



**Florida Commission on Ethics**  
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FLORIDA  
 COMMISSION ON ETHICS

OCT 03 2023

RECEIVED

ORIGINAL

# COMPLAINT

## 23-231

### 1. PERSON BRINGING COMPLAINT:

Name: Jeffrey W. Bergosh Telephone Number: 850-293-1459

Address: 5905 Forest Ridge Circle

City: Pensacola County: Escambia State: FL Zip Code: 32526

### 2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person you wish to complain against:

Name: Jonathan L. Owens Telephone Number: 850-232-7574/850-490-9208

Address: 4610 Clara Street

City: Pensacola, Florida County: Escambia Zip Code: 32526

Title of office or position held or sought: Former Administrative Secretary to Commissioner Doug Underhill

### 3. STATEMENT OF FACTS:

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

### 4. OATH

STATE OF Florida  
 COUNTY OF Escambia

Sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization, this 29 day of September, 2023, by Jeffrey W. Bergosh (name of person making statement)

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

[Signature]  
 SIGNATURE OF COMPLAINANT

[Signature]  
 (Signature of Notary Public)  
Tracy R Davis-Savage  
 (Print, Type, or Stamp Commissioned Name of Notary Public)



Personally Known  OR Produced Identification   
 Type of Identification Produced: \_\_\_\_\_

I am Jeff Bergosh, the Escambia County Commissioner for District 1, serving in this position from November of 2016 until the present time. I am also currently a candidate for re-election to this office in the 2024 election. This is my statement of the facts surrounding this ethics complaint I am submitting pertaining to the actions of former county employee Jonathan Owens. (Jonathan Owens was the Office Administrative Secretary for former County Commissioner Douglas B. Underhill, serving in that capacity from November of 2014 until November of 2022).

In February of 2022, I requested that the Escambia County Information Technology (IT) office assist me in saving and preserving the contents of my cell phone which contained a mixture of personal and county text messages and several hundred public records. When I asked then director of IT, Mr. Bart Siders, about this issue, he stated his office had just purchased a new software program for this purpose and said saving and duplicating the phone's contents was a task his staff could easily accomplish. I had a serious issue with my phone and the iTunes password associated with it which may have otherwise resulted in the deletion of the entire phone's contents, **to include the public records contained therein**, had I not moved to proactively have these records preserved. (Please see attachment 1, my sworn affidavit, filed in Federal Court for a pending case. This affidavit describes the timeline and rationale for my obtaining a duplicate copy of my phone to preserve public records)

In June of 2023, I was notified by the Escambia County Attorney's office that a significant breach of data had occurred, and that the entire contents of my personal cell phone had been disseminated, unredacted, by former Escambia County Commission employee Jonathan Owens. This was a surprise to me—as I believed as the custodian of these records that I had possessed the only such copy because after my phone was downloaded in February of 2022, I asked the staff of IT to destroy all duplicate copies as I was and am the sole custodian of these records from my cell phone. I believed that the staff had complied but apparently, they did not. It is believed the breach occurred due to someone who was unauthorized to possess this file obtaining said file from the county's IT department.

The attorneys for a plaintiff in litigation against Escambia County (Dr. Rayme Edler) informed the Escambia County Attorney's Office they were in possession of significant amounts of personal data that was purportedly taken from my (Jeff Bergosh's) personal cell phone. These attorneys for the other side said former Escambia County employee Jonathan Owens sent them the information. These attorneys then sent a password protected excel file of the portion of this download they were given to the Escambia County Attorney's Office and asked that a privilege review be conducted on the contents-- as they believed it could be helpful to their case and furthermore that they intended to use these files in their pending case against Escambia County.

Recognizing this as the serious breach of personal, private, confidential, and privileged county data-- and a potentially criminal act -- the Escambia County Attorney's Office immediately contacted the State Attorney for the 1<sup>st</sup> Judicial Circuit and asked for their assistance in investigating how this data was stolen from the county's servers, and how this file was obtained, read, possessed, and ultimately disseminated unlawfully by Jonathan Owens. This individual, Jonathan Owens, claims he came into possession of these files when he was still an employee of the county (he claims publicly these files "turned up" in his office one day). Importantly: He

never had my permission to have these files, and he is not the custodian of these records, and he was not authorized to have these files in the course of his duty-- as they contain private, privileged, confidential, and protected information that he would not handle as a commissioner's secretary, and that would NEVER be released under any public records request. (Please see attachment 2, County Attorney's Request that the State Attorney's Office Investigate this unlawful possession of confidential, personal, private, and privileged information).

The State Attorney's Office referred this issue to the Florida Department of Law Enforcement, who in turn requested assistance from the Jacksonville Field Office of the Federal Bureau of Investigation. **Currently, the FBI is investigating this matter for potential violations of Federal Data Privacy laws, as well as Florida data privacy laws.** I have been interviewed and provided multiple statements to the investigating FBI agent, Chris Myers (850-429-1316). I am not sure how far along the FBI's investigation is currently, but I know it is moving. Multiple computer hard drives have been confiscated from the county by the FBI, employees have been questioned, and recently several IT employees, including the interim director, have resigned.

Meanwhile, Jonathan Owens remains in possession of, and he has not returned, this county property that he obtained while employed and a public employee of Escambia County. He possesses this property unlawfully and has admitted, publicly, that he has it, has read it, knows it contains private information, maintains possession of it, **and has given it to other persons un-redacted.**

On August 7<sup>th</sup>, 2023, Jonathan Owens appeared on the local radio station AM1620 with host Andrew Tallman McKay and admitted this all. He admitted his possession of this property (as well as the fact that he read it and knew much of the information was private) and he admitted he did not give this property back to the county when he left county employment, but that he instead "held onto it." He also, in this interview, proclaims that he received this information while a public employee and that he disseminated this information to others, unredacted. (This radio interview can be heard here: <https://www.newsradio923.com/pmn/episode/278b29a0/080723-jonathon-owens-responds-to-jim-little-article-in-pnj-re-flash-drive-jeff-bergosh-cell-phone> )

On Tuesday, August 8<sup>th</sup>, the local newspaper, the Pensacola News Journal (PNJ), featured a story covering this stolen file issue where once again Jonathan Owens admits he has possession of the stolen property, has read the files, and has subsequently given these files to others un-redacted. (Please see attachment 3, this PNJ story from Tuesday, August 8<sup>th</sup>, 2023)

It is unethical and a violation of state statutes to be in possession of personal identification information when not authorized to possess it or when it is not possessed as a matter of a public employee's official duty. It is unethical and a violation to disseminate such privileged information unredacted. It is unethical to disseminate private medical records and information that is sensitive and that would never be subject to release under the public records law. And finally, it is unethical for Jonathan Owens to provide this information, unredacted, to an adversarial law firm that is suing the county—essentially providing the inside playbook with multiple Attorney Client privileged conversations being sent unredacted.

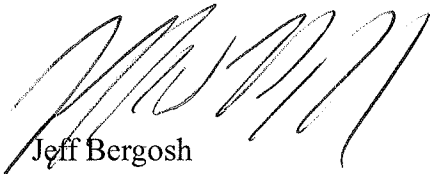
Because Jonathan Owens was a public employee for 8 years and attended multiple trainings on the proper way to handle personal, privileged, confidential, and private information—he should have known better than to possess and disseminate this information to other persons unredacted. Within the file that Jonathan disseminated unredacted are the personal identification information (SS#'s, Bank Account numbers, and other data) on at least five individuals. Additionally, these files contain the private, personal, and exempt from release confidential medical record information on 18 different Escambia County citizens, as well as more than 30 attorney-client privileged conversations—including some conversations between myself and the county attorney on active cases being litigated currently.

In the wake of this breach of trust by former employee Jonathan Owens, the full Escambia Board of County Commissioners has voted to seek an appropriate remedy, on behalf of the county, in a court of competent jurisdiction to enjoin Mr. Owens from further disseminating these sensitive records that he possesses unlawfully. (Please see attachment 4). In addition to this, the county has also conducted an internal investigation of the IT department and has now hired a new director and will be making operational changes going forward to prevent such conduct from occurring going forward.

It is for the foregoing reasons that I feel compelled to file this ethics complaint, personally, in addition to what will be filed by the county on behalf of the county and in addition to the criminal investigation which is currently underway by the FBI investigating this issue.

Thank you, in advance, for also looking into this matter.

Sincerely,



Jeff Bergosh

Escambia County Commissioner, District 1

850-293-1459

5905 Forest Ridge Circle Pensacola, FL 32526

**AFFIDAVIT OF JEFFREY BERGOSH**

**BEFORE ME**, the undersigned authority duly authorized by law to administer oaths and take acknowledgments personally appeared JEFFREY BERGOSH, who after being duly sworn, deposes and states as follows:

1. My name is JEFFREY BERGOSH. I am over the age of 18 and am otherwise *sui juris*.
2. I have personal knowledge of the facts set forth in this affidavit. During all relevant times, I served as County Commissioner for Escambia County, District 1, and continue to serve in this capacity.
3. In order to fulfill my duties as County Commissioner, I have a work phone provided by Escambia County. In addition, I utilize a personal cell phone for which I have exclusive responsibility and control.
4. I use my personal cell phone to conduct both private business and personal transactions and, separately, to conduct county business.
5. To ensure that any potential public records contained in my personal cell phone were preserved, on or about February 1, 2022, I engaged the Escambia County IT Department to provide me with a backup of my cell phone to address issues with my iPhone and to back up the contents in advance of an international trip to preserve relevant documents under Florida Statute, Chapter 119.
6. The Escambia County IT Department provided me with an external storage device with the contents of the cell phone backup.
7. As the custodian of my own records and as I have private, personal, and privileged material on my phone, I directed staff not to make or retain any copy of my private cell phone data.

Rather, they were specifically directed by me to delete any copy and ensure I, as the custodian of my own records, had a copy to utilize if there were any public records requests-therefore, I believed that the only true and correct copy of the backup of my personal cell phone was in my possession and stored in the external storage device under my direct control.

8. I never authorized any other individual to access, view, copy, or distribute my text messages or any other contents from my personal cell phone.

9. I have learned that Jonathan Owens, (a political opponent of mine) and a former legislative aide to former Escambia County Commissioner Doug Underhill (a political opponent of mine), admitted while a county employee he obtained, without my permission, a copy of my personal cell phone data and provided it to Dr. Edler's attorneys with an excel spreadsheet which Owens claims contains the text messages and other personal, private and privileged information from my personal cell phone.

10. As stated, I believed no other-copy of the contents of my personal cell phone existed outside of my possession and control.

11. At all times material hereto, I never authorized the dissemination of the contents of my personal cell phone to any individual, and I certainly never provided Jonathan Owens with any such authorization.

12. As the custodian of records for what I know is the only true and correct copy of the text messages from my personal cell phone's backup, I'm unable to verify the authenticity of the purported text messages that Jonathan Owens provided to Dr. Edler's attorneys since I possess the only true and correct copy backup of my personal cell phone.

13. Further, I cannot confirm whether the purported text messages have been altered, deleted, or otherwise manipulated prior to Jonathan Owen's delivery of the same to Dr. Edler's

attorneys without conducting a line-by-line comparison of the excel spreadsheet to the data in my possession. The purported text messages are contained in a spreadsheet format with approximately 50,000 lines of information.

14. Some of the text messages involve county business, which is the reason for the cell phone backup, to preserve records pursuant to Florida's public record laws.

15. However, a significant number of my text messages involve personal, private, privileged, and/or confidential communications between myself and my family members, attorneys, personal confidants, and business associates.

16. The contents of these confidential and private communications include personal identifying information, confidential medical information, family medical information, personal financial information, attorney/client privileged information and other communications that do not involve, or relate to, Escambia County business or Dr. Edler's pending case.

17. Knowing that the contents of my personal cell phone were, in my opinion, illegally and without my authorization provided by Jonathan Owens to Dr. Edler's attorneys and are now in the possession of individuals other than myself is a matter of great concern.

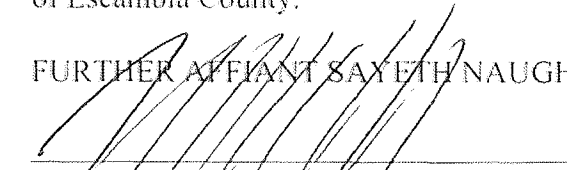
18. In fact, this matter is of such great concern that the county reached out to the Federal Bureau of Investigation to inform them of this probable illegal and unauthorized release of personal private privileged material by Jonathan Owens. After the county attorney's office notified the FBI, they reached out to me. They seemed incredibly concerned that laws had potentially been violated and they were taking the matter very seriously. Therefore, they interviewed me and took an affidavit from me.

19. I am requesting the spreadsheet containing my purported text messages be destroyed by the Plaintiff and Plaintiff's counsel and that Jonathan Owens, Dr. Edler and her

attorneys provide the names of every individual, corporation, or any other organization to whom they have disseminated any of this information. Moreover, I am requesting that any required disclosure of text messages come from the custodian of records – myself – in order to confirm the authenticity of the information and to ensure that my privacy rights and any legal privilege to which my family and other third parties are protected.

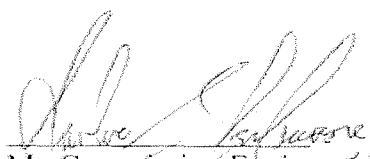
20. On July 27, 2023, I was interviewed by counsel for Escambia County, Ms. Pidermann <sup>Via</sup> and Mr. Nelson. As a result of this interview, they prepared this statement based on information I provided counsel. This is a true and accurate statement. Mrs. Pidermann and Mr. Nelson, as counsel for Escambia County, have presented the facts as I provided the facts to them. This statement is voluntary. I understand Ms. Pidermann and Mr. Nelson are working on behalf of Escambia County.

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
JEFFREY BERGOSH  
STATE OF FLORIDA  
COUNTY OF ESCAMBIA

BEFORE ME, the undersigned authority, this day personally appeared JEFFREY BERGOSH, who being by me first duly sworn, deposes and says that he has executed the foregoing Affidavit and that it is true and correct to the best of his knowledge and belief.

WITNESS my hand and official seal this 25<sup>th</sup> day of July 2023.





ANDREW CHRISTIAN SKIDMORE  
Commission # HH 402958  
Expires May 25, 2027

My Commission Expires: 5/25/27 NOTARY PUBLIC – STATE OF FLORIDA  
Printed Name of Notary



# Attachment 2

ALISON PERDUE ROGERS  
County Attorney  
Board Certified City, County, and  
Local Government Law

KRISTIN D. HUAL  
Deputy County Attorney  
Board Certified City, County, and  
Local Government Law

STEPHEN G. WEST  
Senior Assistant County Attorney  
Board Certified Real Estate Law

WILL NELSON  
Senior Assistant County Attorney

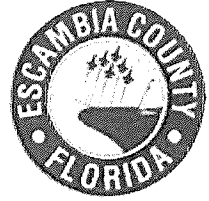
CHRISTI J. HANKINS  
Assistant County Attorney

KARI GARRETT  
Assistant County Attorney

**BOARD OF COUNTY COMMISSIONERS**  
ESCAMBIA COUNTY, FLORIDA  
OFFICE OF THE COUNTY ATTORNEY

221 PALAFOX PLACE, SUITE 430  
PENSACOLA, FLORIDA 32502

TELEPHONE: (850) 595-4970  
TELEFAX: (850) 595-4979



June 5, 2023

The Honorable Ginger Bowden Madden  
State Attorney  
First Judicial Circuit of Florida  
190 W. Government St.  
Pensacola, FL 32502  
[gmadden@osa1.org](mailto:gmadden@osa1.org)

*via email*

Dear Ms. Madden:

The purpose of this letter is to formally ask that you launch a criminal investigation into a County matter that involves the unlawful taking of a county commissioner's personal cell phone data. On February 1, 2022, the County's IT staff assisted the commissioner in backing up the data from a personal cell phone to help him preserve any information that may qualify as a public record. The understanding was all the downloaded data would be kept solely in the possession of the commissioner. However, last week it became evident that the downloaded data was retained by those who did not have authority or permission to possess it. This data has now been provided to plaintiff's counsel in a pending lawsuit against the County. Plaintiff's counsel has identified Johnathan Owens, a former County employee, as the source of the data. The data includes a significant amount of sensitive and confidential information.

It appears this data could only have been obtained by surreptitious means and without permission to access or possess it. Based on the sensitive nature of the data, the mere possession of it could be criminal in nature. In reaching this conclusion, I have reviewed §§815.06, 817.568 and 817.5685, Fla. Stat. I am attaching those here, as well as a recent decision from the Fourth DCA.

I appreciate your attention to this matter and am available to provide any details that could be helpful in your determination of how to proceed.

Sincerely,

A handwritten signature in black ink, appearing to be "APR", written over a horizontal line.

Alison P. Rogers  
County Attorney

APR/bh  
Attachments

1 of 1

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### Experienced defense returns for Milton football

SPORTS, 1B

# PENSACOLA NEWS JOURNAL PNJ.COM

TUESDAY, AUGUST 8, 2023 | PNJ.COM

PART OF THE USA TODAY NETWORK

## Bergosh's text messages stolen by rival

Jim Little

PENSACOLA NEWS JOURNAL  
USA TODAY NETWORK - FLORIDA

Escambia County is alleging in legal filings that more than 60,000 of Commissioner Jeff Bergosh's text messages were illegally taken from his personal cell phone by his former political opponent Jonathan Owens.

It's the latest development in the Emergency Medical Service training scandal that upended the Escambia County government in 2019 and resulted in the arrest of four senior-level EMS



Bergosh

Owens

personnel in 2020 for falsifying training records.

Two of the four arrested entered a pre-trial diversion program and avoided

criminal penalties, the former EMS chief pleaded no contest to two misdemeanor charges, and the training director was adjudicated guilty of seven felony charges of falsifying an official document.

Escambia County's former medical director, Dr. Rayne Edler, who publicly blew the whistle on the training issues and was forced out of county government, filed suit against the county in federal court in 2020 under the False Claims Act.

The suit has quietly been moving through the early stages of litigation for

the last three years.

### What is the lawsuit about?

The False Claims Act allows individuals to sue on behalf of the government over fraud, and a person who successfully wins a lawsuit is eligible for a portion of the money they recovered for the government.

Edler's suit alleges the county committed fraud against the U.S. government by providing ambulance services

See TEXTS, Page 2A



From left, Cantonment Improvement Committee members TJ Lee, Josh Womack and Finna Clay. After years of advocating to Escambia County to build a community center, the Cantonment Improvement Committee has gotten buy-in from the county. [www.escambia.com/77818185656@pnj.com](http://www.escambia.com/77818185656@pnj.com)

## 'There is a need'

Years long fight for community center in Cantonment finally paying off

Mollye Barrows

PENSACOLA NEWS JOURNAL  
USA TODAY NETWORK - FLORIDA

Volunteers with a civic group in Cantonment have been fighting for years to have a community center of their own. Now it looks like Escambia County may give them one.

The Cantonment Improvement Committee started in 2012 with a mission to

help children and lift-up their neighbors. Josh Womack got the volunteer-based group off the ground.

"The first goal was to make a safe haven for the kids in the community," Womack said. "We got with Parks and Recreation and the first time they came out here and met with us, we had over 30 people out in the park waiting to meet them."

Womack and others worked with Es-

cambia County to clean up Carver Park, a tree-lined park in a neighborhood off Mescaloe Road in Cantonment, not far from International Paper. In 2015, the CIC was instrumental in bringing a resource center to Carver Park.

Working from a trailer near the corner of Webb and Washington streets, CIC is a hub of help and resources for

See CENTER, Page 2A

## DeSantis rejects Trump's stolen election claim

Zac Anderson

PENSACOLA NEWS JOURNAL  
USA TODAY NETWORK

Gov. Ron DeSantis said Friday during a campaign stop in Iowa that "theories" about the 2020 election being stolen are false, rejecting former President Donald Trump's unfounded claims about the contest, which have become a rallying cry for his campaign and are the genesis of his latest indictment.

DeSantis has largely dodged the stolen election question in the past, but when asked again Friday during a gaggle with reporters if he believes such claims, the governor said "all those theories that were put out did not prove to be true."

DeSantis' comments are the farthest he has gone in dismissing the stolen election narrative. The remarks came a day after Trump appeared at a federal court in Washington, D.C., where he was arraigned on four charges related to his efforts to overturn the 2020 election.

The legal case is putting Trump's actions after he lost the election in the spotlight again, and at the forefront of the primary contest. DeSantis is likely to face continued questions about Trump's actions in late 2020 and early 2021.

While dismissing some of the more outlandish claims made by Trump and his associates, such as the idea that Venezuelan leader Nicolas Maduro stole votes for Biden, DeSantis continued to criticize how the 2020 election was conducted, signaling out the money META CEO Mark Zuckerberg gave to help administer elections and social media companies suppressing

See DESANTIS, Page 2A

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1 of 3  
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# Bergosh's text messages stolen by rival

**Jim Little**

Pensacola News Journal  
USA TODAY NETWORK - FLORIDA

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**Bergosh**



**Owens**

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Escambia County's former medical director, Dr. Rayme Edler, who publicly blew the whistle on the training issues and was forced out of county government, filed suit against the county in federal court in 2020 under the False Claims Act.

The suit has quietly been moving through the early stages of litigation for

the last three years.

## What is the lawsuit about?

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Edler's suit alleges the county committed fraud against the U.S. government by providing ambulance services

See **TEXTS, Page 2A**

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## Texts

Continued from Page 1A

without certified personnel as required by Medicare, submitting claims to Medicare for nonemergency services at a higher and more lucrative emergency rate, and billing Medicare for advanced life support services when only basic life services were performed.

If the county is found liable under the False Claims Act, it would have to pay triple what it receives, plus penalties for interest and inflation.

Edler's suit alleges tens of thousands of possible over-billing may have occurred. If the county is found liable, it may face penalties in the millions of dollars.

Escambia County has denied the claims in court and moved for the lawsuit to be dismissed.

Federal Judge Casey Rodges has not yet ruled on the county's motion to dismiss. Meanwhile, the two parties have been battling over discovery issues, including what to do about a spreadsheet with Bergosh's text messages.

### Spreadsheet with 60,000 text messages

Earlier this year, Owens provided Edler's attorneys a copy of a spreadsheet containing 60,000 of Bergosh's text messages.

Owens unsuccessfully ran against Bergosh in 2020 for the District 1 County Commission seat in the Republican primary. Owens was also a county employee as the personal aide for former Commissioner Doug Underhill from 2014 to 2022.

After receiving the file, Edler's attorneys made the county aware of it and that they had not reviewed its contents; rather, her attorneys provided the county with a copy so the two parties could agree on a way to redact whatever was not either public record or relevant to the lawsuit under the rules of discovery.

Escambia County responded by filing a motion to seek a protective order to have the court force Edler's attorneys to delete the file and alleged Owens had committed a felony in obtaining the file.

Included in court filings was an affidavit from Bergosh saying he had turned over his personal phone to the county's IT Department in February 2022 because it was having issues, and he wanted a backup to preserve any public records before an overseas trip.

Bergosh was given a copy of his files, and he said he directed IT to delete all other copies.

Under Florida's public records law, any written communication about county business by an elected official is a public record, even on a personal device.

Bergosh told the News Journal on Friday that the issue is being investigated by the FBI.

"It's an active federal investigation, and they're looking into how Jonathan Owens acquired these and how they were stolen from the county's servers," Bergosh said. "Because of that, I have no comment to make during this investigation."

An FBI spokesperson told the News Journal that it could not confirm nor deny the existence of any active investigation.

### Owens' response

Owens told the News Journal that he did not do anything illegal, but a thumb drive with the text messages was left by an unknown person on his desk at his county office in 2022.

Owens said he assumed another county employee put it on his desk because they wanted him to have it.

Owens said he is unaware of any investigation, and the only person who has approached him about the issue is the current county's IT director, who asked him how he obtained the file.

"I said a thumb drive showed up in my office when I was still working at the county, and lo and behold, it had all Commissioner Bergosh's text messages on it," Owens said.

Owens said the way the county characterizes his actions in the lawsuit are "inaccurate and untrue."

"It seems quite slanderous to me to make accusations about a former county employee and a former opponent to Commissioner Bergosh," Owens said. "I did not steal anything. I did not hack into anything. A thumb drive showed up in my office. Many thumb drives have shown up in my office over the years."

Owens said Edler's attorneys interviewed him for a statement in the case, and he provided them the file because he thought it would be helpful.

Owens said he's read the text messages. He said Edler is mentioned hundreds of times between Bergosh and several other people, as well as other issues related to Escambia County EMS.

Federal Magistrate Judge Hope Cannon has set a hearing for Aug. 21 in the lawsuit to determine if the file can be used as part of discovery in the lawsuit along with other issues. Cannon's order said she will review the file privately before the hearing to determine its relevance to the lawsuit.

Escambia County has asked the judge to reconsider that decision to review the file, arguing that the text messages' veracity could not be assured.

Edler's attorneys argued the hearing should go forward and Cannon should review the documents because the county has presented no evidence showing the file has been altered in any way.

As of Friday, the hearing was still scheduled to begin on Aug. 21 at 10 a.m.

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MINUTES – SEPTEMBER 7, 2023

COUNTY ATTORNEY’S REPORT – Alison Rogers, County Attorney

**I. FOR ACTION**

- 1. Recommendation: That the Board authorize the Chairman to sign and send the attached letter to Florida Power & Light requesting they consider utilizing local businesses for necessary services.

<b>Motion:</b> Move the County Attorney’s Action Report
<b>Made by:</b> Commissioner Barry
<b>Seconded by:</b> Commissioner Bender
<b>Disposition:</b> Carried unanimously
<b>Speaker(s):</b> Melissa Pino

- 2. Recommendation: That the Board vote to accept the information in the matter of *Lakeview Loan Servicing, LLC v. Elisabeth Ann Rolin, et al.*; Case No.: 2022 CA 000721.

<b>Motion:</b> Move the County Attorney’s Action Report
<b>Made by:</b> Commissioner Barry
<b>Seconded by:</b> Commissioner Bender
<b>Disposition:</b> Carried unanimously

- 3. Recommendation: That the Board vote to accept the information in the case of *Jack Vinitkul, et al. v. Escambia County and SRIA*, Case No. 2020 CA 000947.

<b>Motion:</b> Move the County Attorney’s Action Report
<b>Made by:</b> Commissioner Barry
<b>Seconded by:</b> Commissioner Bender
<b>Disposition:</b> Carried unanimously

**II. FOR DISCUSSION**

- 1. Recommendation: At the request of Commissioner Bergosh, that the Board discuss whether the County should pursue any additional legal remedies associated with the download of his iPhone.

<b>Motion:</b> Move that the Board authorize and direct the County Attorney’s Office to file, in a court of competent jurisdiction, an appropriate legal proceeding to address the downloaded text messages that were discussed this morning at Agenda Review
<b>For Information:</b> County Attorney Rogers advised that she would come back to the Board if this action grows into something she has concerns about.
<b>Made by:</b> Commissioner Bergosh
<b>Seconded by:</b> Commissioner Barry
<b>Disposition:</b> Carried 4-1, with Commissioner Kohler voting “no”
<b>Speaker(s):</b> Kevin Wade and Melissa Pino