

OFFENSE REPORT
MCSO09OFF004851

MONROE COUNTY SHERIFFS OFFICE
Printed On: **06/19/2009 @ 10:04**

Offense Number Offense Description CAD Incident No
MCSO09OFF004851 **59-0 TELEPHONE CALLS: OBSCENE/HARASSING** **MCSO09CAD059275**
Range of **06/10/2009 09:45** Reported Arrived Completed
Occurrence: **06/10/2009 09:45** **06/10/2009 09:45** **06/10/2009 09:45** **06/10/2009 09:45**

ADDRESS OF OCCURRENCE

No. Di Street A/L City ST Zip
50 **HIGH POINT RD** **PLANTATION KEY** **FL** **33070**
(GEO) (Latitude / Longitude)
6 - 2 - 4000 -

Business **ARMY CORP** MBI ID: **MCSO09MBI000239**
Business Type: **Other**

No. Di Street A/L City ST Zip
9900 **S.W. 107 TH AVE.** **MIAMI** **FL**
(GEO) (Latitude / Longitude)
- - -

PERSONS

[C/COMP] MNI ID: **MCSO09MNI007655**

Last First Middle Title R S DOB Age
KRUGER **PAUL** **E** **W** **M** **02/05/1952** **57**
Hgt Wgt Eyes Hair I.D. No. St Type Ethnicity:
0

Residence: **Within state**

Extent of Injury: **N/A** Verify For Rape Exam: **No** Treated For Rape Injury: **No**

General Appearance:

Demeanor:

Clothing:

Clothing Description:

Probable Destination:

Birth Location: * none reported *

Address:

9900 SW 107 AVE. Apt/Lot: 203 MIAMI FL Phone: 305-526-7185

Occupation:

* none reported *

[OP/OTHER] MNI ID: **MCSO04MNI018116**

Last First Middle Title R S DOB Age
GUTIERREZ **SALVADOR** **JR** **W** **M** **07/08/1947** **61**
Hgt Wgt Eyes Hair I.D. No. St Type Ethnicity:
5'11" 0 **BLU** **GRY** **G362780472480** **FL** **D**

Residence: **Within jurisdiction**

Extent of Injury: **N/A** Verify For Rape Exam: **No** Treated For Rape Injury: **No**

General Appearance:

Demeanor:

Clothing:

Clothing Description:

Probable Destination:

Birth Location: * none reported *

Address:

210 HISPANOLA RD TAVERNIER FL 33070 Phone: (305)896-5930

Occupation:

99611 OVERSEAS HWY Suite: 213 KEY LARGO FL 33037

[WA/WITNESS] MNI ID: MCSO09MNI007657

Last	First	Middle	Title	R	S	DOB	Age
RODRIGUEZ	ROSALINDA			W	F	08/16/1969	39
Hgt	Wgt	Eyes	Hair	I.D. No.	St	Type	Ethnicity:
0							

Residence: **Within state**

Extent of Injury: **N/A** Verify For Rape Exam: **No** Treated For Rape Injury: **No**

General Appearance:

Demeanor:

Clothing:

Clothing Description:

Probable Destination:

Birth Location: * none reported *

Address:

9900 SW 107 AVE Apt/Lot: 203 MIAMI FL Phone: 305-526-7181

Occupation:

* none reported *

[WA/WITNESS] MNI ID: MCSO09MNI007661

Last	First	Middle	Title	R	S	DOB	Age
CLOUSER	MEGAN			W	F	10/14/1974	34
Hgt	Wgt	Eyes	Hair	I.D. No.	St	Type	Ethnicity:
0							

Residence: **Within state**

Extent of Injury: **N/A** Verify For Rape Exam: **No** Treated For Rape Injury: **No**

General Appearance:

Demeanor:

Clothing:

Clothing Description:

Probable Destination:

Birth Location: * none reported *

Address:

9900 SW 107 AVE Apt/Lot: 203 MIAMI FL Phone: 305-526-7182

Occupation:

* none reported *

[WA/WITNESS] MNI ID: MCSO09MNI007656

Last	First	Middle	Title	R	S	DOB	Age
FANNIN	IVAN	W		W	M	10/10/1973	35
Hgt	Wgt	Eyes	Hair	I.D. No.	St	Type	Ethnicity:
0							

Residence: **Within state**

Extent of Injury: **N/A** Verify For Rape Exam: **No** Treated For Rape Injury: **No**

General Appearance:

Demeanor:

Clothing:

Clothing Description:

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Probable Destination:
Birth Location: * none reported *
Address:
9900 SW 107 AVE Apt/Lot: 203 MIAMI FL Phone: 305-779-6053
Occupation:
* none reported *

[WA/WITNESS] MNI ID: MCSO07MNI018329

Last	First	Middle	Title	R	S	DOB	Age
GONZALEZ	ALBERTO			H	M	05/26/1976	33
Hgt	Wgt	Eyes	Hair	I.D. No.	St	Type	Ethnicity:
5'09"	0	BRO	BRO	G524000761860	FL	DL	

Residence: **Within state**

Extent of Injury: **N/A** Verify For Rape Exam: **No** Treated For Rape Injury: **No**

General Appearance:

Demeanor:

Clothing:

Clothing Description:

Probable Destination:

Birth Location: * none reported *

Address:

4330 S.W. 98 CT. MIAMI FL 33165

Occupation:

* none reported *

CHARGES/OFFENSES

Statute: **777.777** Counts : **1** UCR: **9000** NCIC :

Charge : **INFORMATION REPORT**
Desc :
General Offense Code... (GOC) : **N Not Applicable**
Arrest Charge Level.....(ACL) :
Arrest Charge Degree...(ACD) :
Arrest Offense Number.(AON) :

OFFENSE REPORT
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Weapon
 Location Category **Non-residence**
 Location Type **Public building**
 Location Description **Army Corp**
 Location Status **None**
 Number of Premises Burglarized **0**
 Target
 Entry Method
 Point of Entry (POE)
 POE Visible From
 Point of Exit
 Suspect Actions **- Other**
 Circumstances **Argument**
 Weather
 Lighting Condition
 Security Used
 Crime Scene? : **No**
 If NO, Explain : **N/A**
 Crime Scene Officer:
 Physical Evidence Collected: **X**

PROPERTY ITEMS [S]=Stolen [*]=Stolen/Recovered [M]=Missing [L]=Lost [D]=Damaged/Destroyed
 [F]=Found [Z]=Seized [C]=Counterfeited/Forged [U]=Unknown

Code Article	Description
E MISCELLANEOUS	CD ADIO INTERVIEW WITH R.O./WITNESSES
Model No. Brand	

Quantity	Value	NCIC Code	Serial No.	Owner Applied Number
1	\$1.00			

TOTALS - S:	\$0.00	*:	\$0.00	M:	\$0.00	L:	\$0.00
D:	\$0.00	F:	\$0.00	Z:	\$0.00		

< NARRATIVE >

DATE	TIME	TYPE	OFFICER REPORTING	CALL #	REP TAKER	EDIT DATE	EDIT TIME
6/10/2009	10:00	INITIAL	LAROCHELLE, GREG	S355	S8615	6/16/2009	15:05
Status: APPROVED		DAVID P CAREY	6/16/2009	15:05			

CAD INCIDENT DISPOSITION CODE: [13-0] [R] [2-0] [0]

Case assigned. 6/10/09

On 6/10/09 this investigator made contacted with the reporting party Mr. Paul Kruger Section Chief for the US Army Corps of Engineers Jacksonville District. This investigator conducted a taped interview with Paul at the South Dade Office 9900 S.W. 107Th Ave. in Miami Fl.. Present in this interview were four Army Corps employees/witnesses Mr. Ivan Fannin, Mr. Albert Gonzalez, Ms. Megan Clouser, and Ms. Rosalinda Rodriguez.

Paul said Mr. Salvador Gutierrez has been trying to obtain Federal Wetland permits for the building of a home and dock in Cudjoe Key. Salvador became increasingly hostile and

verbally abusive toward the project manager Ms. Susan Blass after being asked to provide additional information on how he was going to address/mitigate the unavoidable in-pass as required by Federal law concerning the area.

Paul said Salvador has made several derogatory inappropriate remarks and made indirect threats to the Army Corp posted on his web site at Salkeylargo@keylargokey.com. Salvador recently posted a picture of Timothy McVey, called the employees at the Army Corp idiots, and has sent several e-mails commenting on the reasoning behind the locked office doors and security cameras at the Army Corp if not to prevent someone from kicking their ass. Paul said Salvador on many occasions has deliberately called until reaching a voice mail in which to record it. Salvador has recorded at least four recorded voice mails from several employees and posted them on his web site. In each case Salvador leaves a message saying he is recording the voice mail.

This investigator interviewed the above listed employees which all had contact with Salvador. To the best of their knowledge they are unaware if Salvador recorded any live conversations. None of the ACOE employees claimed to have been threatened directly with violence or harm by Salvador. No evidence of live recorded conversations has been seen on Salvadors web site to date. The only recording on Salvadors web site was his Mitigation hearing with the Army Corp in which he may have been allowed to do so under section 332 Regs of the ACOE. In this meeting Salvador had a recording device in his hand which was seen by Paul Kruger and the operations officer of ACOE. Salvador was told he could not record the proceedings and was asked to turn off the recorder in which he complied.

This investigator further researched this regulation with ACOE and discovered a revised ruling 33 CFR Part 331 Administrative Appeals Process clearly stating the Mitigation Hearing may NOT be recorded. The interview was placed into property # 128286.

On 6/12/09 This investigator made contact with Salvador via phone. Salvador said he never threatened anyone at the ACOE, and never recorded any live conversation with ACOE employees. Salvador understood recording anyone without their permission is illegal. Salvador said he has maintained within his rights to voice his opinions and has not committed any crime. Salvador was advised of the new regulatory Law 33 CFR Part 331 Administrative Appeals Process.

On 6/12/09 This investigator contacted the reporting party Mr. Paul Kruger. This investigator reviewed the findings of this investigation and explained them to Paul. Paul understood and concurred with this investigators decision. Paul said he was very pleased with the attention and efficiency in which this matter was handled. Mr. Kruger was further advised to contact the Sheriffs office if any problems arise.

Conclusion: This investigator has determined no crime has been committed in this case. The ACOE as a Government Agency (Public Servants) has maintained they will continue to work with Salvador, so a crime of Harassment does not apply. Statements posted on Salvadors web site which employees at ACOE found were offensive and disturbing did not directly threaten any one or the ACOE with violence or harm. The attempted recording of the Mitigation hearing between Salvador and ACOE never took place. Salvador complied when

asked not to tape the hearing. The recorded voice mail of the employees at ACOE were simply recordings of recordings and not a the conversation of a live person. This investigator has determined this case to date to be unfounded.

< END OF NARRATIVE >

Offense Status Closed	No -- Cleared # Clearances 0	Reporting Officer S355 LAROCHELLE, GREG MCSO\ROAD PATROL - SECTOR 7	
Warr./Arr. No.	Clearance Date Clearance Type Except. Clear. Type Age Classification	*Forward for Approval / Followup To : MCSO\SPEC. INV. SECT 6-7	
Supervisor DAVID P CAREY	APPROVED	Case Screening Supv. DAVID P CAREY	Investigator S355 LAROCHELLE, GREG
Date 06/16/2009	Time 15:06	Yes No	Concur Pt/F/U Inv/F/U No
		Yes No	Date 06/16/2009
		Yes No	Time 15:05

Report Last Modified 06/16/2009 15:06