

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 20-96 (Executive Order of Suspension)

WHEREAS, Article IV, Section 7(c) of Florida Constitution provides in relevant part that “by order of the Governor any elected municipal officer indicted for crime may be suspended from office until acquitted”; and

WHEREAS, Kathleen E Berg is presently serving as City Commissioner for the City of Crescent City, Florida, having been elected by the voters of the City of Crescent City in a special election 2019 to fill the remainder of the four-year term; and

WHEREAS, on March 30, 2020 Kathleen E Berg was arrested for felony charges of exploitation of an elderly person or disabled adult (\$50,000 or more), in violation of section 825.103(a), Florida Statutes; and

WHEREAS, violation of section 825.103(a), Florida Statutes, constitutes a felony in the first degree; and

WHEREAS, it is in the best interests of the residents of the City of Crescent City, and the citizens of the State of Florida, that Kathleen E Berg be immediately suspended from the public office, which she now holds, upon the grounds set forth in this executive order.

NOW, THEREFORE, I, RON DESANTIS, Governor of Florida, pursuant to Article IV, Section 7(c), and section 112.51, Florida Statutes, find as follows:

- A. Kathleen E Berg is, and at all times material hereto was, City Commissioner for the City of Crescent City, Florida.

- B. The office of City Commissioner for Crescent City, Florida, is within the purview of the suspension powers of the Governor, pursuant to Article IV, Section 7(c) and Chapter 112 of Florida Statutes.
- C. The attached Warrant Affidavit and Arrest Warrant allege that Kathleen E Berg has committed felony acts in violation of the Laws of Florida. This suspension is predicated upon the attached Warrant Affidavit and Arrest Warrant which are incorporated as if fully set forth in this Executive Order.

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 immediately:

Section 1. Kathleen E Berg is suspended from the public office, which she now holds, to wit: City Commissioner for the City of Crescent City, Florida.

Section 2. Kathleen E Berg 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 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 the Capitol, Tallahassee, Florida, this 8th day of April, 2020.

A large, bold, black ink signature of Ron DeSantis, written in a cursive style, is placed over the text "RON DESANTIS, GOVERNOR".

RON DESANTIS, GOVERNOR

ATTEST:

A black ink signature of Laurel M. Lee, written in a cursive style, is placed over the text "SECRETARY OF STATE".

SECRETARY OF STATE

FILED
2020 APR -8 AM 9:35
TALLAHASSEE, FLORIDA

PUTNAM County Warrant Number: _____

FELONY WARRANT

STATE OF FLORIDA

VS.

KATHLEEN E BERG

IN THE CIRCUIT COURT FOR
PUTNAM COUNTY, FLORIDA

CASE NUMBER: 2020-417 CFM 52

AGENCY: PUTNAM COUNTY SHERIFFS
OFFICE

AGENCY REPORT NO. 194318

CHARGE(S):

- EXPLOITATION OF AN ELDERLY PERSON OR DISABLED ADULT (\$50,000 OR MORE)

W/F; DOB: 11/29/1958; [REDACTED]

HGT.: 509 / WGT.: 155

WARRANT FOR ARREST

IN THE NAME OF THE STATE OF FLORIDA, TO ALL AND SINGULAR, THE SHERIFF'S
AND THEIR DULY SWORN DEPUTIES OF THE STATE OF FLORIDA

WHEREAS, AN AFFIDAVIT HAS BEEN MADE BY DET. GEORGE DUNLAP, A Law Enforcement Officer, and it appears to the Court, from having read said affidavit, that there is sufficient probable cause to believe on 10/08/2019 in PUTNAM County, Florida, the defendant, KATHLEEN E BERG did commit the above listed violation(s) of the laws of the State of Florida.

These are, therefore, to command you to arrest instanter the above named accused and bring him/her before the CIRCUIT Court, PUTNAM County, Florida, at the next scheduled 24-hour appearance hearing following his/her arrest, unless he/she shall first post bond.

I. 825.103 (3)(a) EXPLOITATION OF AN ELDERLY PERSON OR DISABLED ADULT (\$50,000 OR MORE) 1

F Bond Amount \$: 20,000.00

Given under my hand and seal this 30 day of March, 2020.


CIRCUIT JUDGE
PUTNAM COUNTY, FLORIDA



PUTNAM CO CLERK OF COURT
03/30/2020 12:31 PM

EXTRADITION INFORMATION:

ENTER INTO NCIC
NATIONWIDE



PUTNAM COUNTY SHERIFF
130 ORIE GRIFFIN BLVD
PALATKA, FL 32177
386-329-0800

REPORT NUMBER
PCSO20ARR000564

WARRANT AFFIDAVIT

Report Date / Time 10/04/2019 03:00 PM	Agency Case/Offense Number PCSO19OFF004318	OCA / Agency ID	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number PCSO19CAD051261
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LOCATION OF OCCURRENCE

County PUTNAM	Address	
Range of Occurrence Date/Time 11/27/2016 12:01 AM to 10/04/2019 03:00 PM	Latitude 29.65885	Longitude -81.66039

PERSON: SUSPECT

First Name KATHLEEN	Middle Name E	Last Name BERG	Suffix	Date of Birth 11/29/1958	Age 57	Race W	Sex F	Height 5'10"	Weight 155	Hair BLN	Eyes GRN
Master Name Index Number PCSO03MNI264850	Place of Birth	Nation	SSN	Driver's License or Other ID	State FL	Class or Type					
Address 402 N SUMMIT STREET	City CRESCENT CITY	County PUTNAM	State FL	Zip Code 32112	Phone						

CHARGES

Counts 1	Charge Number 825.103.3a	Charge CRIMES AGAINST PERSON
Charge Degree FIRST DEGREE	Charge Level FELONY	General Offense Code PRINCIPAL
EXPLOITATION OF ELDERLY 50K DOLS OR MORE		<input type="checkbox"/> Hate Crime <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Bond Amount

PROBABLE CAUSE

On 10-08-18 a report was filed where the victim, [REDACTED] who is a disabled adult [REDACTED] was a victim of Exploitation of the Elderly / Disabled. The victim is intellectually handicapped and according to an evaluation by Dr. Jerry Valente PH.D, the victim's FSQ score is 57, his broad independence score is equal to a 6 year old. His social interaction, personal living skills and communication skills are very limited to negligible.

During the course of this investigation, it was discovered that after the victim's mother passed away, the victim's aunt, Suspect Kathleen E. Berg had become the victim's SSI / SSA Representative Payee (Rep-Payee) and assumed responsibility for his finances due to his disability. After the victim's mother passed away, the victim continued to live in the mother's mobile home which was free from debt. Suspect Berg did not reside with the victim at this residence.

On 04-26-17 and 8-17-17 Suspect Berg opened two accounts at the TD Bank for the victim's funds. One account was opened to receive direct deposits for his SSI / SSA back payments and monthly payment which Suspect Berg was listed as "Rep-Payee" for the victim. The second account was opened when the victim received his mother's life insurance payment in the amount of \$170,958.52. On this account, Suspect Berg had the victim endorse the check and she had this account in her name only with the victim listed as Payable Upon Death (POD).

From 4-26-17 to 7-24-19 (27 months), Suspect Berg depleted all of the funds in these two accounts that were for the victim's current and future support. Suspect Berg used the victim's funds for her personal travel, numerous shopping sprees, her personal support, purchase and remodel of a new home, and numerous monthly cash withdrawals.

It was determined that from the SSI / SSA TD Bank account, Suspect Berg used in excess of \$34,000.00 and from the Life Insurance Check TD Bank account, she used in excess of \$144,000.00 for her personal use and not for the victim.

On 3-4-20 Ms. Berg came to the Putnam County sheriff's Office CIB Unit to provide an explanation / statement in reference to the allegations against her. After being advised of her constitutional rights (written) which she acknowledged, she voluntarily provided a recorded statement about the misuse of the victim's funds. During this interview, Suspect Berg confessed to the use of the victim's funds for her personal travel, numerous shopping sprees, her personal support, purchase and remodel of a new home, and numerous monthly cash withdrawals / expenses not related to the Disabled Victim.

This investigation determined that Suspect Berg, who was the victim financial guardian (Social Security Rep-Payee) is in violation of FSS. 825.103.3 a / Exploitation of the Elderly / Disabled, 50k Dollars or More by taking in excess of \$147,000.00 over a 27-month time frame of the funds designated for his current and future support.

PERSON: COMPLAINANT

First Name TIMOTHY	Middle Name PATRICK	Last Name SHEA	Suffix	Date of Birth 03/14/1948	Age 66	Race W	Sex M	Height 5'11"	Weight 170	Hair GRY	Eyes HAZ
Master Name Index Number PCSO19MNI008748	Place of Birth	Nation	SSN	Driver's License or Other ID	State FL	Class or Type					
Address 218 N GRIFFIN DRIVE	City CASSELBERRY	County	State FL	Zip Code 32707	Phone (407)463-0795						

PERSON: VICTIM

First Name [REDACTED]	Middle Name [REDACTED]	Last Name [REDACTED]	Suffix	Date of Birth [REDACTED]	Age [REDACTED]	Race [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
Master Name Index Number PCSO19MNI008749	Place of Birth	Nation	SSN	Driver's License or Other ID	State FL	Class or Type					
Address [REDACTED]	City [REDACTED]	County [REDACTED]	State FL	Zip Code [REDACTED]	Phone [REDACTED]						

Report Date / Time 10/04/2019 03:00 PM	Agency Case/Offense Number PCSO19OFF004318	OCA / Agency ID	OBTS Number	Offender Based Translation System	Jail Booking Number	Other Number PCSO19CAD051261
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Before me personally appeared the above named law enforcement officer with the PUTNAM COUNTY SHERIFF, and who being duly sworn, states the Defendant KATHLEEN BERG did commit the acts stated in this Probable Cause Affidavit. Based upon this sworn statement of facts, I find probable cause that the defendant did commit the crimes listed in the Charges Section of this affidavit. Therefore, I hereby command the immediate arrest of Defendant KATHLEEN BERG and order them brought before the courts to be dealt with according to the law.

So ordered on _____ by Judge _____

BOND SET BY JUDGE

Bond Amount \$ \$0.00	<input type="checkbox"/> None	<input type="checkbox"/> Cash	<input type="checkbox"/> Any	<input type="checkbox"/> Pro	<input type="checkbox"/> PtriQ
	<input type="checkbox"/> ROR/Sign	<input type="checkbox"/> PTR	<input type="checkbox"/> Blanket Bond		

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named person, committed violation(s), of law, on the above date(s) and time(s), as listed in charges section above and described in the probable cause statement.

ID Number Rank Name
1320 DETECTIVE DUNLAP, GEORGE EME
Officer Agency
PUTNAM COUNTY SHERIFF

 1320
Officer Signature

Subscribed and sworn to (or affirmed) before me this 30th day of March A.D. 2020 by DET. DUNLAP who is personally known to me or has produced _____ as identification.

G. E. DUNLAP Notary Public LEO CO Commission No: _____ My Commission Expires: _____
Signature 11120