

**The Florida Bar
Inquiry/Complaint Form**

PART ONE (See Page 1, PART ONE – Complainant Information.):

Your Name: _____

Organization: _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

E-mail: _____

ACAP Reference No.: _____

Does this complaint pertain to a matter currently in litigation? Yes _____ No _____

PART TWO (See Page 1, PART TWO – Attorney Information.):

Attorney's Name: _____ Florida Bar No.: _____

Address: _____

City, State, Zip Code: _____

Telephone: _____

PART THREE (See Page 1, PART THREE – Facts/Allegations.): The specific thing or things I am complaining about are: (attach additional sheets as necessary)

PART FOUR (See Page 1, PART FOUR – Witnesses.): The witnesses in support of my allegations are: [see attached sheet].

PART FIVE (See Page 1, PART FIVE – Signature.): Under penalties of perjury, I declare that the foregoing facts are true, correct and complete.

Print Name

Signature

Date

PART THREE

INTRODUCTION

This is a complaint against attorney Scott Charles Maddox. Maddox violated his professional obligations in two cases in which he was involved. Most recently, in 2016, Maddox gave false testimony under oath in a lawsuit I filed against him. Similarly, in 2014, Maddox gave false testimony under oath in an ethics complaint I filed against him. In each instance, Maddox committed the crime of perjury and violated his professional obligations as a member of The Florida Bar.

FACTS

I. Maddox Lied Under Oath in 2016.

In 2016, I filed a statutory election contest against Maddox. *See Jackson v. Leon County Elections Canvassing Board, et al.* (2d Jud. Cir. Case No. 2016-CA-002052). The case was a public interest lawsuit, and I sought no monetary recovery. Rather, I simply asked the court to decide whether Maddox was a legal resident of Tallahassee and therefore eligible to hold the office of Tallahassee City Commissioner. Although Maddox was not acting as a lawyer in the case, he still needed to uphold his obligations as a member of The Florida Bar. He did not.

During the case, Maddox lied under oath. At the time, I had no way of proving that Maddox was lying, although my lawyers and I suspected he was not being truthful. As it turns out, our suspicions were correct.

Maddox is now at the center of a far-reaching public corruption investigation by the Federal Bureau of Investigation (FBI) and the United States Department of Justice. Recently, the FBI sought a search warrant from the United States District Court for the Northern District of Florida to obtain records related to Maddox. In the search warrant application, FBI Special Agent

Evan Hurley states that Maddox lied under oath in a deposition in the 2016 lawsuit I filed against him.¹

Specifically, the FBI states:

E. Maddox’s False Statements Concerning His Relationship with Governance

32. On November 30, 2016, MADDOX gave sworn deposition testimony concerning a civil lawsuit whereby the complainant challenged MADDOX’s status as a resident of Tallahassee. During that deposition, MADDOX was asked the following questions and gave the following answers:

Q: Do you have any other business interest or dealings with Governance Services, LLC?

A: Repeat the question. I’m sorry.

Q: Sure. You have mentioned paying rent; the law firm pays rent for the Adams Street properties to Governance Services, LLC. Other than that, do you have any business relationship—you or your law firm—with Governance Services, LLC?

A: I’m not sure whether we represented them on anything. I don’t know.

Q: What about Governance, Inc.? Are you familiar with Governance, Inc.?

A: Yes.

Q: Who owns Governance, Inc.?

A: Paige Carter Smith.

Q: Do you or your family or your businesses have any relationship with Governance, Inc.?

A: I don’t know what that relationship would be.

¹ I provided the deposition transcript to the FBI upon its request. The complete search warrant application and deposition transcript exceed the page limit for this complaint but are available upon request.

33. In September 2017, the FBI interviewed a witness (hereafter “WITNESS THREE”) who was employed by GOVERNANCE from approximately 2006 to 2014. WITNESS THREE advised that MADDOX was in charge of GOVERNANCE throughout WITNESS THREE’s employment at GOVERNANCE, to include the time period whereby MADDOX was a Tallahassee city commissioner. WITNESS THREE advised that GOVERNANCE sold its political influence and local government experience, largely through MADDOX’s political connections in Tallahassee and other parts of Florida. WITNESS THREE had not seen CARTER-SMITH represent a client, recruit a new client, or go to the City Commission podium on behalf of a client while employed at GOVERNANCE. WITNESS THREE advised that CARTER-SMITH did not have a viable firm without MADDOX and that CARTER-SMITH did whatever MADDOX wanted. WITNESS THREE was ultimately fired from GOVERNANCE by MADDOX in 2014.
34. Based on my training and experience, I know that those who use companies as a vehicle to commit fraud- or corruption-related crimes often lie about their affiliation with such companies in order to conceal the criminal activity.

The FBI agent who filed the search warrant also filed an affidavit in support of his application. Thus, after a thorough investigation, the FBI decided that Maddox gave “false testimony” under oath in my case. His statements about his connections to Paige Carter-Smith, Governance, Inc., and Governance, LLC, were simply false. And he made these false statements to cover up highly suspect conduct that now has the attention of law enforcement.

Moreover, this is not the only time Maddox has lied under oath. Indeed, he gave similar false testimony in an ethics complaint I had filed against him two years earlier.

II. Maddox Lied Under Oath in 2014.

In 2014, I filed a complaint with the Florida Commission on Ethics against Maddox. *See Jackson v. Maddox* (Florida Commission on Ethics Case No. 14-081). The complaint alleged that Maddox had violated several provisions of Florida’s Code of Ethics. Relevant here, my complaint alleged an improper relationship between Maddox, Paige Carter-Smith, and the

Governance entities. These connections were the same as those discussed in the FBI search warrant mentioned above in Section I.

In the Commission on Ethics' public investigative report,² a Commission investigator asked Maddox under oath about his relationships with Carter-Smith and the Governance entities.

The Commission summarized the testimony as follows:

(16) Commissioner Maddox denied that he left the meetings in order to avoid a conflict of interest, maintaining that he did not have a conflict of interest because he is no longer affiliated with Governance, Inc., and that he has never been affiliated with Governance Services, LLC, or The Big Production, Inc. He related that prior to running for office he consulted with Mr. Myer and discussed what actions he should take in order to avoid any possible conflict of interest that might occur if he were elected to office, and they included divesting himself from any relationship to Governance, Inc.

As the FBI concluded in its search warrant application, Maddox's testimony was false.

His connections and affiliations with Governance Services, LLC, are well known. More important, the connections are now well documented—not just by me, but also by the media³ and the FBI.

GOVERNING RULE

Rule 4-8.4 of the Rules Regulating The Florida Bar, in relevant part, provides:

A lawyer shall not:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

² The Commission on Ethics report exceeds the page limit for this complaint and is available upon request.

³ The *Tallahassee Democrat*, *Tallahassee Reports*, and other local media have produced many stories documenting the affiliation between Maddox, Paige Carter-Smith, and Governance Services, LLC. These reports exceed the page limit for this complaint and are available upon request.

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation, except that it shall not be professional misconduct for a lawyer for a criminal law enforcement agency or regulatory agency to advise others about or to supervise another in an undercover investigation, unless prohibited by law or rule, and it shall not be professional misconduct for a lawyer employed in a capacity other than as a lawyer by a criminal law enforcement agency or regulatory agency to participate in an undercover investigation, unless prohibited by law or rule;

By giving false testimony under oath in two separate legal proceedings, Maddox violated each of these sections above. He knowingly violated The Florida Bar's Rules of Professional Conduct—surely every lawyer knows he cannot give false testimony. Further, giving false testimony is a crime under Florida Statute Section 837.02, and the “criminal act reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer.” Finally, without question, lying under oath is “conduct involving dishonesty, fraud, deceit, or misrepresentation.”

CONCLUSION

Unfortunately, it is not unprecedented for a member of The Florida Bar to lie under oath when acting as a party in a case. Indeed, there are many instances where this has happened, resulting in a wide variety of punishments, ranging from short suspensions to disbarment. Maddox deserves the harshest punishment. His conduct showed a total disregard for the judicial process. Under oath in two proceedings, Maddox gave misleading and evasive answers that were designed to obstruct the judicial process. His deceitful actions damaged me financially and harmed the public's confidence in attorneys as a whole. The Florida Bar should not tolerate such conduct.

PART FOUR

WITNESSES

Evan T. Hurley
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