

**IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA**

KEITH VIDLER,

Plaintiff,

v.

JOHN W. MINA, in his official
capacity as ORANGE COUNTY
SHERIFF,

Defendant.

CASE NO.:

JURY TRIAL DEMANDED

VERIFIED COMPLAINT

Keith Vidler (“Vidler”), by and through his undersigned counsel, hereby files this verified complaint against John W. Mina, in his official capacity as Orange County Sheriff (the “OC Sheriff”), for violation of his rights under Florida’s Public Sector Whistleblower’s Act, §§ 112.3187-112.31895, Fla. Stat. (2018) (the “FWA”), and in support states as follows:

NATURE OF ACTION

1. This is an action arising from and seeking redress for the OC Sherriff’s violations of the FWA.

JURISDICTION AND VENUE

2. This Court has jurisdiction over the cause of action asserted by Vidler as it seeks damages in excess of \$30,000.00 arising from the acts of the OC Sheriff as set forth herein.

3. Moreover, venue is proper in this Court because Vidler’s cause of action accrued in Orange County, Florida.

4. The OC Sheriff is located in Orange County, Florida.

5. The OC Sheriff employed Vidler in Orange County, Florida

6. The OC Sheriff's official business is conducted in Orange County, Florida.

PARTIES

7. Vidler is a resident of Sorrento, Lake County, Florida.

8. The OC Sheriff is the current sheriff of the Orange County Sheriff's Office ("OCSO"), which employs approximately 2500+ personnel.

PROCEDURAL REQUIREMENTS

9. Employees protected under the FWA include those who disclose information on their own initiative in a written and signed complaint, those who refuse to participate in any adverse action prohibited by the FWA, or those who file "any written complaint to their supervisory officials." Section 112.3187(7), Fla. Stat. (2019).

10. As detailed below, Vidler provided written, signed complaints to the OC Sheriff, and indicated his refusal to participate adverse actions prohibited by the FWA.

11. Vidler has satisfied all administrative procedures that were conditions precedent to filing his FWA cause of action.

GENERAL FACTUAL ALLEGATIONS

12. At all relevant times, Vidler was a sergeant with OSCO in its Motor Unit.

13. At all relevant times, John Ramsey, a OCSO corporal, reported to Vidler for cases involving an entity entitled Metro State.

14. In September 2019, Vidler, along with Ramsey, was involved in a Florida Racketeer Influenced and Corrupt Organizations Act ("RICO") relating to a convicted felon, Jeremy Dewitte ("Dewitte") and his company, Metro State.

15. Metro State's primary business is to provided funeral escort services.

16. Metro State is not a law enforcement agency or security company.

17. Dewitte is not a law enforcement officer, licensed or otherwise, or a security officer.
18. As a convicted felon, Florida Statute, Section 790.23, precludes Dewitte from carrying a concealed weapon.
19. Vidler's and Ramsey's 2019 RICO investigation into Dewitte and Metro State ultimately led to signed arrest and search warrants.
20. However, before they were served, OC Sheriff and OCSO unexpectedly terminated the investigation in December 2019.
21. Vidler questioned the decision to terminate the investigation.
22. In response, Vidler's supervisor, Carpenter, told him he would receive discipline if he became "a whistleblower" relating to the termination of the RICO investigation into Dewitte and Metro State.
23. Fearing for his job, Vidler ceased his inquiry into the reason for the termination of the investigation; he also ceased investigating Dewitte and Metro State. However, on December 12, 2019, Ramsey and Vidler told Capt. Sandy Carpenter that they were blowing the whistle as it related to the termination of the RICO investigation. They reiterated their comment to Capt. Carpenter on December 16, 2019. In response, they were told they would be terminated if they continued as whistleblowers.
24. On March 23, 2021, Vidler was on patrol when he observed Dewitte driving a Metro State motorcycle with what appeared to be a Glock firearm holstered in a gun belt.
25. Based on Vidler's knowledge of Metro State's having not been a licensed security company, and Dewitte's status as a convicted felon, out on felony bonds, who is precluded from carrying a concealed weapon, he pulled him over.

26. Vidler also observed Dewitte wearing law enforcement style insignias and patches on his Metro State uniform, thus giving the appearance he was law enforcement.

27. Moreover, Dewitte's gun belt contained, among other items, a Motorola radio with a shoulder microphone, pepper spray, an expandable baton, two flashlights, two handcuff cases, magazine pouch, and a body camera attached to his helmet.

28. Upon close examination, what appeared to be a Glock handgun, was a pepper ball gun with a warning in fine print on the side that stated "May Cause Serious Injury of Death," but was nonetheless still a weapon – a device designed to dispel a chemical agent.

29. As such, Dewitte concealed his weapon in his hostler and that it was, indeed, a weapon and not, for example, something benign like a squirt gun.

30. The pepper ball gun was the same color, and had the same characteristics, as a Glock handgun, leading the average person to believe it was a firearm.

31. It contained no markings or designations to indicate it was not a weapon or, at the very least, a less-lethal weapon than a firearm.

32. Additionally, there was not a CO2 cartridge release displayed on the rear of the magazine that would allow Vidler, or any OCSO deputy, to identify it as a less-lethal weapon.

33. As a result, Vidler had probable cause to arrest Dewitte for violating section 790.053.

34. During the arrest, Vidler told Dewitte he was arrested for carrying a concealed weapon.

35. Ramsey met with Dewitte following his arrest after being directed to interview him.

36. Vidler was only present for about the last eleven minutes of this meeting.

37. Shortly thereafter, the interview was concluded.

38. Dewitte never lodged a formal complaint regarding his arrest.

39. The following day, OC Sheriff and the OCSO released Dewitte and warned Vidler, Ramsey and the Motors Unit that Dewitte was “untouchable” and they were not to engage in a motor vehicle stop of Dewitte “unless he was committing a capital crime,” to which Vidler objected.

40. This message was delivered by Major Hosey to Ramsey during a meeting requested by Maj. Hosey on March 25, 2021.

41. On March 26, 2021, three days after the arrest of Dewitte, OCSO’s undersheriff and its general counsel communicated via text messages regarding Vidler’s Deferred Retirement Option Program (“DROP”) date.

42. These text messages indicated that OCSO administration was also discussing Vidler’s termination despite the fact that, at that time, there was no investigation relating to Vidler’s arrest of Dewitte.

43. Thereafter, Vidler became the subject of an Internal Affairs (“IA”) investigation alleging abuse of power relating to Dewitte’s arrest.

44. On July 14, 2021, Vidler provided testimony to Sgt. Wall in a taped interview with Professional Standards relating to the IA investigation.

45. During the interview, Vidler told Sgt. Wall that he and Ramsey identified themselves as whistle blowers during the 2019 Dewitte RICO investigation and that they had identified criminal interference with their investigation from management of the OC Sheriff’s office to include Austin Moore (staff attorney), Under Sheriff Canty, Sheriff Mina, C/D Larry Zwiig and others during 2019, 2020 and 2021 investigations, State Attorneys prep (and follow up of cases), and the last arrest of Dewitte in March 2021.

46. On September 17, 2021, Vidler submitted a detailed appeal with documented evidence to the OC Sheriff's office and management for the ARC explaining the violations and interference he and Ramsey identified, as well as the fact that they were whistleblowers and continued to do so beyond the first time December 12, 2019. On February 25, 2021, Ramsey and Vidler met with Maj. Hosey and informed him that they were whistleblowers who were threatened with termination.

47. The same appeal packet was once again submitted on October 20, 2021, as part of the DAB process.

48. During both appeals, each group representing the OC Sheriff's acknowledged reading this entire packet, and even stated Vidler and Ramsey identified themselves as whistleblowers, but did nothing to investigate their complaints and refusals to participate in actions prohibited by the FWA.

49. Instead, on October 4, 2021, Vidler's employment was terminated, a clear retaliatory action against a mutually agreed upon whistle blower.

COUNT I:
FLORIDA PUBLIC SECTOR WHISTLEBLOWER ACT

50. Vidler incorporates by reference paragraphs 1 through 49 of this verified complaint.

51. Vidler disclosed information in written signed complaints, and clearly refused to participate adverse actions prohibited by the FWA, as described above and incorporated herein.

52. The information disclosed amounted to violations or suspected violations of state and local law, rule, or regulations committed by the OC Sheriff and the office for which he is responsible, which created and presented a substantial and specific danger to the public's health, safety, and welfare.

53. Additionally, Vidler disclosed information in his written, signed complaint to the OC Sheriff regarding acts or suspected acts of gross mismanagement, malfeasance, misfeasance, and gross neglect of duty committed by the OC Sheriff and the office for which he is responsible.

54. Vidler suffered retaliatory actions because of the information disclosed by him through his written, signed complaint.

55. As a direct and proximate result of his protected activity, Vidler was subjected to retaliatory personnel action by the OC Sheriff as described above and incorporated herein.

56. As a direct and proximate result of the OC Sheriff's actions, Vidler suffered a loss of employment and related economic and emotional injuries.

57. The actions of the OC Sheriff make reinstatement ineffective as a make-whole remedy, entitling Vidler to front pay in lieu of reinstatement.

WHEREFORE, Vidler demands judgment against the OC Sheriff for:

- a. Compensation for lost wages, benefits, and other remuneration;
- b. Front pay in lieu of reinstatement;
- c. Compensatory damages;
- d. Injunctive relief;
- e. Attorney's fees and costs pursuant to §§ 112.3187-112.31895, Fla. Stat. (2018);
- f. Prejudgment interest; and
- g. Such other relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Vidler hereby demands a trial by jury on all issues and counts triable of right before a jury.

Date: April 1, 2022.

Respectfully submitted,

s/ Christopher A. Pace

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Attorneys for Plaintiff

Date: April 1, 2022.

Respectfully submitted,


s/ Christopher A. Pace

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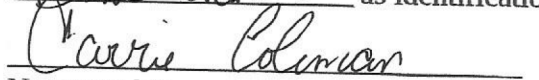
VERIFICATION

Personally appeared before the undersigned, Keith Vidler, who being first duly sworn, deposes and says that the allegations of this Verified Complaint and Demand for Jury Trial, consisting of paragraphs 1 through 57, inclusive of Demands for Relief, are true and correct to the best of his knowledge, information and belief.


Keith Vidler

STATE OF FLORIDA)
COUNTY OF Lake)

The foregoing instrument was acknowledged before me this 1 day of April, 2022, by Keith Vidler, who is personally known to me or who has produced Driver license as identification, and who did take an oath.


Notary Public
My Commission Expires: 07-18-2025

