

VINCE J. WHIBBS, JR.

Ct 1: Organized Fraud, F.S. 817.034(4)(a)1 (F-1, L-6)

Bond: \$25,000

Ct 2: Mortgage Fraud, F.S. 494.0025 (F-3, L-1)

Ct 3: Grand Theft, F.S. 812.014(1)(a) & (b) and 812.014(a)(1) (F-1, L-6)

Agency No.:

RACE: W SEX: M DOB: 12/28/1944

Address: 1801 East Jackson Street
Pensacola, FL

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA
IN THE CIRCUIT COURT IN AND FOR ESCAMBIA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff

vs.

Case No.

VINCE J. WHIBBS, JR.
Defendant

INFORMATION

COUNT 1: WILLIAM E. EDDINS, STATE ATTORNEY for the First Circuit of Florida, prosecuting for the STATE of FLORIDA, and charges that VINCE J. WHIBBS, JR., from on or about January 1, 2003, and continuing through on or about December 31, 2005, at and in ESCAMBIA COUNTY, FLORIDA, did unlawfully engage in a scheme to defraud, as defined by Section 817.034(3)d, Florida Statutes, with intent to defraud one or more persons, to wit: Whibbs & Whibbs, PA and/or clients of Whibbs & Whibbs, PA, by false or fraudulent pretenses, representations or promises or willful misrepresentations of a future act, in that he did obtain or use monies held in trust by Whibbs & Whibbs, PA with intent, either temporarily or permanently, to deprive Whibbs & Whibbs, PA and/or the clients of Whibbs & Whibbs, PA of a right to the property or a benefit therefrom, or appropriate the property to the use of himself or any person not entitled thereto, and did obtain property thereby, to wit: funds, credit or United States currency of a value of \$650,000, in violation of Section 817.034(4)(a)1, Florida Statutes. (F-1, L-6)

COUNT 2: THE STATE ATTORNEY for the First Circuit of Florida, prosecuting for the STATE OF FLORIDA, further charges that VINCE J. WHIBBS, JR., on or about March 1, 2005, at and in ESCAMBIA COUNTY, FLORIDA, in a transaction relating to the sale or purchase of a mortgage, directly or indirectly, employ a device, artifice or scheme to defraud, to wit: he represented that he intended to use monies obtained from Daniel and/or Roberta Pepler to purchase a mortgage interest for them in Asbury Place, when, in fact, he intended to use the monies to replace monies that he had wrongfully taken from the trust account of Whibbs & Whibbs, PA, in violation of Section 494.0025, Florida Statutes. (F-3-L1)

COUNT 3: THE STATE ATTORNEY for the First Circuit of Florida, prosecuting for the STATE OF FLORIDA, further charges that from on or about March 1, 2005, and continuing through on or about April 25, 2006, at and in Escambia County, Florida, VINCE J. WHIBBS, JR., did knowingly obtain or use, or endeavor to obtain or to use, property, to wit: United States currency, valued at \$100,000 or more, the property of Daniel and/or Roberta Pepler by false pretenses, fraud or deception, with intent, either temporarily or permanently, deprive DANIEL and/or ROBERTA PEPPLER, of a right to the property or a benefit therefrom, or appropriate the property to the use of himself or any person not entitled thereto, in violation of Sections 812.014(1)(a) and (b) and 812.014(2)(a)1, Florida Statutes. (F-1, L-6)

STATE OF FLORIDA
COUNTY OF ESCAMBIA

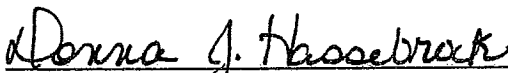
Before me personally appeared the undersigned Assistant State Attorney for the First Judicial Circuit of Florida, being personally known to me, and who first being duly sworn, says that he has received testimony under oath from material witnesses for the offenses charged, and that this prosecution is instituted in good faith.



RUSSELL G. EDGAR

Assistant State Attorney for the First Judicial Circuit
Florida Bar No. 173161

Sworn to and signed before me this 15th day of November, 2006.



Donna J. Hassebrock
Notary Public



STATE OF FLORIDA

COUNTY OF ESCAMBIA

AFFIDAVIT OF RANDY B. CROWDER

The undersigned affiant, being first duly sworn, deposes and says:

I, Randy B. Crowder, an investigator with the State Attorney's Office, 1st Judicial Circuit, and Joe Holokan, an investigator with the Florida Office of Financial Regulation, have investigated allegations of theft and fraud by attorney **Vince J. Whibbs, Jr.** As a result of the investigation I believe there is probable cause that **Vince J. Whibbs, Jr.** has committed the felony crimes of organized fraud, in violation of Section 817.034, Florida Statutes, mortgage fraud, in violation of 494.0025, Florida Statutes, and grand theft, in violation of Section 812.014, Florida Statutes.

In March 2006, The Florida Bar determined that **Vince J. Whibbs, Jr.** had wrongfully taken monies held in trust for clients of the law firm with which he was associated. According to The Florida Bar audit report, which your affiant has reviewed, **Vince J. Whibbs, Jr.** "Misused and misappropriated client trust funds by converting them to his own personal benefit and use." The audit report further states **Vince J. Whibbs, Jr.** took at least \$683,827.66 of client trust funds. The audit report states that when confronted about the shortages, **Vince J. Whibbs, Jr.** acknowledged that he wrongfully took the monies to fund his investments in unrelated businesses.

Investigation by the State Attorney Office has revealed that some of the money **Vince J. Whibbs, Jr.** took from client accounts had been used to pay some of the expenses for Asbury Place of Gulf Breeze, Inc., d/b/a Asbury Place. According to State of Florida Department of

State records and testimony provided to the your affiant, **Vince J. Whibbs, Jr.** is a corporate officer and part owner of Asbury Place of Gulf Breeze, Inc., located in Gulf Breeze, Florida.

According to records of The Florida Bar, **Vince J. Whibbs, Jr.** and shareholders of the firm, during the period of December 2004 to April 2005, replaced the money taken. Specifically, the records show that partners of the firm replaced approximately \$401,000 of the shortages and **Vince J. Whibbs, Jr.** and others replaced approximately \$282,000 (Attachment 1, which is attached hereto).

Investigation by the State Attorney Office, however, revealed that of the money **Vince J. Whibbs, Jr.** replaced, \$144,388.50 was wrongfully taken from other clients, Dan and Roberta Pepler. He had probated an estate for the Peplers and was therefore aware they had inherited monies. According to Mr. and Mrs. Pepler, in March 2005, after the estate had settled, **Vince J. Whibbs, Jr.** persuaded them to invest monies they had recently inherited. **Vince J. Whibbs, Jr.**, told them they could make a good return on their money by purchasing a second mortgage in Asbury Place, an assisted living facility on Mobile Highway, Pensacola, Florida. Prior to signing the documents, Mrs. Pepler inquired about the safety of this investment. **Vince J. Whibbs, Jr.** assured Mrs. Pepler she would have the \$150,000 back, plus interest, within 90 days, if not sooner. They agreed and gave **Vince J. Whibbs, Jr.** \$150,000 (Attachment 2, which is attached hereto). Mrs. Pepler signed the documents investing the money into what she believed was Asbury Place on Mobile Highway in Pensacola. In exchange, he gave them a note and a mortgage and promised to pay them their principal, plus 8% interest, in 90 days (Attachment 3 and 4, which are attached hereto). Mrs. Pepler mentioned that she would not have invested the money if it was not being put into the Asbury Place.

Mrs. Sandra Solice, partner to **Vince J. Whibbs, Jr.** at Asbury Place in Gulf Breeze, has

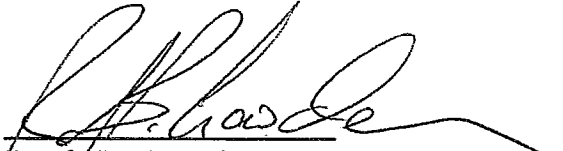
stated **Vince J. Whibbs Jr.** came to her and presented her with a way he could get the money he desperately needed. She asked **Vince J. Whibbs, Jr.** why he needed the money and he replied: "I need money or it's going to be trouble for me". **Vince J. Whibbs, Jr.** explained to her he needed to use Asbury Place as collateral on a \$150,000 loan. According to Solice, she understood **Vince J. Whibbs, Jr.** to have been referring to Asbury Place in Gulf Breeze and did not even consider Asbury Place on Mobile Highway, which **Vince J. Whibbs, Jr.** has no financial connection. After Solice agreed to it, **Vince J. Whibbs, Jr.** went to her office in a rush with the paperwork for the \$150,000 loan. **Vince J. Whibbs, Jr.** did not go into detail about the paperwork or mention anything about the second mortgage to her. Solice stated she received a copy of the borrower's closing statement and the promissory note, however, she never received a copy of the second mortgage. Solice advised she would not have signed the paperwork if she would have known it was a second mortgage, because she was attempting to refinance the Asbury Place on Mobile Highway and it would have been defeating the purpose.

Investigation reveals that the money was used to fund the shortage in Whibbs' trust account. Also, property records obtained by the State Attorney's Office show that neither the mortgage nor note were recorded by **Vince J. Whibbs, Jr.**

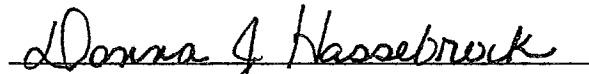
When the money was due, **Vince J. Whibbs, Jr.** did not pay the Peplers. For almost a year, **Vince J. Whibbs, Jr.** made promises to pay them but did not. The Peplers only received three \$1,000 checks from Sandra Solice. It was only after the Peplers complained to the State Attorney Office, and **Vince J. Whibbs, Jr.** learned about the investigation, did he pay the Peplers the monies he had obtained from them. The investigation has revealed that family members of **Vince J. Whibbs, Jr.** gave him the money to pay the Peplers.

Based on the foregoing, your affiant has probable cause to believe that **Vince J. Whibbs,**

Jr. has committed the felony crimes of organized fraud, in violation of Section 817.034, Florida Statutes, mortgage fraud, in violation of 494.0025, Florida Statutes, and grand theft, in violation of Section 812.014, Florida Statutes.


Randy B. Crowder

Sworn to or affirmed and subscribed before me this 1st day of November, 2006,
by Randy B. Crowder.


Signature of Notary Public



Personally Known ☒ OR Produced Identification _____
Type of Identification Produced _____

Funding of Trust Fund Shortage

12-10-04	JDW/SNW	124,000.00	Trust
02-23-05	MCR	25,000.00	RED Trust
02-24-05	JDW/SNW	96,249.32	RED Trust
02-23-05	Operating	73,244.01	RED Trust
03-01-05	Operating	15,000.00	RED Trust (new)
03-03-05	Operating	27,000.00	RED Trust
03-18-05	Operating	24,808.99	RED Trust (new)
03-18-05	Operating	1,000.00	to Mr. Helms
03-31-05	Operating	10,000.00	RED Trust (new)
Padget/Anderson		<u>5,000.00</u>	SNW Fee
		\$401,302.32	
03-02-05	Peppler/Solice Closing	144,388.50	RED Trust (new)
03-09-05	VJW III	30,000.00	RED Trust (new)
03-10-05	VJW	24,000.00	RED Trust (new)
03-16-05	VJW/EDW	32,136.84	RED Trust (new)
03-18-05	VJW, Sr.	20,000.00	Operating
04-08-05	VJW (for Ganey)	<u>32,000.00</u>	Trust
		\$282,525.34	
	TOTAL	\$683,827.66	