

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 12-90

(Executive Order of Suspension)

WHEREAS, Chistopher P. Dzadovsky is presently serving as the Chairman of the St. Lucie County Board of County Commissioners, and Commissioner for District 1; and

WHEREAS, on April 9, 2012, an arrest warrant was served on Chistopher P. Dzadovsky charging him with third-degree grand theft, in violation of section 812.014(2)(c), Florida Statutes; and

WHEREAS, a violation of section 812.014(2)(c), Florida Statutes, constitutes a third-degree felony; and

WHEREAS, Article IV, Section 7, Florida Constitution, provides that the Governor may suspend from office any county officer for commission of a felony; and

WHEREAS, it is in the best interests of the residents of St. Lucie County, and the citizens of the State of Florida, that Chistopher P. Dzadovsky be immediately suspended from the public office he now holds, upon the grounds set forth in this executive order.

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, pursuant to Article IV, Section 7, Florida Constitution, Florida Statutes, find as follows:

A. Chistopher P. Dzadovsky is, and was at all relevant times, the Chairman of the St. Lucie County Board of County Commissioners and Commissioner for District 1.

B. The office of Commissioner on the St. Lucie County Board of County Commissioners is within the purview of the suspension power of the Governor, pursuant to Article IV, Section 7, Florida Constitution.

C. The attached complaint affidavit, which is incorporated as if fully set forth in this executive order, alleges that Chistopher P. Dzadoovsky committed a felony in violation of the laws of the State of Florida.

BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Chistopher P. Dzadoovsky is suspended from the public office that he now holds, to wit: Commissioner and Chairman of the St. Lucie County Board of County Commissioners.

Section 2. Chistopher P. Dzadoovsky is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 12th day of April, 2012.



GOVERNOR

ATTEST:

SECRETARY OF STATE

SHERIFF'S OFFICE
WARRANT SECTION

MLS

Warrant IN THE COUNTY COURT

ST. LUCIE COUNTY, FLORIDA

The State of Florida
vs.

562012CF001088A
COUNT 1: THIRD DEGREE GRAND THEFT
(F-3)

Chris Dzadovsky
1209 Texas Court
Ft. Pierce, FL 34950

DOMESTIC VIOLENCE

DL:#:
DOB: 10/3/1961
RACE/GENDER: White/Male
HEIGHT/WEIGHT: 5ft 10in/0
HAIR/EYES: None/None
SS#: [REDACTED]

Agency#: 2012-00002727
(FPPD)

This Warrant Comes into hand on this 9 day
of April AD, 2012
and same was executed in St. Lucie County, Florida
by arresting the within named defendant.

SA#: 2012-008252

KEN J. MASCARA
Sheriff St. Lucie County, Florida

Defendant

Rv. D/S D. Wesley D.S.

In the name of the State of Florida -

To all and Singular Sheriffs of the State of Florida and to Any State Attorney Investigator - Greetings:

Whereas Sergeant Rodney Nieves of the Ft. Pierce Police Dept. this day made oath before me that in the County aforesaid, one Chris Dzadovsky, on or about January 21, 2012 through March 3, 2012 did unlawfully and knowingly obtain or use or endeavor to obtain or to use the property of another, to-wit: a swimming pool heater, the property of Joyce Ellery or the Estate of Karen Bruno, as owner or custodian, of the value of \$300 or more, with intent to either permanently or temporarily deprive the true owner of a right to the property or a benefit therefrom or to appropriate the property to the use of the taker or to the use of any person not entitled thereto, in violation of Florida Statute 812.014;

These Are Therefore to Command you to forthwith arrest and bring the above named defendant before me to be dealt with according to law.

Given under my hand and seal this 9 day of April, 2012, A.D.

Bail Bond is Fixed at \$ 2,500.

Condition of Bond Release/Release on Recognizance:

No Contact With Victim: Until further order of the Court or the charge is dismissed by the State, the Defendant shall not directly or indirectly contact the Victim Joyce Ellery in person, by mail, e-mail, fax, telephone, through another person, or in any other manner. This restriction shall include the following condition(s), if marked:

- Defendant may not knowingly come closer than 50 feet to the Victim at any public place, except for court proceedings, or within 500 feet of the Victim's residence or place of employment, or 100 feet of any vehicle regularly driven by the Victim;
- Defendant may go to Victim's residence one time with a law enforcement officer to get Defendant's clothing and personal effects;
- Defendant may speak to Victim on the telephone *only* to discuss sharing parental responsibility for their minor child(ren).
- If marked, Defendant shall be held without bond until the First Appearance Hearing.

[Signature] (SEAL)
JUDGE

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST. LUCIE COUNTY, FLORIDA

COMPLAINT AFFIDAVIT

DEFENDANT: CHRISTOPHER P. DZADOVSKY
RACE/SEX: WHITE/MALE
DOB: 10-03-61
SSN: [REDACTED]
HEIGHT: 5'10"
HAIR: Brown
ADDRESS: 1209 Texas Court, Ft. Pierce, FL 34950.

OFFENSE: Grand Theft F.S.S. 814.014 2(c) 1
DATE OF OCCURRENCE: Between the dates of January 21, 2012 and March 7, 2012
OFFENSE LOCATION: 1008 South 10th Street, FT. Pierce, FL 34950
AFFIANT'S NAME: Ft. Pierce Police Department Detective Sgt. Rodney Nieves
SAO CASE NO: 548295
VICTIM: Ms. Joyce Ellery, 19549 Bright Angel Lane, Surprise, AZ
85374

Your Affiant being duly sworn deposes and says:

Your Affiant Detective Sergeant Rodney Nieves has been a sworn Law Enforcement Officer in the State of Florida for more than nineteen years. Your Affiant is currently employed by the Ft. Pierce Police Department, 920 South US1, Ft. Pierce, FL 34954. During the past nineteen years Your Affiant has attended advanced courses pertaining to Law Enforcement.

On March 13th 2012 the victim, Joyce Ellery, contacted the Ft. Pierce Police Department to report a theft of a swimming pool heater from the residence located at 1008 South 10th Street, Fort Pierce Fl 34950. The heater was a Jandy Air Energy Model XE 2550.

Mrs. Ellery explained she became the executor to the estate of her daughter, Karen Bruno, who passed away in December 2011 after a battle with cancer. The aforementioned residence was an asset of the estate. The pool heater had been attached to the home's swimming pool system. Ms. Ellery stated she resides in Arizona, but lived with her daughter and her daughter's roommate, Diana, from October 23 until a month after Karen's death on Dec 23. After Karen's death on December 23, Ms. Ellery hired a realtor to sell the residence and returned to Arizona on January 23, 2012.

CSA Gibson later met with Richard Shilling, the next door neighbor to the aforementioned residence. Shilling explained that Ms. Ellery had asked him to maintain the residence until it was sold. Shilling hadn't noticed the pool heater missing prior to the last tenant vacating the residence in early March 2012.

The case was assigned to Det. Sally Hurley for further investigation. Ellery stated to Det. Hurley she suspected the pool heater was taken by Chris Dzadoovsky, due to the fact that he had inquired to the realtor, Colleen Barnes, about purchasing the pool heater prior to the theft. Ellery explained her daughter, Karen and Dzadoovsky were engaged and resided in the house together but the relationship soured and dissolved in 2006.

On March 19 2012, Det. Hurley contacted Diana Veneri-Spacek, who was Karen's renter who was the sole occupant of the residence after Karen's death and Ms. Ellery's return to Arizona. Ms. Veneri-Spacek stated she was unaware of the theft of pool heater. Spacek stated she had moved out of the residence on the weekend of March 3rd and 4th of 2012. She did not notice whether the pool heater was present at the house at the time she vacated.

On March 20, 2012, Ms. Ellery left Det. Hurley a phone message advising Richard Shilling had called and informed her that Chris Dzadoovsky had contacted Mr. Shilling, the previous night, and informed him he was in possession of the pool heater.

Det. Hurley stated she received two voice messages left on the afternoon of March 19, 2012 by a subject who identified himself as Chris Dzadoovsky. The first message left by Dzadoovsky simply gave Det. Hurley his contact information. The second message advised Det. Hurley that he, Dzadoovsky, might be able to shed some light on the police report related to the 1008 South 10th Street address and that there appears to be some type of misunderstanding.

On March 20, 2012, your affiant was assigned to assist with the investigation regarding the theft of the pool heater stolen from 1008 S. 10th Street. On March 21, 2012 at approximately 1202 PM your affiant contacted Chris Dzadoovsky via telephone. When I asked Dzadoovsky if he knew anything about the missing pool heater, he responded, "Yeah, I have it. It's sitting in

my back yard. Let me explain what's going on." Dzadoovsky explained he and Karen Bruno had purchased the home and lived there as a couple. Dzadoovsky stated he had purchased the pool heater and had it installed at the residence. He said after their relationship dissolved in 2006, he moved out of the residence and quit claimed the house over to Karen.

Dzadoovsky stated he, Jay (John Massarelli) and a "few of the boys" removed the pool heater from the residence and took it to his residence at 1209 Texas Court. Dzadoovsky stated Jay was well versed with swimming pools and pumps because he had worked for a pool company in the past.

Dzadoovsky stated he took the pool heater because it wasn't working properly and it wouldn't prime. Dzadoovsky also advised there was a leak in the pool heater but did not know the source of the leak. Dzadoovsky stated if someone were to come out on a service call and do an estimate for repair, it would have cost \$125.00 and that he wanted to save Joyce Ellery the expenditure. He said he intended to have the pool heater cleaned and fixed.

On March 21, 2012, State Attorney Investigator Ed Arens, and I met with realtor Colleen Barnes. She recalled that Chris Dzadoovsky had stopped by the house during the estate sale/open house, on or about the 20th of January 2012, and inquired about purchasing the pool heater. Barnes informed Chris Dzadoovsky the pool heater was not for sale and that it came with the house. Ms. Barnes stated she recognized Dzadoovsky as a St. Lucie County commissioner and had seen him on TV.

Ms. Barnes also stated she noticed the pool heater missing on March 12, 2012, while she was conducting a walkthrough of the property with Mr. Richard Shilling, the next door neighbor. Ms. Barnes noticed that the pool heater had been removed from the pool area and all of the plumbing lines had been re-plumbed to eliminate the pool heater. Ms. Barnes last saw the pool heater, which was still attached to the pool pump, on or about January 21, 2012 during the aforementioned estate sale of Karen's belongings.

Mrs. Barnes showed Inv. Arens and your affiant where the pool heater had been stolen and the pool re-plumbed. It appeared that it had been located next to the pool pump, just east of the pool enclosure on a concrete surface. Photos were taken by CSI Enos. I noticed that whoever had taken the heater had re-capped and re-routed the PVC pipe where the pool heater had been connected to the pool pump. The different color of plumbers glue was very noticeable along with the presence of new PVC pipes.

Mr. Richard Shilling, the next door neighbor, advised Ms. Ellery had asked him to take care of the sprinklers and swimming pool until the house sold. Shilling stated he had not noticed the heater missing until Barnes had brought it to his attention on the March 12, 2012. Shilling stated that on or about the 3rd and 4th of March he observed Diana Veneri-Spacek (aka "D"), Christopher Dzadoovsky, Richard Delgadillo, Robert Delgadillo and Jay (John Massarelli) helping Diana move out of the residence. Shilling did not see the pool heater being removed.

Shilling explained what he described as a strange phone call he received on March 19, 2012 from Chris Dzadoovsky. Dzadoovsky informed him he was in possession of the missing pool heater and he took the pool heater so he could repair it for Mrs. Ellery. Shilling also stated Dzadoovsky advised the heater has now become an eye sore just sitting in his back yard. Shilling was confused as to why Dzadoovsky would involve himself in something that did not concern him. Shilling repeatedly asked Dzadoovsky to call Mrs. Ellery and explain his actions. Shilling repeatedly attempted to provide Dzadoovsky with Ellery's phone number, but Dzadoovsky declined and stated "you call her and tell her."

After interviewing Barnes and Shilling, Inv. Arens and I drove over to Dzadoovsky's residence at 1209 Texas Ct. We observed what appeared to be the stolen pool heater from the roadway. I took several photos of the pool heater which appeared to be disconnected and placed near what we later discovered to be a pool patio located at the south side of the residence.

On March 21, 2012 at approximately 5:20 PM I telephoned John Massarelli a/k/a Jay. Jay admitted he and Chris (Dzadoovsky) had removed the pool heater. I informed Jay that I had spoken with Dzadoovsky earlier in the day and Jay responded by saying "yeah that's what Chris had told him." I asked Jay why they took the pool heater. Jay stated it had been leaking water but he didn't know from where. The pool heater appeared to be leaking from inside the pool heater and from an external coupling. I asked about his swimming pool experience. Jay responded he had worked for a pool company in New Jersey years earlier. I asked Jay how the pool heater was removed from the residence. Jay first stated they had taken it over the wall but later retracted the statement and said they had taken it through the house, out to the front yard and loaded it onto a truck then delivered to Dzadoovsky's residence on Texas Court. Jay admitted that Robert Delgadillo was next to him during this telephone call and was assisting with the answers.

Jay said it was Dzadoovsky's idea to remove the pool heater. Jay said Dzadoovsky re-plumbed the pool PVC pipes after the heater was removed. Jay admitted it would have made more sense to leave the pool heater connected to the pool pump and have a technician come out and assess the leak. However, Dzadoovsky wanted the pool heater delivered to his residence and have it fixed there.

Jay admitted they had not sought permission from Diana to remove the pool heater. However, Jay said Diana may have observed them removing the pool heater.

Jay stated the heater was transported to Dzadoovsky's residence but could not tell me how it had been delivered. Jay stated he assumed it was transported there by a pick-up truck. Jay stated he had re-plumbed the pool pump after the pool heater was removed. This contradicted the statement he said earlier in the interview where Jay stated Dzadoovsky had repaired the plumbing.

On March 22, 2012, I again spoke with Dzadoovsky, via the telephone. Dzadoovsky admitted he and Jay removed the pool heater from the house. Dzadoovsky stated he removed it to clean it up to make it look nice, he then stated it was broken and that the pump was leaking air and that the pump would not prime, he also stated it was leaking some water but could not tell me where the water was coming from.

I asked Dzadoovsky if Diana knew he was taking the pool heater from the home or if she had given him permission to remove it from the home. He responded by stating she didn't care and that the idea was to get it fixed. I asked Dzadoovsky if Diana had seen him and Jay remove the pool heater, he responded that he didn't know if she did. I asked Dzadoovsky if he had informed Joyce Ellery that he was removing the pool heater. Dzadoovsky admitted that he had not. Dzadoovsky admitted he had not contacted any repair person give him an estimate on the repair of the pool heater, since it was removed from the Ellery residence. Dzadoovsky stated he had been busy the past few weeks and he has been recovering from shoulder surgery.

I asked Dzadoovsky if he had told anyone that he had removed the pool heater. He replied that he had contacted Richard Shilling and informed him that he was in possession of the heater. Dzadoovsky explained he notified Shilling because he knew that Shilling was responsible for the pool and that he assumed that Shilling had known that he had removed the pool heater. I asked Dzadoovsky as to why didn't he contact Joyce after Richard offered to give him her phone number, Dzadoovsky didn't have an answer. I asked Dzadoovsky if Joyce had given him permission to remove the pool heater and he replied "no" that he had removed it on his own without anyone's permission.

Dzadoovsky admitted he had placed the pool heater on his back porch and it was still there. He agreed to meet at the police station where we would follow him to his home to retrieve the heater.

On March 22, 2012, Inv. Arens and I met with Chris Dzadoovsky in the lobby of the police station. Dzadoovsky agreed to meet at his residence, so we could retrieve the pool heater. Dzadoovsky stated "You can pick it up, I don't own it."

At Dzadoovsky's home, we retrieved the pool heater. Dzadoovsky handed me an owner's /instruction manual to the pool heater. I made the following observations: The heater was placed near what appeared to be an irrigation pump. Electrical conduit pipe was on the ground directly behind the heater. There was an electrical breaker box on the southwest corner of the residence, which appeared to be installed recently. A portion of PVC piping along with an attached valve was located near the pool heater.

Dzadovsky admitted the aforementioned PVC piping was the portion of PVC that was once attached to the pool heater when it was located at 1008 S 10th street. The pool heater and the PVC piping were loaded onto a city truck by the city employees and transported to the police station.

On March 23, 2012, Diana Veneri-Spacek was interviewed by Inv. Arens, and Det. Martella, FPPD. Spacek stated she had no knowledge as to what happened to the pool heater. She said nobody had asked her permission or mentioned that they were taking the pool heater. She did not know the pool heater was missing until she was questioned about it in the telephone call from Det. Hurley on March 19, 2012. Ms. Veneri-Spacek stated her last day at the residence was on March 4, 2012.

Ms. Veneri-Spacek stated she contacted Dzadovsky, after Det. Hurley called her on March 19th, 2012, and asked him if he knew anything about the missing pool heater. Ms. Veneri-Spacek stated Dzadovsky informed her that he was in possession of the pool heater and that he was going to get the pool heater repaired.

On March 29th, 2012, CSI Enos, S/A Evans, Inv. Arens and I met with the owner of RHR Pools and a technician at the crime scene, located at 1008 S. 10th Street. The pool heater had been removed from the exterior evidence holding facility and delivered to this address. The FPPD contracted the services of RHR Pools for the purpose to ascertain if the pool heater was functional and if not, to give us a possible diagnosis.

The pool heater was reconnected and no visible leaks were observed. The water was cycling through the pool heater. Several red lights appeared on the panel indicating that there was something wrong with the pool heater, but still no leaks were observed from either neither outside nor inside the pool heater unit.

The technicians informed us that the pool heater was not functioning properly and an AC technician would be needed to diagnose the problem. They guessed that the problem may be a lack of Freon or a condenser problem.

Inv. Ed Arens stated on Friday, March 30, 2012, Scott Hixon, owner of AirPlus Pool and Heating met at 1008 S. 10th Street. Mr. Hixon re-plumbed the pool heater back in to the system. When the pool heater was first turned on, several warning lights were activated. Mr. Hixon inserted approximately 2.6 pounds of refrigerant gas and the warning lights turned off and the fan motor turned on. Mr. Hixon explained that the pool heater was low on refrigerant gas, but once it was filled, the pool heater worked as designed. The heater was left plumbed to the pool for the weekend so that it could be checked again on Monday to determine if there was a refrigerant leak. Mr. Hixon stated this model pool heater has a retail value of approximately \$4000.00. In its present used condition, the market value would be between \$800.00 and \$1200.00.

On April 2, 2012, Mr. Dzadoovsky arrived at the police station with Attorney Mike Kessler for an interview with ASA Evans and Inv. Arens. According to Inv. Arens, Dzadoovsky stated he did, with the assistance of "Jay", in fact remove the pool heater from the residence at 1008 S. 10th Street and had it transported to his residence at 1209 Texas Ct. Dzadoovsky said the pool heater was not functioning and that his intention was to have it repaired at a later date. Dzadoovsky mentioned the original "thought process" was to leave the pool heater along the curb as trash, but later he changed his mind. Dzadoovsky was asked if he had anyone's consent to remove the pool heater from the residence and he responded "that it was understood" that he would be taking the pool heater. Dzadoovsky admitted he had not obtained a quote for the repair of the pool heater. He explained he was very busy and had not had the opportunity to contact a service company as of yet. During the interview Dzadoovsky admitted he, Jay and Robert took the pool heater in February 2012.

Dzadoovsky stated he was once engaged to, and living with, Karen Bruno in the house but the relationship dissolved in 2006. Dzadoovsky admitted trying to purchase the heater two years ago and again inquiring about it at the January estate sale conducted by Colleen Barnes.

Dzadoovsky admitted knowing the house was for sale. He was asked repeatedly about who he was trying to help by removing the pool heater to have it repaired. He simply stated that he did it for Karen. Dzadoovsky and Karen parted ways in 2006. Karen died on December 23, 2011.

Dzadoovsky said Spacek told him that she had received a telephone call from FPPD on March 19, 2012, but she did not tell him the nature of the investigation or inquiry. He said that he did not ask her what it was about.

Your affiant met with Scott Dixon from AirPlus on Monday, April 2, 2012, at 1008 S. 10th Street. Mr. Dixon confirmed the pool heater had not leaked any refrigerant and there were no observable water leaks. Mr. Dixon stated the pool heater was functioning properly as it was designed.

Mr. Dixon stated it was not a common practice for a pool heater to be removed from a residence and delivered to their place a business for repair. He explained that a leak needed to be diagnosed at the location where the system is connected.

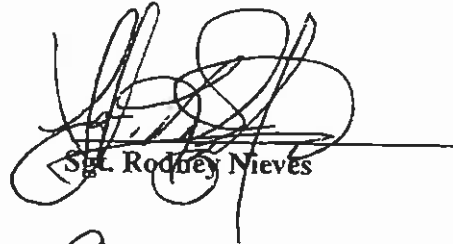
On April 2, 2012, Mr. Dixon provided your affiant with print outs that he had obtained over the weekend that depicted several similar used pool heaters that were for sale in the area. He again estimated that the pool heater in question, in its current functioning state, would sell from between \$800.00 to \$1200.00.

The pool heater was then disconnected, loaded and delivered back to the Ft. Pierce police station outside evidence locker.

Based upon the afore stated probable cause, your affiant believes the defendant, Christopher Dzadoovsky is in violation of F.S.S. 814.014 2(c) 1 Grand Theft, as described in the affidavit where the defendant knowingly obtained the property of another with the intent to either temporarily or permanently deprive the other person of the right to the property valued at \$300.00 or more, but less than \$5000.

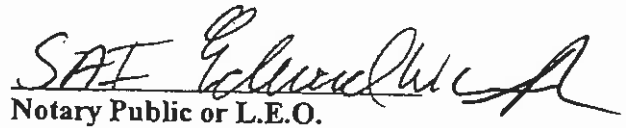
This incident did occur within the City of Ft. Pierce city limits, County of St. Lucie, Florida, and is in violation of F.S.S. 814.014 2(c) 1 To Wit: Grand Theft

I swear that the above statements are true and correct to the best of my knowledge and belief.



Sgt. Rodney Nieves

Sworn and subscribed before me this 9 day of April, 2012, Ft. Pierce Police Detective Sgt. Rodney Nieves, who is personally known to me and who did take an oath.



Notary Public or L.E.O.