

IN THE CIRCUIT/COUNTY COURT IN THE TENTH JUDICIAL CIRCUIT  
IN AND FOR HIGHLANDS COUNTY, FLORIDA

ARRESTING AGENCY/REPORT #: SA2008-029  
DATE/TIME OF ARREST:  
ARRESTING OFFICER: Investigator Jeanette Dugas  
PLACE OF ARREST:

\_\_\_NOTICE TO APPEAR\_\_\_  COMPLAINT AFFIDAVIT \_\_\_ ARREST REPORT

The undersigned affiant swears that she has just and reasonable grounds to believe that between March 2005 and March 2008 in the vicinity of HIGHLANDS County, Florida

Name (Last, First, MI): Andrews, Daniel Farmer  
Address: 2430 Lakeview Drive, Sebring FL 33870 Tele:  
R/S:W/M Ht./Wt.: 5'11" Hair: Bald Eyes: DOB: 12/17/1974  
Soc. Sec#: Drivers Lic#:  
Marital Status: M Scars: Complexion: FAIR  
Occupation: Employer Unknown  
committed the offenses of in violation of Florida Statutes  
Grand Theft (F3) 1 Count 812.014  
Scheme to Defraud (F3) 1 Count 817.034  
Making False Entries on Books of Corporation (F3) 1 Count 817.15

Probable Cause

Dan Andrews was hired by the Greater Sebring Chamber of Commerce to be their Executive Director in March, 2005. His compensation was agreed upon at \$38,000 per year including his health insurance (\$5,862) with a payroll deduction available for family coverage. When the employment agreement was signed, Andrews' salary was raised to \$50,000 in October 2005.

When Andrews was hired, the Chamber employed a bookkeeper named Toni Kopp. She was terminated in February 2006. While employed there, Kopp had issues with Andrews' Chamber credit card charges. Under the prior Executive Director, Kopp always received receipts for charges and would receive reimbursement for any personal expenses with cash. Kopp stated that Andrews would never give her receipts. Andrews told Kopp that he had the receipts at home. Kopp stated that Andrews would intercept the credit card statements. Around Christmas 2005, Dan bought jewelry for his wife and charged it to the Chamber credit card. It appeared on the January 2006 bill and Kopp asked Andrews to reimburse the Chamber. (Tiffany & Company 12/22/2005 \$499.69) She was terminated shortly after that. Kopp does not know whether or not Andrews ever paid the money back. Dan Andrews would tell Kopp, related to Chamber bills, that the Chamber "doesn't have to pay these every month". Dan refused to give Kopp receipts related to credit card charges.

The Chamber bylaws required an annual audit or review of the financial statements. The last one conducted was dated May 2005 and was performed by Wicks, Brown, Williams & Co. The next review or audit would have been due for fiscal year 2005 to be completed in 2006. However, Kopp was terminated right around that time and no further reviews or audits of the financial statements have been conducted since.

CF08-01393A-XX

11-21-08. Warrant issued [Signature]

After Kopp's termination, Andrews' received Board approval to hire NCT Group to handle accounts payable, cut checks, and do basic accounting support work. According to Bill Benton of NCT Group, who handled the Chamber account, NCT Group was never able to fully complete the accounting work for the Chamber since they never received complete information from Andrews. NCT Group received sporadic bank statements. Andrews continued to tell NCT Group that he was working on catching up so he could turn everything over to them. Prior to working for the Chamber, Dan Andrews was employed by local CPA firm, Carlson Accounting. Based on his previous employment at Carlson Accounting, NCT Group felt Andrews had the knowledge and experience necessary to compile the records NCT Group needed. Since September 2006, there have been repeated requests by NCT Group to Andrews for records or to allow NCT Group to help in "catching up" the records. Andrews always had an excuse. Benton believed the Board was aware of Andrews' actions. In October 2007, NCT Group sent a letter to the Chamber's Board asking for a discussion about the records. The letter, dropped off to the Chamber office, never made it to the Board. On January 21, 2008, NCT Group sent the letter directly to Board Members and then received a response from the Board.

When hired, Andrews was issued a Bank of America VISA credit card in the name of the Sebring Chamber. Later in Andrews' employment, he opened an American Express credit card in the name of the Sebring Chamber. Both bills were paid by the Chamber.

Since March 2005, Andrews charged \$4,106.85 to the Chamber's credit cards for meals at restaurants and asked for additional reimbursement for other meals. Even though Andrews was receiving checks for mileage, he also charged gas, car washes, and other service to his vehicle to the credit cards. The total for those items is \$1,908.45, which has not been reimbursed to the Chamber. Sarah Pallone, now Interim Executive Director, observed that she had often ridden with Andrews for business meetings and had never observed a mileage log nor Andrews recording mileage on the trips. When first questioned about gas charges on the credit cards, which totaled substantially higher than \$1,900, Andrews claimed the charges were incurred during business trips when he rode with others, such as Mike Kirouac (Chamber Board member, Chamber vendor, renter of Chamber space, and personal friend of Andrews) on business trips. However, shortly after that explanation, Andrews presented the Board with a reimbursement check which included gas charged to the company credit card as well as cell phone charges for his wife. Additional charges not reimbursed by Andrews included Beall's Department Store (3/15/06) for \$137.38 and SFCC (South Florida Community College) Box Office (4/12/2006) for \$460 as well as items discussed below.

The Sebring Chamber sponsored an event in November 2006 known as The Key Leader reception. It was held at Dan Andrews' house. Dan received no approval from the Board to pay for any repairs or renovations at his house from Chamber money. However, four items were marked by Dan Andrews as being "key leader". Two charges to Home Depot, one to Sherwin Williams, and one to Robbins Nursery were charged to the card. The total of those four charges is \$1,252.88. No charges were approved by the Board related to the Key leader function. However, most interesting is that while Key Leader was held in November 2006, the Robbins Nursery transaction (\$325.40) did not

occur until March 2007. The plants were installed at Andrews' home on Lakeview Drive.

In November 2007, Andrews purchased a set of Mazzuno irons from Golf USA in Sebring. The purchase, for \$625.91, was charged to the Chamber's American Express credit card. The salesperson at Golf USA, Tammy Haskeet, remembers the transaction because Jeff Carlson and Dan Andrews came in to the store together. The pair spent some time trying out various golf clubs. Mazzunos, according to Golf USA, are not clubs recommended for novice golfers and would not have been the recommended purchase for clubs to be raffled. The Chamber did, in fact, hold a golf tournament around the time frame the clubs were purchased. However, no Mazzuno irons were raffled or given out as prizes. The weekend after the Chamber tournament, Florida Hospital held a golf tournament. Dan Andrews played in that tournament. One of his teammates, Don Elwell, who is also a Chamber Board member, cannot recall what kind of clubs Dan Andrews used. In a meeting of the Board held on February 22, 2008, Dan Andrews was asked to explain certain discrepancies. Andrews claimed the golf clubs were door prize items for the tournament. Andrews denied the clubs were his and said that he would "find them". To date, no clubs have been located or returned.

The Sebring Chamber sponsored a scholarship with Alan Wildstein (of the Alan Jay automobile dealerships) being the primary contributor. The scholarship pre-dated Andrews' hiring at the Chamber. Prior to Andrews being hired, the Scholarship fund had been designated as a restricted asset. In November 2005, according to meeting minutes, Andrews requested permission to transfer Scholarship fund balance into something with a higher interest yield. He was told to discuss the risk with Alan Wildstein (the primary contributor) and determine his acceptance of the idea. No further minutes reflect additional action or discussion. The Scholarship Fund reached a high balance of \$74,236.41 as of August 31, 2006. (Note: Toni Kopp was terminated earlier in 2006.) From that point, a number of charges against the account were made reducing its balance beginning with \$7,295.62 for banquet catering. While Kopp worked for the Chamber, the only monies out of the Scholarship account were for the scholarships. Kopp reported that the Chamber bore the cost of the awards banquet from operating funds. In addition to the charge for the banquet, a number of transfers were made to the Chamber's operating account:

|          |          |
|----------|----------|
| 9/25/06  | \$2,500  |
| 9/25/06  | \$7,500  |
| 10/13/06 | \$10,000 |
| 10/31/06 | \$10,000 |
| 11/14/06 | \$10,000 |
| 11/27/06 | \$10,000 |
| 11/30/06 | \$12,000 |
| 11/30/06 | \$3,500  |

After the transfer on November 30<sup>th</sup>, the balance in the account was \$345.48. In addition to the \$65,500 in transfers out of the account, deposits to the Scholarship account were diverted to the operating account. Those deposits identified total approximately \$12,100. In a Board meeting on February 22, 2008, Andrews was asked about the Scholarship account. Andrews indicated that he had "borrowed" the money for

operating cash. Andrews admitted he did not have Board approval to move the funds. When asked why he continued to report a balance of approximately \$75,000 for the Scholarship account on financial statements presented to the Board, Dan said that it was "an error" and should have been reported as a liability. According to meeting minutes, Andrews was presenting financial statements to the Board of Directors. Balance sheets were not always presented as part of the packet he gave the Board of Directors. However, he did present balance sheets bearing the following dates showing the related balance of the Scholarship Account:

|                    |             |                                   |
|--------------------|-------------|-----------------------------------|
| September 30, 2006 | \$73,944.07 | at the October 24, 2006 meeting   |
| April 30, 2007     | \$74,236.41 | at the May 22, 2007 meeting       |
| May 31, 2007       | \$74,236.41 | at the June 26, 2007 meeting      |
| July 31, 2007      | \$76,225.12 | at the August 28, 2007 meeting    |
| August 31, 2007    | \$76,225.12 | at the September 25, 2007 meeting |
| September 30, 2007 | \$76,225.12 | at the November 2, 2007 meeting   |

In total at least six balance sheets were presented by Dan Andrews to the Board showing falsified balances for the Scholarship account. The earliest was presented for September 30, 2006 and the latest was presented for September 30, 2007.

In reviewing checks written to Dan Andrews, there are several discrepancies. Check #7702, which is handwritten, was written in June 2006 for \$275 with no explanation and does not coincide with payroll. Check #7930 written in April 2007 for \$324.59 was marked for "mileage". However, mileage for December, January, February, and March had already been previously paid. Again in June 2007, check #7986 for \$424 was written noting that it was for March, April and May mileage. March had already been previously reimbursed by as many as 2 checks. Check #8019 written 10/9/2007 for \$215.83 has no explanation. Check #12166 written 12/5/07 for \$584.67 has no explanation. A counter check written on the Mid-Florida account on 12/20/07 for \$180 has no explanation.

Sarah Pallone, who worked with Membership at the Chamber before being named Interim Executive Director, has stated that she found undeposited membership dues checks in the Chamber's storage unit. Dan Andrews was in charge of making deposits, but Sarah observed that deposits would sit on his desk. She also found invoices from vendors dating back to 2006 that were never opened. Sarah's paycheck bounced three times. Andrews grew progressively more defensive over it. Sarah's health insurance policy was canceled for non-payment.

During the length of his employment, Andrews incurred numerous personal credit card charges on Chamber credit cards. He reimbursed nothing until confronted by the Chamber about the large amount of credit card charges. Even then, Andrews failed to reimburse all charges due the Chamber. He denied responsibility for some charges by claiming they were related to "Key Leader" when, in fact, no charges for home improvements before the Key Leader meeting were approved by the Board and one charge was incurred 4 months after the event. Andrews charged \$8,491.47 in unauthorized charges to the Chamber credit card for which no explanation and no reimbursement has been submitted. Andrews received at least \$1,580.09 in checks with either no explanation or authorized purpose or which represent multiple reimbursement for the same expenses. Andrews did knowingly and intentionally permanently or

temporarily deprive the Greater Sebring Chamber of Commerce of monies in excess of \$300 but less than \$20,000 in violation of Florida Statute 812.

Andrews presented financial information to the Chamber which was false and misleading. He presented at least 6 financial statements to the Board which misrepresented to the Board the activity and balances of accounts. By presenting fraudulent financial statements which failed to represent accurately transfers made from the scholarship account, Andrews caused false and/or omitted entries on the books of the Sebring Chamber of Commerce with the intent to defraud by deceiving the Chamber Board as to the financial condition of the Chamber. Andrews did engage in a systematic ongoing course of conduct with intent to defraud one or more persons by false or fraudulent pretenses and representations in violation of Florida Statute 817.034. Andrews as an officer, agent, or servant of the Greater Sebring Chamber of Commerce did make a false entry in the books of the corporation with intent to defraud in violation of Florida Statute 817.15.

INVESTIGATING AGENCY/OFFICER: SAO INV. Dugas  
VICTIM: Greater Sebring Chamber of Commerce  
WITNESS: Multiple

*Jeanette Dugas*  
AFFIANT

Sworn and subscribed to before me  
The undersigned authority, this 21  
Day of November, 2008

*[Signature]*  
Law Enforcement Officer/Notary Public

Approved: *[Signature]*  
10-21-08