

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA.

GRAND JURY FALL TERM, 2008

CASE NO. 09CF1229 SPN

STATE OF FLORIDA

vs.

Indictment for:

A Raymond Edward Sansom, 204907
W/M, DOB: 07-11-1962
[REDACTED] and

B James Robert Richburg, 204908
W/M, DOB: 03-26-1945
[REDACTED]

Official Misconduct (F3) (ref. #5566) and
Perjury In Official Proceeding (F3) (ref. #3111)

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

The Grand Jurors of the State of Florida, empaneled and sworn to inquire and true
presentment make in and for the County of Leon, upon their oaths, do present that

Raymond Edward Sansom

and

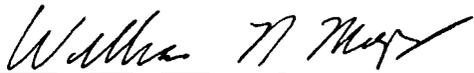
James Robert Richburg

on or about April 27, 2007, in the County of Leon and State of Florida, while a public servant, to
wit: Raymond Edward Sansom a state legislator and James Robert Richburg, President of Okaloosa-
Walton College, did unlawfully falsify, or cause another person to falsify, an official record or
official document, the 2007 - 2008 General Appropriations Act and/or the Joint Use Project Note,
with corrupt intent to obtain a benefit for any person, or to cause harm to another, contrary to
Section 838.022(1)(a) & (3), Florida Statutes.



COUNT II: And the Grand Jurors of the State of Florida aforesaid, further indictment makes that James Robert Richburg on April 16, 2009, in the County of Leon and State of Florida, did unlawfully make a false statement, which he did not believe to be true, under oath administered by William N. Meggs in an official proceeding, a meeting of the Fall 2008 Grand Jury, in regard to a material matter, as follows: he testified that the building that was the subject of the Grand Jury investigation was not designed as a hanger and/or there was never intention or discussion after the appropriation was made, that Jay Odom or Destin Jet would use the building, contrary to Section 837.02, Florida Statutes.

And contrary to the form of the Statute in such case made and provided and against the peace and dignity of the State of Florida


STATE ATTORNEY, SECOND JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR
LEON COUNTY; PROSECUTING FOR
SAID STATE.

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY,
FLORIDA.

GRAND JURY, FALL TERM 2008

IN RE: Legislative, NorthWest Florida State College and Destin Jet
Investigation

PRESENTMENT

YOUR GRAND JURORS have considered an issue regarding two appropriations to the NorthWest Florida State College (NWFSC), formerly Okaloosa-Walton College, a violation of the Sunshine Laws of Florida, the appropriateness of an employment contract for the Speaker of the House of Representatives, and contributions by an Okaloosa County developer to Speaker Designee Ray Sansom and to the Republican Party of Florida. Your Grand Jurors have for several sessions considered evidence on the above issues and have taken testimony of witnesses from The Legislature, NWFSC, Okaloosa County Emergency Management Services, Okaloosa County Emergency Operation Center, Division of Elections, Department of Education, and Florida State University Center Club, and have examined numerous documents and e-mails of parties involved in the above issues.

Your Grand Jurors find as follows:

Okaloosa County is the owner of an airport located very near the Gulf of Mexico at Destin, Florida. This airport primarily serves private aircraft belonging to individuals who have property located in the highly desirable Destin-Fort

Walton Beach tourist venue. There are many vacation homes and condominiums located in the Destin area. Destin Airport is on a peninsula and is very close to sea level.

During 2004 local developer Jay Odom approached airport officials, Okaloosa County officials and City of Destin officials about the construction of a fix based operation (FBO) at the Destin Airport for his business, Destin Jet. Odom had negotiated a lease with the county for seven acres and constructed aircraft storage hangers adjacent to the runway. At a 2006 meeting, Odom sought support for his fixed base operation (FBO) (hanger) where aircraft repair, maintenance and fueling would take place, to also serve as an emergency operations center. He further attempted to obtain State funding through the City of Destin for his FBO which would serve as a staging area in the event of a category 5 hurricane. Odom agreed to remove his aircraft from the FBO in the event of an approaching hurricane. Funding was not approved by The Legislature.

In 2007, Odom met once again with Okaloosa County officials in an attempt to obtain funding for his FBO (hanger) on the seven acre site at the Destin Airport. During a meeting at the Ramada Inn in Okaloosa County it was proposed that the FBO (hanger) would share space for the Emergency Operation Center (the "EOC"). Odom marketed the idea that his planes would leave during a hurricane and that the county could then use the hanger space for fire trucks, emergency vehicles and utility vehicles during and after a hurricane. In the 2007 meeting, the NWFSC was not involved in any respect.

The Okaloosa County Public Safety Department officials had no interest in the proposal as they were engaged in the planning and construction of an Emergency Operation Center in Niceville, which is above the flood surge zone and is centrally located in Okaloosa County. Destin Jet's proposal and plans being offered was for a hanger with office space.

In the 2007 Legislative session an appropriation was made giving \$6,000,000 to the NWFSC through the Public Education Capital Outlay (PECO) funds for a building to be built on property at the Destin Airport. A meeting between officials of NWFSC and Okaloosa Emergency Management was subsequently held on the Niceville campus at NWFSC.

During 2007 and 2008 airport officials learned about the appropriation to NWFSC and the requirement by The Legislature that the college facility would be built at the Destin Airport. The college was to use a development order previously prepared by Destin Jet. The Destin Airport is located fifteen miles away from the NWFSC campus in Niceville. Airport officials met with NWFSC President Bob Richburg and Vice-President Gary Yancy. During this meeting the NWFSC officials discussed how the building would be used. The college would have classroom space and the college could sub-lease the storage area to Destin Jet. The building essentially has the same design as Destin Jet's 2004 design, and is still an aircraft hanger. The second floor drawing now includes classrooms as opposed to office space and the first floor is now called a staging area.

Airport officials were concerned that the college building at the Destin Airport could jeopardize Federal funding. The Federal Aviation Administration mandates facilities located at an approved airport to have some relation to aviation. NWFSC does not have an aviation component in its curriculum. Discussions were held that during non-storm times the facility would be used by the NWFSC and Destin Jet, and in the event of a hurricane or other natural disaster Public Safety officials could use the hanger for staging of emergency vehicles and construction vehicles.

The normal process for construction and planning of a State Education facility is through the Department of Education. A survey is then conducted and priorities are assigned. The vice-president of NWFSC responsible for construction of structures, Dr. Yancy, was not aware of the hanger project until he learned that The Legislature had appropriated funds for it. Dr. Yancy learned of this appropriation from President Richburg. The project was to be constructed at the Destin Airport according to a development order previously obtained by Jay Odom for Destin Jet. An architect was hired by the NWFSC to draw the plans. Basically office space on one side of the building was renamed classroom space and the aircraft hanger was renamed a staging area. Your Grand Jurors find that it is still an aircraft hanger as designed by Jay Odom for his Destin Jet FBO. College officials even discussed a sublease back to Destin Jet of the storage area with an understanding that Destin Jet would move all of its aircraft out of the facility in the event of a hurricane. Meetings and communications between college officials, Jay Odom and EMS officials for Okaloosa County

continued thru October 2007, some 6 months after the appropriation was made. These discussion included, among other things, negotiation of the terms of the sublease to the college and the idea that the college could sub-lease the hanger area back to Destin Jet in order to serve as an aeronautical purpose. Jerry Sealy advised the FAA that Destin Jet would use the storage area of the facility as part of its FBO. During the planning process following the appropriation of funds, there were discussions held by the vice-president of development about expanding the classrooms and reducing the staging area, but that was prohibited by the lack of parking at the facility.

Your Grand Jurors have determined that the funding for this hanger can be attributed directly and solely to Speaker Designate Ray Sansom. No member of The Legislature ever saw this appropriation until it was inserted into the appropriation bill during conference between the Appropriation Chair Ray Sansom and his senate counterpart Senator Lisa Carlton. The hanger project for a community college was the sole work of Ray Sansom, Jay Odom and Bob Richburg.

Your Grand Jurors considered the motive for building a hanger classroom fifteen miles from campus, the only college owned building on leased land and at an airport.

Additionally, why would the Okaloosa-Walton College lease its storage/staging area to Destin Jet owned by Jay Odom. We found that Jay Odom and numerous corporations owned or under his control contributed \$22,600 directly to the reelection campaign of Representative Ray Sansom.

Further, that Jay Odom and his corporations have contributed \$894,363.19 to the Republican Party of which the Speaker of the House is a major beneficiary. Further, that an additional \$100,000 was contributed to the Leadership for Florida's Future Fund which Representative Sansom is one of three people who control its distributions. While direct evidence was not developed that Jay Odom would acquire an aircraft hanger in exchange for his generous campaign contributions there is a strong inference of impropriety.

Further, Your Grand Jurors learned that Representative Sansom received a part-time vice-president position at NWFSC at or about the same time he took office as Speaker of the House. This was an unadvertised position and no other candidates were considered. This part-time position to Representative Sansom paid an annual salary of \$110,000.

Additionally, the NWFSC sought funding through the Department of Education for building improvements to the Student Services Building on the Niceville campus. The Public Education Capital Outlay (PECO) funds were processed through the appropriate channels and \$1,000,000 was approved for the 2007 budget process. After an amended request by Okaloosa-Walton College for additional funds, the Department of Education recommended funding that would total \$6,000,000 over a three year period. Without any input by the Department of Education, Speaker Designee Ray Sansom during conference with Lisa Carlton, Senate Appropriations Chairperson, increased this funding to \$25,500,000 in a single year.

Regarding the potential violation of the Florida Sunshine Law, Your Grand Jurors received testimony regarding a private meeting that was scheduled after NWFSC received the funding to build an aircraft hanger at an off campus site. College President Richburg had advertised a public meeting in the Okaloosa newspaper for a meeting to be held at the Florida State University Center Club meeting room in Tallahassee, well over one-hundred forty miles away. The meeting, in part, was to thank the College's Board of Trustees for taking responsibility for the Destin Project, an aircraft hanger. Representative Sansom attended the meeting and he gave no instruction to post signs advertising the location of the meeting. Staff at the University Center Club were also directed that this was to be a private meeting attended only by Representative Sansom and ten guests. Your Grand Jurors find that the spirit of the Sunshine Law was clearly violated by both President Richburg and Representative Sansom.

Further, Your Grand Jurors find that the appropriation process that gives unbridled discretion to the President of the Senate, Speaker of the House of Representatives and Appropriation Chairman needs to be changed. This State should be guided in openness and transparency. The procedure currently in place requires that our elected Legislators vote on a final budget that they have no knowledge about because it is finalized in a meeting between only two legislators. This process allows taxpayer money to be budgeted for special purposes by those few legislators who happen to be in a position of power.

CONCLUSION

THEREFORE, we believe that Speaker Designate Ray Sansom, because of his friendship and political contributions, violated the trust that the citizens of Florida should expect from its elected representatives. Jay Odom has been attempting since 2004 to develop an FBO at the Destin Airport. Jay Odom's efforts to obtain State funding via the City of Destin for a FBO/EOC at the Destin Airport failed. Emergency Management officials from the County and the former airport director all agreed that the Destin Airport was not an appropriate site for an EOC due to flood problems and because Okaloosa County Emergency Management authorities had already obtained funding for and are building an EOC on a centrally located site on the Niceville Campus of NWFSC. When Jay Odom's efforts to obtain state funding for his planned FBO at the Destin Airport failed, Speaker Designate Ray Sansom used the power of his position to accomplish what Mr. Odom was unable to do for nearly three years. Your Grand Jurors believe that the NWFSC had every intention of then sub-leasing back to Destin Jet the hanger portion of the building funded by Speaker Sansom. But for the discovery of this appropriation by a state-wide newspaper reporter, this appropriation would have gone unnoticed and Jay Odom's planned FBO would have been successfully funded by taxpayer dollars.

Further, the ability of an individual or corporation to contribute large sums of money to political action committees or major political parties needs to be addressed by The Legislature. The present system has the potential to breed

corruption and create an unfair advantage for those who have money to leverage influence on The Legislature.

Your Grand Jurors heard testimony that appropriations such as the subject of this Presentment are common and routine. We even heard that this \$6,000,000 dollars was likened to a gnat hitting a windshield. It is small wonder, with this attitude, that Florida is broke financially. The Legislature needs to remember that they do not print money and that whether it is general revenue dollars, federal grants, matching funds or PECO dollars, it is all taxpayer money and it needs to be spent wisely.

In the instant case, a new college NWFSC, formerly Okaloosa-Walton Community College, received \$6,000,000 that it had not requested and that did not go through any of the checks and balances that our State has in place. The \$6,000,000 was to build a building at the Destin Airport. Officials can call the building whatever they desire, but the plans paid for by taxpayer dollars is an aircraft hanger. The number of people who can use the building is limited to less than fifty people because of limited parking and common sense would dictate that you do not build a classroom in a building just a few feet from where jet airplanes land and take off because of noise issues.

Further, far too much power is given to The Legislative Leadership on these budget issues which led to this appropriation that was voted on basically hidden in a huge budget. Regular members had no idea that they voted to build an aircraft hanger for a college that owned no aircraft and funded a building on land that the State does not own.

Your Grand Jurors recommend to The Legislature that it clean up this process and that the State of Florida become an example to the Nation as a State that works for the people and not the special interest of those who have money to influence The Legislature.

RESPECTFULLY SUBMITTED this 17th day of April, 2009.



RICHARD R. NUSS
Foreperson

Attest:



Grand Jury Clerk