." The two had created other PACs in the past and it had worked well for them.
- During the campaign, Foglesong's company, Focus Strategies, sent CSJ two invoices for digital media advertisements which were to be completed through Steve Verzwyvelt's company, Rougarou Consulting. One invoice was for \$5,000.00 and the other was for \$12,000.00, which Kitchens paid using the PAC's bank account.
- CSJ also hired Dowless' company, Millennium Consulting, for the distribution of Mina for Sheriff direct mailers. Dowless advised that the total for the mailers would be approximately \$23,000.00, which CSJ did not have at the time. Foglesong advised that he was still raising money and would have enough soon from donors, and to therefore continue with the job. Foglesong advised that he was depositing \$10,000.00 worth of donations into CSJ's bank account, which Kitchens then paid directly to Dowless.
- Foglesong promised that the approximately \$13,000.00 remainder would be raised and deposited into CSJ's bank account soon.
- On November 6, 2018, while Dowless was still owed approximately \$13,000.00, Kitchens was preparing to leave for a cruise to Cuba. Because of Kitchens soon-to-be absence, Foglesong asked him to leave a couple of signed checks behind so that CSJ would be able to finish paying Dowless. Kitchens signed two blank checks from CSJ and advised Foglesong not to issue these checks until Foglesong raised enough money and the money had cleared in the bank.
- On November 15, 2018, Kitchens returned from his cruise and turned on his cell phone, which now had service, and noticed several messages from Dowless advising that he had not been paid the remaining \$13,000.00 from CSJ. Kitchens attempted to contact Foglesong; however, he was unsuccessful due to Foglesong's cell phone number no

longer being in service. Foglesong's wife, Christina Martin, also had her phone service shut off.

- Kitchens checked CSJ's bank account and observed that the two blank checks he
  provided to Foglesong prior to leaving on his cruise were both written out to Martin.
  One check was written for \$450.00 and the other one for \$3,000.00, which essentially
  wiped out CSJ's bank account, leaving approximately \$200.00.
- Kitchens then contacted Dowless and learned that neither person could successfully contact Foglesong. Dowless advised that he pulled the state records for CSJ and observed two payments made for \$5,000.00 and \$12,000.00 for digital media and questioned who had completed these jobs, as he knew it was not his business. Kitchens then contacted Foglesong's partner in Louisiana and owner of Rougarou, Steve Verzwyvelt, who was known to run digital advertisements for Foglesong. Verzwyvelt advised that Rougarou Consulting never did any digital advertisements for CSJ, as Foglesong advised him that he was unable to raise any money, even though CSJ had actually raised around \$70,000.00.
- Approximately a week later, Foglesong apologized to Kitchens, advising that he was sorry he, "wrote the money to himself" to reimburse him for "expenses," stating his phone had been turned off and that he wanted to, "make it right." As the Chairman of several prior PACs, Foglesong never incurred any expenses and wouldn't have incurred any expenses from this PAC either. If Foglesong needed any money, he would have told Kitchens and taken the funds directly from CSJ's bank account. Foglesong never elaborated to Kitchens on what these "expenses" were.
- Foglesong also advised Dowless that he would cover the cost of the Mina election night party himself. Foglesong wrote Rosen hotels a check for \$3,500.00 to cover the election night party from his Focus Strategies business account, which bounced, and Dowless ended up paying for.
- Since the election had ended, Foglesong continued to raise money, raising approximately \$4,500.00. This money was deposited into CSJ's bank account and Kitchens immediately paid this to Dowless towards the owed approximate\$13,000.00. It was a normal occurrence for PACs to raise monies after the election was over, particularly from people who promised to donate and hadn't yet.
- When digital advertisement services were rendered, the PAC would receive an invoice from the company, along with a buy sheet (that shows what media outlets are used to place the ads, i.e. Facebook) and analytics to show the effect of the advertisements. Foglesong never produced a single one of these documents for the PAC, and later advised that he used another vendor, even though there are only a few companies in the country that are even able to do these jobs. Dowless also contacted these few known companies and verified that none of them were hired by CSJ.

- Kitchens and Foglesong's commission for managing the PAC was ten percent of all monies raised during the campaign, which they would then split. Kitchens and Foglesong only received partial commission payments due to lack of money in the bank account.
- Once this part of the interview was concluded, SA Lamar showed Kitchens pictures of a
  white male, who appeared to be Foglesong, on two separate incidents depositing the
  two checks from the PAC that were made out to Foglesong's wife, Christina Martin.
  (Please refer to earlier photos provided under "PAC Checks Written Out to Foglesong's
  Wife" section.) Kitchens confirmed that both photos were Foglesong.

# Interview of John Dowless, Owner of Millennium Consulting

On January 16, 2019, SA Lamar conducted an interview of John Dowless, the owner of Millennium Consulting, at FDLE. SA Lamar placed Dowless under oath. The following is a synopsis of the interview:

- Dowless has known Foglesong since around 2009, and has worked with him on approximately three campaigns in the recent years.
- Dowless was the "General Consultant" for the John Mina for Orange County Sheriff 2018 campaign, via his company Millennium Consulting. This position gave him the ability to legally assist with the PAC.
- Dowless only agreed to work with the PAC under the pretense that Foglesong would not have access to the PAC's money.
- Dowless was familiar with a previous incident that Foglesong was involved in where he (Foglesong) was either civilly sued or criminally prosecuted due to him (Foglesong) taking money from a previous PAC which he was part of. Dowless was unsure of any further details on the incident
- Rougarou Consulting entered into a Memorandum of Understanding with Millennium Consulting solely for the John Mina for Orange County Sheriff campaign. This contract was created so Millennium could provide all of the PAC's election material except for the digital advertising and broadcast television, which Rougarou would complete. Television advertisements were never completed due to a lack of funds.
- Millennium Consulting would receive 4% of any digital advertisements completed by Rougarou. This contract was signed by Steve Verzwyvelt on behalf of Rougarou Consulting on March 5, 2018, and by Dowless on behalf of Millennium Consulting on March 8, 2018. The PAC did not have a contract with Focus Strategies, as this would have created conflict with the PACs contract between Rougarou Consulting and

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Millennium Consulting. This means that Focus Strategies would have no reason to invoice the PAC. It should be noted that this contradicts what Foglesong told Kitchens.

- Dowless is still owed approximately \$7,000.00 from the PAC; however, Foglesong appeared to be still raising money as he was depositing funds into the PAC's bank account for Kitchens to immediately issue checks to Dowless.
- Once this part of the interview was concluded, SA Lamar showed Dowless pictures of a
  white male, who appeared to be Foglesong, on two separate incidents depositing the
  two check from the PAC that were made out to Foglesong's wife, Christina Martin.
  Dowless confirmed that both photos were Foglesong.

On February 19, 2019, SA Lamar and Assistant Statewide Prosecutor (ASWP) Robert Finkbeiner conducted a follow up meeting with Dowless, who advised the following:

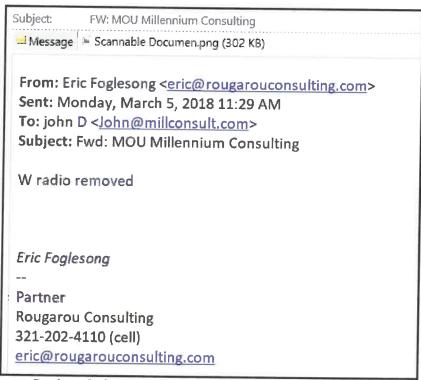
- Dowless advised that the only type of digital advertisements that were to be done for John Mina for Sheriff Campaign were called, "IP Targeting". This was established at the very first meeting Mina ever had with the PAC. Only three vendors are able to complete these specific type of digital advertisements in the United States.
- Dowless then contacted a representative of one of these three vendors, Jordan Lieberman of A4 Media. Jordan advised if Foglesong had any of these IP Targeting advertisements done, they would have, "eventually ended up on his desk." Jordan stated that A4 is one of the main vendors for IP Targeting in the U.S. and he (Jordan) handled all of the political ads for the Central Florida Area. Jordan advised he searched A4's records for "Focus Strategies", "Citizens for Safety and Justice" and, "Foglesong" and could not find any jobs.
- Dowless was shown the invoices from Focus Strategies to the PAC. Upon seeing the
  invoices, Dowless advised, "that's the worst...that's the most vague invoice ever."
  Dowless provided an example of a previous invoice which Millennium Consulting used
  for digital advertising in a past campaign. The example had the projected advertising
  specifics broken down, showing how the total invoiced cost added up.

On April 3, 2019, SA Lamar, SAS Warren and ASWP Finkbeiner conducted another follow up phone call with Dowless, who advised the following:

- Foglesong was the person who introduced Dowless and Millennium Consulting to Rougarou Consulting/Steve Verzwyvelt.
- Foglesong sent an email to Dowless which included the Memorandum of Understanding (MOU) between Millennium Consulting (Dowless) and Rougarou Consulting (Verzwyvelt) specifically for the PAC. (See below for copy of email and MOU.)

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- This MOU negated any need for Focus Strategies to assist with digital advertising.
- This MOU stated, "The media buyer for Rougarou Consulting, LLC will be utilized for broadcast TV and digital." This meant Rougarou Consulting was the sole advertiser for this campaign.
  - If a digital ad was created for the campaign, Dowless would have received a draft of the ad to approve, which he would have then sent to his attorney for his approval. Neither Dowless, nor his attorney, ever saw any drafts of any proposed digital ads for the campaign.
  - This would have also meant the attorney would have been paid for his reviewing of the digital ad. The only thing Dowless' attorney was ever paid for in regards to the campaign, was for the approval of mailers that were printed via Millennium Consulting.



Email from Foglesong to Dowless which contained the MOU between Millennium Consulting and Rougarou Consulting solely for the campaign.



March 2, 2018

#### Memorandum of Understanding

Rougarou Consulting, LLC (RC) enters into a Memorandum of Understanding with Millennium Consulting (MC) solely for the John Mina for Orange County Sheriff Campaign in 2018. RC agrees to pay MC 6% of any cable television media buys and agrees to utilize MC's cable television buyer in the John Mina for Orange County Sheriff's Campaign. RC also agrees to pay MC 4% of any digital, and broadcast television media buys made on the John Mina for Orange County Sheriff's Campaign. The media buyer for Rougarou Consulting, LLC will be utilized for broadcast TV and digital.

The Parties also agree if there are disputes that arise regarding this matter they will seek mediation before legal redress. Since both LLCs are domiciled in different states, the parties further agree this agreement will be construed according to the laws of the State of Louisiana.

Steen beguget

352018

Steve Verzwyvelt

DATE

On behalf of Rougarou Consulting

John Dowless

DATE

On behalf of Millennium Consulting

Attachment in above referenced email from Foglesong to Dowless containing this MOU between Millennium Consulting and Rougarou Consulting for the PAC.

# Statement from Steve Verzwyvelt, Owner of Rougarou Consulting

On January 7, 2019, SA Lamar contacted Steve Verzwyvelt of Rougarou Consulting, LLC, via phone at (225)-938-7074. On January 15, 2019, SA Lamar received a signed and notarized statement via email from Verzwyvelt's lawyer, Rusty Messer.

SA Lamar reviewed the document that Verzwyvelt provided via email. Below is a summary:

- Focus Strategies owned a membership interest in Rougarou Consulting, LLC, which has since been terminated.
- Verzwyvelt was personal friends and worked with both Foglesong and Kitchens for the past several years.

- Neither Rougarou Consulting nor Verzwyvelt ever established a contract with Focus Strategies to complete digital advertisements for John Mina's campaign for Orange County Sheriff.
- Rougarou Consulting never completed any digital advertisements in reference to John Mina's campaign for Orange County Sheriff.
- Since Rougarou Consulting never completed any jobs for the John Mina campaign for Orange County Sheriff, Rougarou never sent a bill to Focus Strategies or Foglesong and is therefore not out any money.

#### Kitchen's Cell Phone Records

On January 8, 2018, SA Richard Johannessen assisted SA Lamar with an interview of Kitchens. At this time, it was determined that text messages located on Kitchens' phone would need to be extracted and preserved. Kitchens signed a consent to search form for his cell phone. SA Johannessen examined the phone and provided SA Lamar with a copy of the extraction, which he burned onto a CD.

Foglesong's cell phone number, (321) 202-4110, was saved as a contact in Kitchens' phone under the name "Eric Foglesong." SA Lamar reviewed Kitchens' cell phone contents and confirmed the following text messages:

- On 11/27/2018, Foglesong sent two text messages to Kitchens which stated:
  - "Jim my phone is finally back on after being off for a week. I have spoken to both Steve and Dowless. Sounds like I need to speak to you ASAP. I have checks to pick up this week finally with people back in their offices to get everything correct. Call me at your convenience. Sorry about writing checks to myself while you were out of town but had to reimburse myself for expenses I have incurred when I had zero money in.
  - o "Please tell me what I need to do to fix this. On my way to pick up a check now."

# Foglesong's Focus Strategies Bank Records

SA Lamar subpoenaed Fifth Third Bank to obtain Focus Strategies' bank statements (account #1561) via the Office of Statewide Prosecution. Fifth Third bank records showed numerous overdraft fees throughout May 1, 2018, through December 1 of 2018, along with numerous bounced checks in November and December of 2018, which often left the account in the negative, until the account closed on December 31, 2018.

## Conclusion

After a comprehensive investigation into the aforementioned allegations of the incident, the evidence of the case shows:

A Political Action Committee (PAC) was created by Chairman James "Eric" Foglesong and Treasurer James "Jim" Kitchens to assist with advertising for the 2018 John Mina for Orange County Sheriff campaign and was called, "Citizens for Safety and Justice" (herein CSJ). As a result of his role within the PAC, Foglesong stole \$20,450.00 from CSJ through the following methods:

- Foglesong was the owner of Focus Strategies, one of the PAC's vendors that was hired to provide digital advertising for CSJ. Focus Strategies had interest in Rougarou Consulting, the company that would actually create the digital advertisements. This interest was due to Foglesong's full ownership of Focus Strategies and part ownership of Rougarou Consulting. Focus Strategies provided two invoices to the PAC; one dated September 20, 2018, for \$5,000.00 and one dated October 5, 2018, for \$12,000.00. After receiving both invoices, the PAC paid them in full. These two bills added up to a total of \$17,000.00 for digital advertising for CSJ; however, Focus Strategies never created a single digital advertisement. Rougarou Consulting was never even contracted by Focus Strategies to complete this job.
- Foglesong was provided with two signed blank BB&T checks, check numbers 0099 and 0100, from CSJ's bank account (account # 2093). These two checks were signed by PAC Treasurer Kitchens and provided to Chairman Foglesong to pay Millennium Consulting their fees, along with providing payment to campaign sign wavers. Although these checks were provided to Foglesong to pay for the aforementioned PAC dues, Foglesong did the following with them:

  - On November 16, 2018, check #0100 was made out to "Christina Martin" for \$450.00. Foglesong was captured on surveillance video at the same Fifth Third Bank depositing this money into the same account.

SA Lamar finds probable cause to believe that James Foglesong committed the following offense:

Grand Theft (more than \$20,000, less than \$100,000) in violation of F.S.S. 812.014(2)(b)(1)

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#### **Notarizations**

I swear that the foregoing is a true and accurate summary of facts either personally known to me, or derived from statements provided to me or to other law enforcement officers during the course of this investigation.

I swear the foregoing is true and correct

Lauren L. Lamar, Special Agent

Florida Department of Law Enforcement

Orlando Regional Operations Center

500 West Robinson Street Orlando, Florida 32801 SWORN to and SUBSCRIBED This 4<sup>th</sup> day of April, 2019

(Notary Public or LEO)