

Did Sheriff Ric Bradshaw mislead ethics investigator?

LOCAL By Lawrence Mower - Palm Beach Post Staff Writer



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Palm Beach County Sheriff Ric Bradshaw speaks during a news conference on Monday, April 14, 2016. (Joseph Forzano / The Palm Beach Post)

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Palm Beach County Sheriff Ric Bradshaw and his chief deputy appear to have misled a state ethics investigator looking into **whether they used their position to go after political enemies**, the investigator's findings and sheriff's records show.

Both Bradshaw and Chief Deputy Michael Gauger told the investigator, under oath, that they had never instructed an investigator to go after political enemies or anyone else.

But recordings, department records and the investigator's own statement expose a secret detective's role in the department, a role that included going after the sheriff's political enemies.

The detective, Kenneth Mark Lewis, dug up dirt on fellow deputies. He tracked Bradshaw's opponents at political events. And he bragged in illegally recorded conversations about flying across the country to investigate a man who planned to run against Bradshaw.

[Read the story of Ric Bradshaw's rise and his first shooting encounter](#)

Bradshaw and Gauger distanced themselves from the detective when questioned by an investigator for the Florida Commission on Ethics, which was looking into a complaint that the sheriff was abusing his position, a first-degree misdemeanor.

Bradshaw, whose law enforcement career dates to the 1970s, is in his fourth term as sheriff and is a former West Palm Beach police chief. Gauger, his right-hand man, is a longtime fixture at the sheriff's office.

They described Lewis as a retired deputy brought back to work part-time to do background checks on new applicants — important but relatively benign work. Occasionally, those background checks would lead to criminal investigations, they said.

But they denied, in sworn statements with their Tallahassee-based lawyers present, ever telling him to look into anyone.

“Have you ever instructed Kenneth Mark Lewis to investigate anybody?” the state ethics investigator asked.

“No, I have not,” Bradshaw said.

But when Lewis was asked, also under oath, he said they assigned him to investigate several people, including the one-time potential candidate who had been upset about not getting hired by PBSO and had publicly accused the department of fraud.

“Who assigned you to investigate him?” the investigator asked.

“The sheriff and Gauger assigned me to him,” Lewis said. “They assigned me.”

‘Got to have a thick skin’

The ethics commission investigator **did not address the discrepancies in his report**, and the commission, whose nine members are appointed by the governor and legislative leaders, **ruled on March 10** that there was “no probable cause” that the sheriff, Gauger or Lewis abused their positions.

Bradshaw and Gauger declined to address the conflicting accounts, and in response to questions, a sheriff's spokeswoman sent The Palm Beach Post copies of the ethics rulings clearing her bosses. Lewis, who left PBSO last year, did not return a request for comment.

But in a 2015 interview with The Post he said that while he had been directed to look into certain people, he believed the sheriff's motivations were uncovering criminal behavior.

“Unless I've been misled by the sheriff or undersheriff ... they don't get personalities involved,” he said. “He (Bradshaw) knows as a politician that he's got to have a thick skin.”

If a sheriff were personally directing investigations, going outside the chain of command, it would be unseemly and raise questions about the department's process for opening investigations, said Eugene O'Donnell, a former New York City officer and prosecutor who is now a professor at the John Jay College of Criminal Justice in New York.

“Why is the sheriff inserting himself into a case?” O'Donnell said. “It's not proper.”

Sheriff's critic prompted probe

The ethics commission investigator was pursuing **a complaint by a disgruntled former deputy, Mark Dougan**, who has been the sheriff's most contentious critic for years. Dougan operated a blog where he and employees spilled details about PBSO's dirty laundry and inner workings, some of which led to stories in the media.

The site also lampooned Bradshaw and Gauger as fascists and offered a platform for outlandish and scandalous accusations. Gauger has sued Dougan for defamation.

Dougan told the ethics commission that Bradshaw, Gauger and Lewis were “illegally investigating political dissidents, journalists, people running against the sheriff” and people who speak out against prosecutors and judges.

He submitted hours of **audio recordings of Lewis discussing his investigations** over four days with someone he believed to be a woman. But since Lewis didn't consent to being recorded, the recordings were considered illegal, and the ethics commission dismissed them. No one has claimed to be the source of the recordings.

The commission staff opened an investigation, anyway. However, without the recordings, they did little more than ask Bradshaw, Gauger and Lewis about the remaining accusations.

Gauger, like Bradshaw, denied ever directing Lewis to do anything.

“He didn't work directly for me,” Gauger said. “He was assigned to internal affairs.”

“Have you ever assigned Kenneth Mark Lewis to do any kind of investigation?” the investigator asked.

“Not directly, no,” Gauger said.

Lewis, however, remembered it differently.

“Did Michael Gauger ever assign you an investigation to do?” the investigator asked Lewis.

“Yes, on Dougan,” he said. “I got the phone call from Michael Gauger — the chief deputy — one morning and asked to come down to the office, down to the sheriff's office — his office. And he was there, Joe Bradshaw — the colonel for our legal affairs — and the sheriff, Ric Bradshaw (no relation).”

They told him to look into how the department's policies and procedures ended up on Dougan's then-website, pbsotalk.com. The website may have illegally published some procedures, such as the ones dealing with how deputies respond to bank robberies, they said.

Ultimately, Lewis said, he could not prove that Dougan owned the site. But he also was asked to investigate other allegations against Dougan: That he had misused a state police database to check on women and that he had violated the Family and Medical Leave Act when he was a deputy.

He also said he was asked to look into whether Dougan had harassed a woman whose terminally ill child had been sheriff for a day.

“The chief called me and told me her name and address and said, ‘Go see what this is about,’” Lewis told the ethics investigator.

None of Lewis' investigations ever became criminal cases against Dougan.

Says he pursued would-be candidate

Some of Lewis' cases did end in criminal charges.

His investigation into one lieutenant who leaked information to Dougan led to the deputy being fired and pleading guilty to a misdemeanor.

He also pursued a case against Jim Donahue, the would-be sheriff's candidate. He had applied for a job at the sheriff's office but didn't get it because of erroneous information on his application. He claimed corruption at the department.

Ultimately, he was arrested on charges stemming from his PBSO application but the charges were dropped. Donahue dropped his plan to run in 2012 against Bradshaw.

But PBSO records obtained by The Post through a records request indicate Lewis also reported on Bradshaw's political foes.

His handwritten notes from a June 4, 2012, sheriff's candidate debate in Boynton Beach noted Dougan passing out anti-Bradshaw fliers. He also pointed to the presence of David Adams, whose brother, Seth Adams, was killed by a PBSO sergeant the month before. A civil trial over that shooting ended Wednesday in a hung jury.

He also made notes of Bradshaw's top opponent in the 2012 race, former Baltimore County (Md.) Major Joe Talley and noted that Talley had 15 to 20 people with him.

The next day, Lewis' notes show he got a "call from chief" about one of the people at the debate, another former deputy.

His notes in another investigation, into a civilian PBSO employee, mentioned her "possible boyfriends," including police officers.

'I start picking their life apart'

In the illegally obtained recordings, Lewis gave a blunt description of his role at the department.

"Whenever we have a bad contractor or person who attacks one of our judges or the sheriff or the state attorney, that's one of the things I do," he said. "I start picking their life apart, and their businesses, and their family, what they're into, whether they've done something wrong."

After the recordings were made public in August 2015, PBSO opened an internal investigation into Lewis' behavior, finding he didn't get approval to speak with the media and divulged confidential information. But he already had left the agency and PBSO took no action against him.

The ethics investigator also asked Bradshaw and Gauger whether they had investigated journalists and "political dissidents." They denied it, and said that their investigations were purely focused on crimes.

"It's not our style. It's not what we do," Gauger said.

He added that over his career in policing, he's become used to hearing public criticism.

"I have skin like an alligator for stuff like that," he said.

Dougan blasted the ethics commission's decision not to proceed to a public hearing on the issues.

"For them to find no probable cause, when they're on audio admitting to what they're doing, the system is broken," he said. "That's all there is to it. They won't hold anyone accountable."

Still, the preliminary investigation forced Bradshaw and Gauger to take a public position. That raises the prospect that their accounts may be challenged and they could be open to perjury accusations, said O'Donnell, the former New York City officer.

"Somebody's not telling the truth, and so that's that," he said.



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