

**UNITED STATES DISTRICT COURT**  
for the  
Northern District of Florida

**Subpoena Duces Tecum to Testify Before A Grand Jury**

To: The City of Pensacola  
Custodian of Records  
222 West Main Street  
Pensacola, FL 32502

**YOU ARE COMMANDED** to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: United States District Courthouse 111 North Adams Street, Suite 400 Tallahassee, FL 32301 Grand Jury Room - 3rd Floor	Date and Time:  09/03/2014 8:30 am
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You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

\*SEE ATTACHMENTS\* This subpoena requires that your organization, through an authorized, knowledgeable representative, appear before the Grand Jury on September 3, 2014, at 8:30 a.m. CDT, at the location indicated above with the records requested.

If you are traveling from out of town, please contact Victim Witness Specialist Gretchen Busbee, or in her absence, Legal Assistant Kym Klevene, so your prepaid travel & lodging can be made. DO NOT MAKE YOUR OWN TRAVEL ARRANGEMENTS. See attached witness information sheet (Form OBD-2).

USAO #2013R00168 FBI / SA John W. Canning

Date: 08/15/2014



The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

AUSA Tiffany H. Eggers  
U.S. Attorney's Office  
21 East Garden St., Suite 400  
Pensacola, FL 32502-5675  
850-444-4000  
Tiffany.Eggers@usdoj.gov

**ATTACHMENT TO GRAND JURY SUBPOENA NO.**

The City of Pensacola  
Custodian of Records  
222 West Main Street  
Pensacola, FL 32502  
Phone 850-435-1603  
Fax: 850-435-1611

**YOU ARE COMMANDED to bring with you or provide the below identified documents and/or information:** Please provide any and all records for the below identified projects and/or matters:

I. The "Main Street Rehabilitation Project" – Bid #12-006 awarded on Nov 28, 2011. Said records include, but are not limited to the following: 1) Bid Sheets; 2) Committee Memorandums; 3) City Council reports; 4) City Engineering reports and/or memorandums; 5) Change Orders; 6) As built surveys and/or reports; 7) Payment requests related to P.O. 0070388; and 8) all e-mail communications concerning said project.

II. Copies of all Requests for Investment ("RFI") bids during the time period of Jan 1, 2010 to Jan 1 2013. Said RFIs include, but are not limited to the RFI requests disseminated on or about Nov 1, 2011, and Feb 7, 2012, by Pam Childers. The records sought include, but are not limited to the following: 1) Transfer of funds pertaining to the above RFI's; 2) E-mails concerning any RFI's and/or transfer of City of Pensacola funds; 3) Bid Response Sheets; 4) any other documents, emails and/or handwritten notes pertaining to the above RFI's issued by the City of Pensacola. Please also provide copies of all City of Pensacola policies in reference to issuing and administrating RFI's and a list of financial institutions registered to do business with the City of Pensacola.

III) Copies of all records pertaining to the following agreements: A) An "Agreement" dated Feb. 3, 2012, between the City of Pensacola and Jerry Pate Design; B) an "Agreement" dated Feb. 3, 2012, for the "Main Street Improvements Projects from Baylen to Clubbs," between the City of Pensacola and Jerry Pate Design; C) an "Agreement" dated Mar. 20, 2012, for "Bayfront Parkway Landscape Improvements" between the City of Pensacola and Jerry Pate Design; D) a "Landscape Architecture Agreement for Main Street (Spring to Reus) dated April 4, 2012, between the City of Pensacola and Jerry Pate Design; and, E) a "Landscape Architecture Agreement for Main Street (Baylen to Spring) dated April 4, 2012, between the City of Pensacola and Jerry Pate Design. Said records, include but are not limited to the following: 1) Request for Bids; 2) Bid Sheets; 3) Selection of contractor documents; 4) All e-mails pertaining to bids and selection of contractor; 5) Internal memorandums pertaining to the above listed projects and/or agreements; 6) Requests for payments by contractor; and, 7) Copies of all payments to contractor.

IV) Copies of all records pertaining to the "Request for Qualifications Property Insurance – Broker of Record Services RFQ 12-016," issued on or about February 9, 2012. Said records to include, but not limited to: all e-mails by city employees; all handwritten notes; internal memos; all bid sheets; and the final contract issued.

V) Copies of any and all records for expenses incurred by the City of Pensacola for John Asmar and/or Ashton Hayward and/or paid on behalf of John Asmar and Ashton Hayward. Said records include, but are not limited to the following: requests for reimbursement; travel expenses of any nature, i.e. airline, meals, hotel; and all email correspondence for the same.

**Title 18, United States Code, Section 1512(c) in relevant part provides -**

(c) Whoever corruptly—

(1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or

(2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so,

shall be fined under this title or imprisoned not more than 20 years, or both.

If you have any question regarding this request, please contact Assistant U.S. Attorney Tiffany H. Eggers at (850) 444-4000.

ASSISTANT U.S. ATTORNEY TIFFANY H. EGGERS  
U.S. ATTORNEY'S OFFICE  
21 E. GARDEN STREET, SUITE 400  
PENSACOLA, FLORIDA, 32502-5675  
PHONE: (850) 444-4000, FAX: (850) 434-9050  
[TIFFANY.EGGERS@USDOJ.GOV](mailto:TIFFANY.EGGERS@USDOJ.GOV)



**U.S. DEPARTMENT OF JUSTICE  
INSTRUCTIONS FOR FACT WITNESSES APPEARING ON  
BEHALF OF THE UNITED STATES GOVERNMENT  
(Not Applicable to Federal Employees)**

**TALLAHASSEE DIVISION**

**READ THE INFORMATION CONTAINED ON THIS FORM BEFORE YOUR COURT APPEARANCE. PLEASE CALL THE INDIVIDUAL(S) LISTED BELOW FOR INFORMATION REGARDING TRAVEL ARRANGEMENTS AND SPECIFIC ENTITLEMENTS. IF YOU HAVE A MEDICAL CONDITION OR FAMILY SITUATION THAT REQUIRES SPECIAL CONSIDERATION, PLEASE ADVISE THE INDIVIDUAL LISTED BELOW AS SOON AS POSSIBLE.**

**CONTACT PERSON: KYM KLEVENE, Legal Assistant 850-444-4000  
GRETCHEN BUSBEE, Victim Witness Specialist 850-444-4000**

≈ VERIFY YOUR ATTENDANCE ≈

On the last business day **BEFORE** you travel to court, call the above number to verify that your attendance is required. This may prevent a wasted trip in the event the appearance date is changed.

≈ APPEARANCE IN ANOTHER CITY ≈

If you are required to travel to another city to appear in court, immediately contact the individual listed above and request instructions. Any amount advanced to you will be deducted from your fees and allowances.

≈ REIMBURSEMENT OF EXPENSES AND ATTENDANCE FEES ≈

- I. **ATTENDANCE FEE:** You will be paid a fee of \$40 per day, including travel days.
- II. **TRANSPORTATION:** Call the individual listed above to obtain information on transportation. Reimbursement will be made for travel by the least expensive method reasonably available to you. The following rules apply to transportation expenses:

1. **Local Travel:** The recommended method of travel in the local area of court is transit bus/subway.

2. **Privately Owned Vehicles (POV):** You will be reimbursed the following amounts:

Motorcycle 0.53 per mile    Automobile 0.56 per mile    Airplane \$1.31 per mile

In addition to the above mileage allowance, necessary tolls, parking and other fees may be reimbursed. You must keep a record of your odometer readings if you travel by motorcycle or automobile. If two or more witnesses travel in the same vehicle, only one reimbursement for mileage can be made.

**IF POV EXPENSES, INCLUDING MILEAGE, TOLLS, PARKING AND OTHER ASSOCIATED COSTS, ARE GREATER THAN COACH CLASS AIRFARE, YOU WILL BE RESPONSIBLE FOR THE DIFFERENCE.**

3. **Common Carrier:** If you are located outside the local court area, **CALL THE INDIVIDUAL LISTED ABOVE FOR INSTRUCTIONS.** Train, bus or airfare will be reimbursed at COACH or other Non-PREMIUM rate. Reimbursement **WILL NOT** be made for First Class accommodations, "Frequent Flyer" tickets, or charter service. **DO NOT** purchase non-refundable tickets. If your appearance date changes or is cancelled you **WILL NOT** be reimbursed for non-refundable tickets. If you have any questions concerning transportation arrangements, please contact the individual(s) listed above.

C. **MEALS:** If it is necessary for you to remain away from home overnight, you will receive the following daily meal allowances:

\$23.00 each travel day    PLUS \$46.00 each full day at court

D. **LODGING:** If it is necessary for you to remain away from home overnight, you will be reimbursed for the **ACTUAL COST** of your hotel/motel room, per night, including tax, which may not exceed:

<b>Tallahassee Division:</b>	<b>October -December</b>	<b><u>\$ 83</u></b>
	<b>January - April</b>	<b><u>\$ 94</u></b>
	<b>May - September</b>	<b><u>\$ 83</u></b>

≈ YOU MUST RETAIN RECEIPTS ≈

**ALL CLAIMS FOR PARKING MUST BE SUPPORTED BY A RECEIPT. OTHER EXPENSES EQUAL TO \$25 OR MORE MUST BE SUPPORTED BY A RECEIPT, WITH THE EXCEPTION OF MEALS AND MILEAGE.**

≈ DISMISSAL ≈

When you are advised that your attendance is no longer required, you should request information regarding the payment of the fees and allowances outlined above. The individual requiring your attendance will provide you with a Fact Witness Voucher. You will be required to list your expenses on this Voucher. The Voucher will be submitted to the U.S. Marshals Service for payment. The U.S. Marshals Service will process the voucher and **MAIL** the payment to you. If you require funds to return home, you must bring this fact to the attention of the individual requiring your attendance, who will notify the U.S. Marshals Service.