



FLORIDA FISH & WILDLIFE
CONSERVATION COMMISSION
OFFICE OF INSPECTOR GENERAL
MEMORANDUM

DATE: November 13, 2019

TO: Case File

THROUGH: Inspector General Mike Troelstrup *MT*
Director of Investigations Michael Meaney *MM*

FROM: Captain Richard Murphy *RM*

CC: Colonel Curtis Brown, Director, Division of Law Enforcement

SUBJECT: 2019-INQ-0044 Inquiry Closure

On October 15, 2019, the Florida Fish and Wildlife Conservation Commission (FWC) Office of Inspector General (OIG) received a telephone call from Adam Bounds reporting he continues to receive citations in the mail from FWC officers regarding his houseboat. Bounds indicated he believes his vessel is in compliance but FWC officers in the Florida Keys keep manufacturing citations. Bounds said he believes FWC is maliciously prosecuting him because they are trying to push people out who reside on live-aboards.¹ Bounds said his current problems with FWC began when FWC officers searched his vessel while he was not present. Bounds alleged the officers lied in court when they said they did not board his vessel but were still able to search it. Bounds said he has video proof officers searched his vessel while he was not present. Bounds referenced FWC report number ISR 058127 01. Otherwise, Bounds provided no specifics of when his vessel was boarded, or who allegedly lied in court, during his call to the OIG. Bounds stated his problems with FWC have been ongoing for approximately two years. Bounds provided the following court dates and verdict decisions:

- Bounds indicated, on June 4, 2019, he was found guilty of an FWC violation.
- Bounds indicated, on May 3 or 7, 2019, FWC charges against him filed by Officer John Sizemore were dismissed or he was found not guilty.
- Bounds indicated on October 3, 2018, an FWC civil case was dismissed, but he was now being charged with a misdemeanor for the same violation and the arrest warrant issued on October 11, 2019, is related to this case.
- Bounds indicated, on August 1, 2018, he was found not guilty of an FWC violation.

Bounds said that on October 11, 2019, a warrant was issued for his arrest after missing a court date because his public defender failed to inform him about it. OIG Captain Richard Murphy was assigned to conduct an administrative inquiry.

¹ A live-aboard is a vessel used solely as a residence and not for navigation or a vessel that does not have an effective means of propulsion for safe navigation. This inquiry was focused on determining if there was sufficient information to warrant an investigation by the OIG. This inquiry did not address FWC Division of Law Enforcement policy concerning enforcement of existing laws concerning live-aboards. Citizen concerns regarding enforcement of these laws are best addressed by DLE leadership.

On October 28, 2019, Murphy conducted a review of the Comprehensive Case Information System (CCIS) for FWC court records related to Bounds for the preceding 36 months. A review of CCIS disclosed the following:

- On May 3, 2019, Officer John Sizemore issued citations V605799 and V605800 to Bounds in Monroe County via mail for anchoring or mooring a vessel at risk of becoming derelict, and registration numbers not properly displayed. On August 13, 2019, Bounds was found guilty of anchoring or mooring a vessel at risk of becoming derelict and ordered to pay a \$90.00 fine and \$91.00 in court costs. Charges related to registration numbers not properly displayed were dismissed, with the court citing, "compliance."
- On April 29, 2019, Sizemore obtained a misdemeanor arrest warrant for Bounds in Monroe County for failure to transfer title, failure to transfer interest or address, and three counts related to no visible hull identification number (HIN) for three vessels owned by Bounds. On May 2, 2019, Bounds was arrested by the Monroe County Sheriff's Office for the warrant. Bounds was arraigned on June 4, 2019 and pleaded not guilty. Bounds' judicial proceedings were continued multiple times until October 3, 2019, when he failed to appear at a pre-trial conference. A warrant was issued for Bounds' arrest. Currently, these charges are outstanding and there is an active arrest warrant for Bounds.
- On February 1, 2019, Officer Alex Piekenbrock issued citation V560876 to Bounds in Monroe County via mail for anchoring or mooring in a restricted area/proof of pumpout required. On May 14, 2019, Bounds was found guilty and ordered to pay a \$73.00 fine and \$91.00 in court costs.
- On April 22, 2018, Officer Justin Powell issued citations V597466 and V597467 to Bounds in Monroe County via mail for anchoring or mooring a vessel at risk of becoming derelict, and anchoring or mooring to an unlawful object. On October 3, 2018, both citations were dismissed, with the court citing, "compliance."
- On November 3, 2017, Officer Jason Rhoda issued citation V597333 to Bounds in Monroe County for failure to lower dive flag when all divers were aboard or ashore. On November 28, 2017, the case was disposed of upon payment of a \$59.00 fine.

On October 28, 2019, Murphy queried the SmartCOP FWC Incident Summary Database. A review of the database identified two Incident Summary Reports (ISR) regarding Bounds. The first, ISR 058127, dated May 2, 2019, documented Sizemore's actions in Monroe County identifying violations observed in support of the arrest warrant issued on April 29, 2019. The second, ISR 071391, dated October 15, 2019, documented actions by FWC Officers in Monroe County when Bounds reportedly attempted to ignite himself on fire and was shot by an FWC officer.²

On October 29, 2019, Murphy spoke with Lieutenant Andy Cox. Cox said that on April 25, 2019, he and Sizemore conducted an investigation related to the live-aboard vessels owned and occupied by Bounds in Cow Key Channel, Key West. Cox said on April 25, 2019, Bounds was not present when he and Sizemore took measurements of the exterior of the vessels owned by

² This incident is being investigated by the Florida Department of Law Enforcement (FDLE).

Bounds. Cox said he may have placed his foot on Bounds' vessel to keep the patrol boat from bumping it while he and Sizemore took measurements, but he did not board, enter or search any of Bounds' vessels. Cox said during one court proceeding, possibly in July 2019, Bounds complained to the judge about multiple issues and commented that FWC officers boarded his boat while he was not present. Cox said the judge redirected Bounds to the issue before the court and there were no questions by the judge or testimony by Cox or other FWC personnel regarding the boarding of Bounds' vessels.

Cox indicated the website "thebluepaper.com" currently depicts an image of he and Officer Johnathan Hettel attempting to measure Bounds' vessel from the outside. Cox said he believes this image was captured sometime in April 2019 prior to Sizemore obtaining the misdemeanor arrest warrant for Bounds. Cox said the findings from their investigation are documented in ISR 058127 and were used to support criminal charges for failure to transfer title, failure to transfer interest or address, and three counts related to no visible HIN for three vessels owned by Bounds.

On November 5, 2019, Murphy spoke with Lieutenant Roy Payne. Payne said he was the approving official for ISR 058127. Payne said he reviewed the report and spoke with Sizemore personally about the case. Payne said Sizemore's report was thorough, without any issues or concerns. Payne said he concurred with the findings and the criminal charges were supported by probable cause.

On November 13, 2019, Murphy spoke with Bounds. Bounds said there is an image on the website, thebluepaper.com which depicts FWC officers on his boat. Bounds said this image is a screenshot from a video he was shown by a friend who resides in the area where he moors his vessel. Bounds said he asked the friend for a copy of the video but was told the video was lost because of technical issues with the phone it was made with. Bounds refused to provide OIG with the name of the friend who made the video. Bounds said FWC officers never entered his vessel or searched the inside but were "on it" in an area near the side to take measurements. Bounds opined the presence of FWC officers on his vessel constituted a search. Bounds said he did not know who the officers were but believed they were the same officers who cited him for misdemeanor charges related to his HIN numbers.

Bounds said at one of his court hearings he personally asked two FWC officers if they went on his boat and the FWC officers told him they did not. Bounds said he could not recall who the officers were or when the court date was, stating he was bad with names and had so many different court dates.

FINDING

Information discovered during this inquiry disclosed since April 2018 Bounds was issued five non-criminal infractions by FWC officers related to his live-aboard vessel in Key West. Bounds was found guilty in August 2019 of anchoring or mooring a vessel at risk of becoming derelict and found guilty in May 2019 for anchoring or mooring in a restricted area/proof of pumpout required. Bounds' three other non-criminal infractions were dismissed, with the court citing on each charge, "compliance." A review of the arrest warrant obtained by Sizemore in April 2019 for Bounds arrest revealed the Honorable Judge Peary S. Fowler found probable cause to support the charges related to no HIN and failure to transfer title and interest. Currently, these charges are outstanding and there is an active arrest warrant for Bounds. Bounds informed OIG that FWC officers never "searched" his vessel but were on it to take measurements as depicted in an

image published on thebluepaper.com. Bounds said during one of his court hearings he personally asked FWC officers if they had been on his boat and the officers told him they had not. Bounds could not identify the officers or the court date. There was no information found to support that Bounds was improperly charged or maliciously prosecuted by any FWC officer as alleged. No misconduct was identified. This inquiry is **CLOSED**.