

June 7, 2001

To: Ross Miller

From: Bill Kasser

Re: Brian Utley

I spoke by telephone with Brian today regarding the return of the two encoding machines known as the Bomber and the Nitro. When I told Brian that I was looking for the machines he said that they had been sold. When I asked who bought them he said he had. He said that they were the two computers he bought for \$1,000 each. He said that Mike Reale had chosen them for him. I told him that they were worth more than the \$1,000 each. He stated that they would not be worth more than \$1,000 on the open market. I asked Brian to return the computers. He said he would not. He raised the issue of his claims arising out of his termination. I told him that I did not believe that related to the question of the two computers, and did not want to get involved in that argument now. I confirmed that Brian was taking the position that he would not return the computers and ended the call.

As background to the above, I believed, owing to discussions with Brian and Ross that the two computers that Brian bought were personal computers of the type commonly used in administrative positions in the office. I was under the impression that one of them was the one that Brian used during his employment with iviewit. I believed that Brian was acting in good faith and was purchasing at a reasonable price what would be surplus machines. I even helped him carry them to his car.

As we now know, these computers had been modified, at considerable cost, for use as encoding machines. Eliot indicated in a conversation yesterday that one of them had cost \$16,000 and the other \$24,000. They could be useful in the California operation. More importantly, they represent a sizable investment on the part of iviewit and would not have knowingly sold for \$1,000 each.

City of Boca Raton

Police Department

To Protect and Serve

Case#: 01-54580

Time: 09:45

I, WILLIAM R. KASSER, knowingly and of my own free will, do hereby request that my police report, reflected under case # 01-54580 was handled to my satisfaction but that I do not wish to prosecute in this case and request the case be inactivated and not followed up any further.

Therefore, I WILLIAM R. KASSER, knowingly of my own free will hereby release and absolve and hold free from all harm, liability and damage whatsoever, the Boca Raton Police Services Department, their agent or representative, their directors, officers, employees and agents, individually, collectively and personally.

William R. Kasser
Signature

7/13/01
Date

2255 GLADES RD STE 337W
Address

BOCA RATON FL 33431
City/State/Zip

(561) 999-8899
Area Code/Phone

[Signature]
Witness

528

forms\release

Incident Report Additional Name List

Boca Raton Police Department

OCA: 2001-054580

Additional Name List

NameCode/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) SB 2	UTLEY, BRIAN		10/27/1932	70	W	M
	Address 1930 Sw 8th St , Boca Raton, FL 33486-					H: 561-750-6876
	Empl/Addr					B: 561-289-8145

REPORTING OFFICER NARRATIVE

Boca Raton Police Department

Victim <i>IVIEWIT.COM INC</i>		Offense <i>EMBEZZLEMENT</i>	OCA <i>2001-054580</i>
			Date / Time Reported <i>Wed 06/20/2001 10:12</i>

ON 06-20-2001 I SPOKE WITH WILLIAM KASSER(CONTROLLER) OF IVIEWIT.COM BY TELEPHONE. KASSER STATED THAT ON 04-27-2001, THE EX-PRESIDENT(BRIAN UTLEY) AND THE V.P. OF OPERATIONS(MICHAEL REALE) FOR THEIR COMPANY, STOLE 2 DELL MODIFIED COMPUTER/ENCODING MACHINES(UNKNOWN MODEL & SERIAL #) THAT WERE VALUED AT \$40,000.00. THE COMPUTERS WERE NAMED "THE BOMBER" AND "THE NITRO".

KASSER ADVISED ME THAT THESE COMPUTERS WERE MODIFIED TO ENCODE VIDEOS AND HAD LARGER DISK DRIVES AND VIDEO ENCODING CARDS INSTALLED. THIS IS WHAT MADE THEM SO VALUABLE. THESE COMPUTERS GENERATED REVENUE FOR THE COMPANY.

KASSER ADVISED ME THAT THEIR COMPANY WAS CLOSING THEIR BOCA OFFICE AT 2255 W. GLADES ROAD AT THE END OF APRIL AND RELOCATING TO CALIFORNIA, AND UTLEY AND REALE WERE BEING TERMINATED AT THAT TIME. ON UTLEY'S LAST DAY, HE HAD ADVISED KASSER THAT HE WAS INTERESTED IN PURCHASING 2 STANDARD DESKTOP COMPUTERS FROM THEM FOR \$1,000.00 A PIECE. KASSER AGREED, UTLEY GAVE 2 SEPARATE CHECKS FOR \$1,000.00 A PIECE, AND AT THAT TIME ALL OF THE COMPUTERS WERE BEING BOXED UP TO BE RELOCATED TO CALIFORNIA.

KASSER STATED THAT REALE WAS SUPERVISING THE PACKING OF THE COMPUTERS AND KNEW EXACTLY WHAT CONTENTS WERE IN EACH BOX. ONCE THE BOXES WERE PACKED, REALE GAVE UTLEY THE OKAY TO TAKE 2 BOXES CONTAINING THE MOST VALUABLE COMPUTERS AND NOT THE BOXES WITH THE STANDARD COMPUTERS.

KASSER THEN STATED THAT HE HAD FOUND OUT APPROXIMATELY 3 WEEKS LATER, ONCE THE BOXES HAD ARRIVED IN CALIFORNIA, THAT THE MOST VALUABLE COMPUTERS WERE NOT DELIVERED. AT THAT TIME, KASSER THEN CONTACTED UTLEY AND UTLEY ADMITTED THAT HIMSELF AND REALE HAD TAKEN THE MOST VALUABLE COMPUTERS AND TOLD KASSER THAT THEY WERE ONLY WORTH \$1,000.00 A PIECE ANYWAY. UTLEY WAS ASKED TO RETURN THESE COMPUTERS AND TAKE THE CORRECT ONES AND HE REFUSED.

I THEN SPOKE WITH ROSS MILLER, WHO IS THE COMPANIES ATTORNEY, WHO ADVISED ME THAT REALE WAS IN CHARGE OF PACKAGING EACH COMPUTER AND WRONGFULLY AND INTENTIONALLY LET UTLEY TAKE THE MOST VALUABLE COMPUTERS, WITHOUT CONSENT FROM ANYONE ELSE IN THE COMPANY. ROSS ALSO CONFIRMED ALL OF THE ABOVE INFORMATION GIVEN BY KASSER. ROSS ADVISED ME THAT HE HAD BEEN TOLD BY SEVERAL 3RD PARTIES THAT REALE AND UTLEY ADMITTED TO HAVING THE ABOVE STATED EQUIPMENT AND ASKED 3RD PARTIES FOR ASSISTANCE IN OPERATING IT. ROSS HAS A SUSPICION THAT THE EQUIPMENT MAY BE USED TO START A BUSINESS FOR REALE AND UTLEY.

ON 06-20-2001 AT 12:28 HOURS, I CONTACTED UTLEY AT 561-750-6876, WHO ADVISED ME THAT HE DID HAVE THE EQUIPMENT, BUT ADVISED THAT THE DEAL WAS STRAIGHT FORWARD AND HE POINTED OUT TO KASSER EXACTLY WHAT COMPUTERS HE WOULD BE TAKING AND ALL WAS AGREED ON. UTLEY ADVISED THAT HE PAID \$1,000.00 PER COMPUTER AND THAT IT WAS A GENEROUS OFFER . UTLEY BELIEVES THAT KASSER MUST HAVE DECIDED AFTER THE FACT THAT HE DID NOT RECEIVE ENOUGH MONEY FOR THESE COMPUTERS AND IS EXAGGERATING ABOUT THEIR \$40,000.00 VALUE.

ON 06-20-2001 AT 13:00 HOURS, I SPOKE WITH REALE AT 561-499-8850, WHO ADVISED ME THAT HE DID NOT HAVE ANY INVOLVEMENT IN ANY COMPUTER THEFT. REALE ADVISED

REPORTING OFFICER NARRATIVE

Boca Raton Police Department

OCA	
2001-054580	
Date / Time Reported	
Wed 06/20/2001	10:12

Victim
VIEWIT COM INC

Offense
EMBEZZLEMENT

ME THAT UTLEY HAD POINTED OUT THE COMPUTERS THAT HE WAS GOING TO PURCHASE FOR \$1,000.00 EACH AND THAT IS WHAT WAS TAKEN WHEN THEY LEFT THE COMPANY. REALE STATED THAT PAYING \$1,000.00 FOR EACH OF THE COMPUTERS THAT THEY TOOK WAS A VERY GENEROUS OFFER, DUE TO THEIR AGE AND VINTAGE. REALE STATED THAT THE COMPUTERS HAD STANDARD HARDWARE, SO THE VALUE THAT WAS GIVEN BY KASSER WAS WAY ABOVE IT'S FAIR MARKET VALUE. REALE STATED THAT HE HAS MANY YEARS OF EXPERIENCE WITH COMPUTERS AND KNOWS WHAT THEY ARE WORTH. REALE FEELS THAT KASSER'S COMPLAINT IS MOTIVATED BY EMOTIONS AND NOT MONEY.

I ADVISED THE COMPLAINANT TO CONTACT THE P.D. IF THERE IS ANY ADDITIONAL INFORMATION, AND I WAS ASKED BY KASSER TO PLEASE HAVE SOMEONE CONTACT HIM REGARDING AN INVESTIGATION INTO THIS MATTER.

Incident Report Suspect List

Boca Raton Police Department

OCA: 2001-054580

1	Name (Last, First, Middle) <i>Utley, Brian</i>					Also Known As					Home Address <i>1930 SW 8TH ST BOCA RATON, FL 33486 561-750-6876</i>				
	Business Address <i>561-289-8145</i>														
DOB.	Age	Race	Sex	Eth	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.					
<i>10/27/1932</i>	<i>68</i>	<i>W</i>	<i>M</i>			<i>0</i>									
Scars, Marks, Tattoos, or other distinguishing features															

<i>Reported Suspect Detail</i>		Suspect Age			Race	Sex	Height		Weight		SSN
Weapon, Type	Feature	Make		Model			Color	Caliber	Dir of Travel		
VehYr/Make/Model			Drs	Style		Color	Lic/St		VIN		
Notes							Physical Char				

CASE SUPPLEMENTAL REPORT

Printed: 03/24/2004 16:48

NOT SUPERVISOR APPROVED

Boca Raton Police Department

OCA: 2001054580

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *EXCEPTIONALLY CLEARED* Case Mng Status: *EXCEPTIONALLY CLEARED* Occured: 04/27/2001
Offense: *EMBEZZLEMENT*

Investigator: MEYER, S. P. (528)

Date / Time: 08/08/2001 16:17:26, Wednesday

Supervisor: (0)

Supervisor Review Date / Time: NOT REVIEWED

Contact:

Reference: Follow Up

06/26/2001 at 14:00 hours I spoke to William Kasser concerning the theft of computers from Iviewit.Com. William Kasser, who is the Controller for Iviewit.Com, verified that all of the information on the original report was accurate. Kasser advised that the Ex-President of the Boca branch of Iviewit.Com, Brian Utley, stole two Hi-tech computers from the Company after he was terminated from his position.

Kasser found out that the hi-tech computers, the "Nitro" and the "Bomber", were missing when he received a phone call from Eliot Bernstien in California. Kasser was told later by Michael Reale that Brian Utley had the Bomber and the Nitro. Kasser feels that Reale assisted Utley in stealing the computers from the Company when he was packaging the computers.

When Kasser called Utley Kasser asked Utley if he had the bomber and the Nitro. Utley told Kasser that he had the Nitro and Bomber and that he legally purchased the computers from the company for \$1000.00 each. Kasser was present when Utley asked Ross Miller if he could purchase two of the computers from the Company for \$1,000.00 each. Kasser told Utley that the deal was for two of the generic computers, not the Nitro and the Bomber. Kasser told me that Utley knew that the Nitro and the Bomber were worth \$40,000.00. Utley told Kasser that he was not going to return the computers to the Company.

06/27/2001 at 10:30 hours I went to Iviewit.Com and I spoke to Ross Miller concerning this case. According to Miller, Utley approached him on May 3rd while Utley was cleaning out his office. Utley asked Miller if he could purchase his desktop computer and another generic computer from the business. Miller pointed to the generic computers in the general office area and he stated, "your computer and one of those computers". Utley confirmed that he wanted to purchase his office computer and one of the computers Miller was pointing to.

Miller told me that there was no way that Utley could have confused the Bomber and Nitro for two of the generic computers. First of all, the generic computers were still not boxed and sitting on the desks in the general area of the business. The Bomber and Nitro were already boxed and sitting in the hi-tech room, which is separate from the general office area. Second of all, Utley knows that the Bomber and the Nitro are the two most hi-tech computers in the business. Being President of the Company Utley knew that the computers were worth \$40,000.00. Even if Utley grabbed the wrong computers from the Company he was well aware of what he had when he opened the boxes.

06/29/2001 at 11:30 A.M. Detective Ganci and I drove to Utley's house, which is located at 1930 SW 8th Street in Boca Raton. According to Utley he had possession of the Nitro and the Bomber. Utley told me that he purchased the computers from Ross Miller for \$1,000.00 each. Utley told me that the Nitro and the Bomber were only worth \$1,000.00 each. Utley told me that the software on the Bomber and the Nitro was outdated and no longer worth \$40,000.00. Utley told me that the software on the computer might have been worth \$40,000.00 at one point.

When I asked Utley where the computers were he told me that they were out of the state. Utley then stated, "if the Company gives me \$40,000.00 for the computers I will subtract that from the lawsuit I am filing against them". I told Utley that I would be filing charges against him for grand theft if he did not return the computers to Miller or Kasser. Utley told me that he would speak to his lawyer and then called me with his decision.

CASE SUPPLEMENTAL REPORT

Printed: 03/24/2004 16:48

*NOT SUPERVISOR APPROVED**Boca Raton Police Department*OCA: **2001054580**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EXCEPTIONALLY CLEARED* **Occured:** *04/27/2001***Offense:** *EMBEZZLEMENT*

07/02/2001 at 08:30 hours I called Utley's Attorney, Bart Houston, after hearing a message on my answering machine from Houston. Houston told me that Utley agreed to return the Bomber and Nitro to Iviewit.Com. Arrangements were made to have Utley bring the computers to the Police Department and give them to William Kasser on 07/13/2001 at 09:30 hours.

07/02/2001 09:45 hours I advised Kasser to come to the Police Department on 07/13/2001 at 09:30 hours to receive the computers from Utley.

07/13/2001 at 09:30 hours I met Kasser and Utley and at the Police Department for the return of the computers. Kasser handed Utley a check for \$2,000.00 and Utley gave Kasser the Bomber and the Nitro. When Utley returned the computers he did not return the monitors. Utley agreed to send Kasser a check for \$200.00 in the mail for the computer monitors.

Because Utley returned the computers Kasser told me that his Company no longer wanted to press charges against Utley for the theft of the computers. Kasser signed a refusal to prosecute form, which was turned in with the file. Written statements from Kasser and Miller were put into evidence at the Police Department.

June 7, 2001

To: Ross Miller

From: Bill Kasser

Re: Brian Utley

I spoke by telephone with Brian today regarding the return of the two encoding machines known as the Bomber and the Nitro. When I told Brian that I was looking for the machines he said that they had been sold. When I asked who bought them he said he had. He said that they were the two computers he bought for \$1,000 each. He said that Mike Reale had chosen them for him. I told him that they were worth more than the \$1,000 each. He stated that they would not be worth more than \$1,000 on the open market. I asked Brian to return the computers. He said he would not. He raised the issue of his claims arising out of his termination. I told him that I did not believe that related to the question of the two computers, and did not want to get involved in that argument now. I confirmed that Brian was taking the position that he would not return the computers and ended the call.

As background to the above, I believed, owing to discussions with Brian and Ross that the two computers that Brian bought were personal computers of the type commonly used in administrative positions in the office. I was under the impression that one of them was the one that Brian used during his employment with iviewit. I believed that Brian was acting in good faith and was purchasing at a reasonable price what would be surplus machines. I even helped him carry them to his car.

As we now know, these computers had been modified, at considerable cost, for use as encoding machines. Eliot indicated in a conversation yesterday that one of them had cost \$16,000 and the other \$24,000. They could be useful in the California operation. More importantly, they represent a sizable investment on the part of iviewit and would not have knowingly sold for \$1,000 each.

City of Boca Raton

Police Department

To Protect and Serve

Case#: 01-54580

Time: 09:45

I, WILLIAM R. KASSER, knowingly and of my own free will, do hereby request that my police report, reflected under case # 01-54580 was handled to my satisfaction but that I do not wish to prosecute in this case and request the case be inactivated and not followed up any further.

Therefore, I WILLIAM R. KASSER, knowingly of my own free will hereby release and absolve and hold free from all harm, liability and damage whatsoever, the Boca Raton Police Services Department, their agent or representative, their directors, officers, employees and agents, individually, collectively and personally.

William R. Kasser
Signature

7/13/01
Date

2255 GLADIES RD STE 337W
Address

BOCA RATON FL 33431
City/State/Zip

(561) 999-8899
Area Code/Phone

[Signature]
Witness

528

forms\release

01-54580

06/26/01
1400

Bill Kasser

- Mike Reale supervised the packing for the move.
- Mike Reale knew what was in what box (Utley knew the value)
- Kasser helped Utley put the computer boxes into his car on ~~June~~^{May} 4th.
- Utley gave Kasser the first check for 1000.00 ~~After~~ the day they loaded the boxes.
- Utley handed Kasser the second check for \$1000.00 on May 8th.
- Kasser has not seen him since.
- May have told Reale (Head of operations) that the two computers were regular desk top computers.
- Kasser had no intention to sale Reale or Utley the Boomer or the Nitro.
- Kasser spoke to Utley = Utley refused to return the computer. Kasser spoke to him a week

- California called Miller that the Nitro and Bomber were missing.
- Miller asked Kasser to call Utley, because he thought that Utley may have taken them. Mike Reale had told Kasser that ^{Utley had them}
- Utley told Bill that he had the Bomber and the Nitro. He told Bill that he took them and paid \$2000. (Kasser called Utley a couple of days after speaking to Reale)
- Kasser told him that he would refund the money or give him two work computers.
- \$16,000 Bomber
- \$24,000 Nitro
- Utley was claiming that the Bomber and the Nitro were only worth \$2000⁰⁰
- ~~when the deal~~

- Bank and Utley's drained at

01-54580

- Kasser told Utley that the computers and the Severance are separate matters

Ross Miller

2255 W Glade #337 W

W-561-999-8899

C-770 310 8187

DOB 10/13/53

Consultant Coordinate operations

-
- 2 Computers were in boxes
 - ~~Does not know the com~~
 - Believe that ^{they} are called Bomber and Nitro
 - Pres. Since 1999
 - Bomber and Nitro were regular
 - Mike
 - These computer had a configuration he wanted
 - Working with Michael Reese

OL-54580

Eliot Berstien called Reale and asked him about the computers. Reale told him that the Boomer and the Nitro were in Boca.

- Reale went to Kasser's office on another matter a couple of days after the phone call. Reale told Kasser that Utley had the computers.

- Reale knew that Utley had the Nitro and the Boomer because he packed.

1030

Ross Miller =

- April 27th was the final day of work for employees
- May 3rd Utley^{Res.} came to the business to pack his belongings from his office
- Reale was working w/ the movers packing from April 20th May

- Miller
- Utley walked to Kasser and asked him about the price of the comp.
 - Utley told Miller that he would buy them for \$1000.00
 - The only items that were parked at that time were the high end computers
 - Miller and Utley stood in the General Area. Utley advised that he wanted his office computer and one other basic computer
 - Miller pointed to the general computers in the office area and specifically asked him "You want one of these computers which includes the Monitor, Tower and Key board"
 - Miller ^{asked} Utley confirmed several times that the computers were the standard computers.
 - Bill Kasser told Miller that the computer was 2000 new 1000 for the standard computers. was a good deal.
 - ~~Utley~~ Utley paid \$1000 immediately then paid 1000 the following Monday.

01-54580

- Reale knew that Utley took the boxes. (Reale and Utley were friends)
~~no one~~ - Miller heard this from Ex-Employees who told current employees.
- Reale contacted Matt Mink an ex employee to find out some codes for the nitro and Boomer Tony Freuden is the current employee who received a phone call from Reale. Tony told Kasser by E-mail that Reale called him concerning the codes
Matthew S. Mink
954-916-2062
- ~~Utley~~ Kasser and Miller had nothing to do with the packing of the computers.
- Didn't know about the theft of the computer for awhile after they were delivered to California.

01-54580

10/27/32-3812
528-40-7457
393-7457
JK. D/L Florida

11/30
1/30 Stated

If the company gives me the 40 thousand for the computers I will subtract that from my lawsuit

07/02/01 0830

- I call Utley's Attorney Bart Houston after getting a message from him
- Houston told me Utley will return the computers

954-7793800

07/02/01
0945

Informed Kasser that the computer will be returned

07/13/01

930-1045

Computer exchange for \$2000 check in PD parking lot