



**STEPHEN B. RUSSELL**  
*Office of the State Attorney*  
*20th Judicial Circuit*

**Serving Charlotte, Collier, Glades, Hendry and Lee**

FOR IMMEDIATE RELEASE - DECEMBER 6, 2006

State Attorney Steve Russell announced today that his office has concluded its inquiry into a complaint by the South Florida Water Management District regarding work performed by the Ronto Group on District lands in Lee County.

No criminal activity was found. The inquiry found that official representatives of the South Florida Water Management District authorized the work, and the taking of the fill dirt, and Ronto acted in reliance on this, as well as on the permits that had been issued for the work.

A memorandum summarizing the findings of the investigation is attached. This concludes the inquiry into this matter.

**OFFICE OF THE STATE ATTORNEY  
20<sup>TH</sup> JUDICIAL CIRCUIT  
P.O. BOX 399  
FORT MYERS, FLORIDA 33902**

PHONE: 533-1108  
FAX: 533-1150

**MEMO**

TO: Stephen B. Russell, State Attorney

FROM: Dean R. Plattner, Assistant State Attorney

DATE: December 1, 2006

RE: South Florida Water Management District  
Complaint of Unauthorized Excavation Activity

On or about October 12, 2006, I received a “draft” investigative report from John W. Williams, Esq., Inspector General for the South Florida Water Management District (SFWMD). This was a follow up to an earlier letter submitted by Scott A. Glazier, Esq., Counsel for the SFWMD. They are based at the district’s headquarters in West Palm Beach, Florida.

Chief Investigator William McQuinn and I reviewed the materials submitted. We then met with representatives of the SFWMD, who traveled to this office on October 19, 2006. Subsequently, we received the “Final Report” of the Inspector General on November 2, 2006. Finally, during the week of November 13, 2006, we received materials submitted by Jerry Berry, Esq., attorney for the Ronto Group, who requested that we consider these in our decision.

The basic complaint is that Ronto performed unauthorized work on property in Lee County which is owned by the SFWMD, and that they committed theft by removing fill dirt from the property. However, upon review of the documents provided, and the results of the district’s own investigation, it is clear that any criminal allegations are unfounded. All of Ronto’s actions were done with the knowledge and consent of the SFWMD employees who were managing the property, thus no criminal intent nor criminal acts can be shown.

The property that is the subject of this matter was acquired by the SFWMD in 2003. According to the reports, Ronto and the then “Project Manager” overseeing this and other district properties, entered a verbal agreement in 2004 for the excavation work, to include the removal of fill dirt. The then-Project Manager, an employee of the SFWMD, indicated this work was appropriate for the district’s purposes, and Ronto was compensated for their work, in part, by being able to keep the fill dirt and use it for their purposes on other properties. The work started in 2005, and continued until August 2006.

Another SFWMD employee, with the title of “Land Manager”, became aware of the work in 2005, and checked with the then-Project Manager, and was informed that it was okay for the work to be done. The Land Manager then suggested some additions to the work, including the excavation of ponds on the property. One of the ponds was actually dug.

During the course of this, staffers at the SFWMD local office in Lee County issued at least 3 permits to Ronto and/or their subcontractors for various parts of this activity. The District now indicates these permits were invalid and should not have been issued, especially because they do not issue permits for properties that they own. No real explanation is provided as to why invalid permits were actually issued.

It further appears that all work was done in the open, and was discussed at meetings of the CREW (Corkscrew Regional Ecosystem Watershed) Land and Water Trustees. These meetings were attended by local officials and agency representatives.

The scope of our review has been limited to whether there is a basis for further criminal investigative action, or prosecution, based upon the evidence provided. Theft is the unlawful taking of property with the criminal intent to deprive the owner or custodian. In this situation, official representatives of the District authorized the work, and the taking of the fill dirt, and Ronto acted in reliance on this, as well as the permits issued. There is no evidence which supports any criminal charge.

The current claim by the District that the former project manager acted without authority, or outside the normal approval process, cannot retroactively support proof of criminal intent. Neither can claims that written permits, which were in fact issued by the District, should not have been. These are management issues that need to be handled within the SFWMD. Further, the question of any civil or administrative action must be address in another forum, as that is outside our jurisdiction.

Therefore, I recommend that this matter be closed without further action.

Cc: Randall B. McGruther, Chief Assistant State Attorney  
William R. McQuinn, Chief Investigator