10-24-2017 at 0916 hours, I called Mr. Spalthoff via phone where I explained to him that he was a suspect in a theft investigation I was assigned. Mr. Spalthoff seemed very surprised and asked if I was joking with him. I explained to Mr. Spalthoff that I was not joking and asked when would be a good time for me to speak with him about the allegations. Mr. Spalthoff stated he wanted to speak with me today so we both agreed on him coming to the Winter Springs Police Department at 1600 hours.

At 1026 and 1200 hours, I received two (2) voicemails from Attorney Mitchel Krause on Mr. Spalthoff's behalf asking me to call him.

At approximately 1249 hours, I called Mr. Krause and spoke to him about the allegations against Mr. Spalthoff. Mr. Krause advised that he would need to speak with Mr. Spalthoff and would call me back tomorrow.

On 10-25-2017 at approximately 0820 hours, I received a voice message from Mr. Krause asking me to call him. At approximately 0909 hours, I called and spoke with Mr. Krause. Mr. Krause advised that he would call me on 10-30-2017 to setup an interview next week which was ultimately scheduled for 11-09-2017 at 1400 hours.

On 10-26-2017 at approximately 1215 hours, I met with Mr. Herring at the Winter Springs Police Department, 300 North Moss Road, Winter Springs, Seminole County, Florida, so that I could speak with him about this case. This interview was recorded and below is the synopsis of the interview.

Mr. Herring advised that he was introduced to Mr. Spalthoff, who was the Landscape Director for the Winding Hollow (HOA), through a mutual friend, Kyle Nunes. Mr. Herring advised that at one point he believed that his friendship with Mr. Spalthoff was good but eventually he felt that Mr. Spalthoff was greedy as Mr. Spalthoff was siphoning money from him. Mr. Herring stated that Mr. Spalthoff terminated him because he stopped doing side jobs for him which took away Mr. Spalthoff's ability to pad the invoices Mr. Herring was submitting to the HOA.

Mr. Herring advised that Mr. Spalthoff began asking him for things that he thought the HOA paid for like flower annuals and pest control services that were done by Colonial Pest Services ($30/month). Mr. Herring stated he didn't feel right about giving Mr. Spalthoff these items so he personally paid for them unbeknown to Mr. Spalthoff.

Mr. Herring stated although he never billed the HOA for work that was never done/completed, Mr. Spalthoff would "pad" the invoices so that Mr. Spalthoff could get a "kick back". Mr. Herring estimated that over the course of time, Mr. Spalthoff made about $2500.00 from padding the invoices Mr. Herring submitted to the HOA. Mr. Herring stated during one of these incidents, Mr. Spalthoff went around the subdivision and began straightening out the street signs himself and had Mr. Herring bill the HOA through his company. Mr. Herring stated that Mr. Spalthoff told him that he could keep a portion of the money for tax purposes. I asked Mr. Herring why Mr. Spalthoff just bill the HOA himself instead of having his company do it. Mr. Herring stated that Mr. Spalthoff knew the HOA board wouldn't pay him for doing the work. Mr. Herring stated this was the only time he billed directly for Mr. Spalthoff.

Looking over emails between Mr. Herring and Mr. Spalthoff, specifically one from 10-01-2015. In this email which is sent from Mr. Spalthoff (ken42900@gmail.com) it itemizes work that Mr. Spalthoff performed where he straightened 14 street signs and materials that were used. This invoice was in the amount of $1,393.52 and stated to Mr. Herring "Of this: $293.52 is yours to pay any taxes." Mr. Spalthoff states "I'll need my $1100 ASAP." "Today is the 1st so if you submit it today (this morning) it may get cut today."

Mr. Herring stated over the last few days, Mr. Spalthoff has been trying to call him but he has not called him back.

On 11-08-2017 at approximately 0957 hours, I received a phone call from Mr. Krause explaining that due to a scheduling conflict he would have to postpone the interview and would get back with me in which he did but due to both our schedules and the holidays, we could not agree on a good date.

On 12-06-2017 at approximately 1225 hours, I called and spoke with Mr. Krause to see if Mr. Spalthoff would come in for an interview. Mr. Krause advised that Mr. Spalthoff declined to speak with me as he feels that he has not did anything wrong.

On 12-12-2017 at approximately 1041 hours, I received a phone call from ASA T. Briggmann. Speaking to Mr. Briggmann he advised that after speaking with other attorneys at the State Attorney's Office, it was a consensus that based on the merits of the case, Mr. Spalthoff didn't commit a crime and advised me not to file a Capias as there was no probable cause.

As a result, this case is being closed as unfounded.

I swear/affirm the above statements are true and correct: Officer's Signature:	Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year_____

how much Kenneth would get from those charges. Justin again explained that he felt intimidated and obligated to give Kenneth money. Justin explained that Kenneth lost employment at some point and asked Justin if he could work for him. Justin told Kenneth if he could secure work (get contracts) for Justin, Justin would pay him. Justin explained that Kenneth helped him secure a contract with the Parkstone sub-division. Justin paid Kenneth $10,000 for this contract. Justin completed a sworn statement.

I again made contact with James and Paul and had James complete a sworn statement. James and Paul provided me with multiple emails between Justin and Kenneth. Additionally, James provided a written time line which he copied from emails and believes bolsters the case against Kenneth. I requested James collect the actual e-mails and provide them to the police department so that they can be properly vetted for accuracy.

I provided James and Paul with a victim's rights brochure with my name and the case number. I also provided them with my business card.

After reading through all of the documentation, my investigation revealed the following:

On October 1, 2015 at 10:16 hours an email was sent from Kenneth's e-mail to Justin with a subject line of Pleas send this in today to VISTA: ***VERY IMPORTANT***
Within this e-mail, Kenneth provides an itemized list of projects which Kenneth approved. Kenneth provides the amounts to be paid per item and provides a total of $1,393.52. Kenneth then allocates the money as $293.52 going to Justin to pay taxes on and "I'll need my $1100 asap".

The next e-mail on July 3, 2014 at 11:50 pm with a subject line of Fwd: Winding Hollow HOA Web Site Form – Address The Board. In this email, Kenneth appears to set the price for projects. Specifically, Kenneth writes the following:

"Make it happen and charge the HOA $200 Throw me $50 when you get paid"
"The mulch: charge the Hoa $600 and throw me $100"

An e-mail on December 12, 2015 at 10:14 PM with a subject line of Re: Invoice from Florida Land Expert's Company. In this email, Kenneth writes, "I have to believe there' a couple hundred there. You need to bill for that. An actual electrician would have cost us 3-4 hundred". This language is not consistent of a board member who is attempting to get the best pricing for the HOA he represents and is indicative of a person who is padding invoices to allow him or herself to profit from the extra money.

The final email that I located is dated May 22, 2015 at 8:55 AM with a subject line of, Idea to consider...
Kenneth writes Justin about a party he is hosting at his home. Kenneth suggests that Justin hands out business cards to get additional business. At the very end Kenneth writes, "I want nothing in return (There's a first huh!?!)".

Justin advised that he paid the aforementioned $1100 by check and would be able to obtain a copy of that check. The other $100 and $50 payments were made in cash. Justin advised that he had text message that would provide additional evidence of Kenneth's behavior. Justin advised he would contact his service provider and obtain those text messages.

At this point, Justin has not provided this information, but did advise he thought it would take a few days to obtain.

I swear/affirm the above statements are true and correct:
Officer's Signature:

WOODARD, D'ALLESSANDRO W33259
Name and Employee # (Printed)

Sworn to and subscribed before me, the undersigned authority, this _____ day of _____, in the year_____

Name/Title of Person Authorized to Administer Oath.

_____

Rpt Date:	12/18/2017 16:08	Reporter:	Heath, Bradlea h05351	Clearance:	Unfounded	Nar Type:	S
Mod By:	WINTERSPRINGS\bheath	Mod Date:	12/22/2017 11:17	Related Case #			

On 09-25-2017 at 0905 hours, I called Justin at and left him a voice message to call me so I could setup a time for him to come to the Winter Springs Police Department, 300 North Moss Road, Winter Springs, Seminole County, Florida, to see what would be a good time for him to come to the police department for a interview during the week of 10-02 through 10-06-2017.

At 0911 hours, I called James Rodic and left him a voice message inform him the status of the investigation and I asked him to research to see if Kenneth Spalthoff had misspent/stole any of the Winding Hollow subdivision's Homeowner Association's (HOA) funds.

On 09-29-2017 at approximately 1053 hours, I called and spoke with Mr. Rodic. I asked explained to Mr. Rodic status of the case and asked if he would email the Winding Hollow subdivision's attorney so I can forward his information to ASA Tom Briggmann so they can discuss the case. Mr. Rodic advised that the HOA attorney has updated case law that ASA Tom Briggmann could use to indict Mr. Spalthoff. Mr. Rodic stated that he would forward the attorney's information next week.

Region: W | CSA: WE1 | Grid:

Agency ORI: FL0590600

OFFENSE REPORT
Winter Springs Police Department
Public Version

For the public: Yes
Juvenile: No
Domestic Violence: No
Dating Violence: No

Agency Report #: 201760001307
Event #: 20172421357

Heath, Bradlea h05351 Name and Employee # (Printed)	Name/Title of Person Authorized to Administer Oath.

ADMINISTRATIVE SECTION

Was Crime Scene Processed: No Processed By:

Officer Reporting: W33259 WOODARD, DALLESSANDRO Officer Shift: C Section: WS Unit: W165 Date: 08/30/2017

Reviewed By: s83439 Shea, John Review Date: 09/14/2017 Routed to: WS

Assigned To: h05351 Heath, Bradlea Assigned Date: 09/01/2017 Assigned Dept: WS

Clearance: Unfounded Clearance Date: 12/18/2017 Referred To:

Comments: EMBEZZLEBORROWS OR PLEDGES PERSONAL FUNDS OF CLIENT