



The Palm Beach Post

REAL NEWS STARTS HERE

Tuesday, November 19, 2019

palmbeachpost.com

\$2

Krischer's office in sights of probe

Investigators want to see transcript of testimony given to Epstein grand jury by the State Attorney's Office

By John Pacenti
The Palm Beach Post

Former Palm Beach County State Attorney Barry Krischer's office's

mishandling of the serial sexual molestation case of Jeffrey Epstein is now in the sights of the criminal probe ordered by Florida's governor. Investigators will seek a transcript of the testimony presented to the grand jury by Krischer's office that yielded just one count of solicitation of prostitution against Epstein.



Krischer

The Palm Beach Post already has sued for the grand jury testimony, reporting in a multipart story, "Epstein case: The first failure," on Sunday that Krischer saw the teenage victims as prostitutes and

disregarded their accounts — all strikingly similar — of abuse. "With the grand jury, it can be garbage in, garbage out," said Lev Evans, the Treasure Coast prosecutor heading up the Epstein inquiry. "We want to see, 'Was the truth given to the grand jury?'" Lawmakers on Monday urged the investigation to take a long look at how Krischer

treated the teenage victims. "We will hold those individuals who do not do that right thing accountable," said state Sen. Lauren Book, D-Plantation, herself a victim of sexual abuse. "We survivors will have the opportunity to have several different layers of justice." **See KRISCHER, A9**

WPB commissioners reject \$180K payout



West Palm Beach City Commissioner Christina Lambert, left, and Mayor Keith James listen to interim City Administrator Faye Johnson as she recommends that the city settle with Sharagay Esposito for \$180,000. Commissioners would go on to reject the recommendation. [GREG LOVETT / PALMBEACHPOST.COM]

Members want more information, including hearing former City Administrator Jeff Green's side

By Tony Doris
The Palm Beach Post

WEST PALMBEACH — City commissioners Monday night unanimously rejected settling an ex-employee's case over allegations that former City Administrator Jeff Green sexually assaulted her. The five commissioners expressed severe reservations about settling without the city having consulted Green to

judge whether the employee's allegations had merit. Several called for a full investigation of the allegations before they would consider settling based on the accuser's word alone. Mayor Keith James, sharply criticizing Green's alleged behavior, had urged the board to approve the \$180,000 settlement, saying the city could end up paying much more if the matter ended up in court. But the five commissioners all said they needed more information, despite strong statements by the city attorney and interim city manager that texts and other information provided in mediation

convinced them Green committed heinous, unethical acts that left the city open to a much more expensive settlement. "These are serious allegations but one-sided," City Commissioner Joe Peduzzi said, recommending a criminal investigation, possibly by the Florida Department of Law Enforcement, to get to the truth. "We have not seen any evidence. We have not had the opportunity to verify the veracity of the allegations in any way or seen any evidence that may tend to support our position in defending this matter," he said. **See PAYOUT, A10**

Jury awards Delray man historic \$157M in husband's death

'I did it for Ed,' Bryan Rintoul says of suing 2 tobacco giants; award a historic victory for same-sex couples

By Jane Musgrave
The Palm Beach Post

When Bryan Rintoul lost the love of his life to lung cancer last year, the 72-year-old Delray Beach man vowed to continue to pursue cigarette-makers for producing a lethal product that caused his husband's tortuous death. Little did Rintoul suspect

that he and his late spouse, Edward Caprio, would ultimately make history. But, they did on Friday, when a Broward County jury ordered tobacco giants R.J. Reynolds and Philip Morris to pay Rintoul a whopping \$148.2 million in punitive damages. That was on top of the \$9.2 million the jury had already awarded Rintoul for pain and suffering and medical bills Caprio had incurred, bringing the total verdict to \$157.4 million. **See DELRAY, A10**

PBSO: 2 caregivers each stole thousands from senior couple

Marcus and Grace Rein were swindled when they lived at Century Village and again at a now-closed assisted living home

By Eliot Kleinberg
The Palm Beach Post

WEST PALMBEACH — Authorities allege that caregivers plundered the accounts of Marcus and Grace Rein not once, but twice. Two people

are charged with taking hundreds of thousands of dollars from the couple before their deaths. The twist? The two allegedly exploited the Reins independently, authorities say. One even tried to ban the other from contact after the couple moved into assisted living in Royal Palm Beach, authorities say. **See COUPLE, A10**

Elections official fired amid porn probe, police altercation

By Eliot Kleinberg
The Palm Beach Post

WEST PALMBEACH — The longtime manager of information technology for the Palm Beach County Supervisor of Elections Office was fired last week after he allegedly shoved two detectives trying to grab his cellphone at the elections office during a child pornography investigation, officials confirmed. Jeff Darter, 61, who lives in The Acreage, had not been



Darter

charged as of Monday morning in the pornography case, but he is facing two felony counts of battery on a law-enforcement officer, records show. He was booked Wednesday at the Palm Beach County Jail and left early Thursday after posting \$3,000 bond. Palm Beach County court records show no attorney

for Darter. Calls on Friday and Monday to telephone numbers listed for Darter in databases were not returned. Elections Supervisor Wendy Sartory Link confirmed Friday that Darter was fired Wednesday, the same day as the confrontation. She said he had worked at the office 28 years and was manager since 1999. His tenure includes being in the middle of the 2000 presidential recount. **See OFFICIAL, A9**

rolex OVERHAUL
CLEAN, ADJUST, LUBRICATE, WATER TEST, REPLACE GASKETS, REFINISH CASE & BAND, ONE YEAR WARRANTY
\$245
WE OVERHAUL ALL MAJOR BRANDS
BERGMAN JEWELERS
2000 PGA BLVD, NORTH PALM BEACH 561-627-0900
WWW.BERGMANJEWELERS.NET

COUPLE

From Page A1

Marc Scarselli, 54, of Wellington, and Denise Wasielewski, 60, who lives west of Loxahatchee Groves, were booked Wednesday morning at the Palm Beach County Jail. Both left that evening after posting bond: \$100,000 for Scarselli and \$15,000 for Wasielewski.

Both are charged with exploiting an elderly or disabled person. Scarselli — who allegedly at one point said he planned to start a nonprofit in Rein's name — also is charged with money laundering, fraudulent use of identification and fraudulent use of identification of a deceased person.

Calls last week to telephone numbers listed for Scarselli and Wasielewski in incident reports were not returned.

"It's been a painful experience for my whole family," Andrew Zamore, Marcus Rein's nephew and executor, told The Palm Beach Post during a brief interview Friday from the Boston suburb of Somerville, Mass.

According to Palm Beach County Sheriff's Office reports, the Reins were living at the Century Village complex near Boca Raton, but moved to Octavia Gardens in Royal Palm Beach in July 2014 after Marcus Rein fell and was injured. Octavia Gardens a six-bed assisted living operation housed in a single-family home, closed last year.

Wasielewski had worked with the Reins while they lived at Century Village, and from 2014 to 2015, the report said, she used Rein's checkbook to help pay his bills. Checks on the Rein account totaling \$117,600 were written either to Wasielewski or to "cash" and then cashed or deposited by her or her husband, PBSO said.

When an investigator asked Wasielewski if she got a salary for helping

Rein, she said "every now and then, Marcus would give me a little something."

In October 2015, soon after the Reins moved to Octavia Gardens, Grace died at 92. A short time later, Monica Barnes, who owned Octavia Gardens, hired Scarselli as Marcus Rein's caregiver. The two had met before: Scarselli once tried to sell Rein a security system for his home near Boca Raton. They later crossed paths at Costco in Royal Palm Beach, where Scarselli sold DirecTV systems.

Wasielewski told investigators that soon after Barnes named Scarselli as Rein's caregiver, Scarselli left her a voicemail saying she was forbidden to have anything to do with the older couple.

She said that with permission from Barnes, she continued to visit Rein and to help him pay bills. And she said she later confronted Barnes about whether Scarselli was exploiting Rein.

He was, authorities allege.

Power of attorney

In December 2015, Scarselli brought Rein to Boca Raton attorney Frank Barbieri to try to gain Rein's power of attorney, PBSO's report said. He gave Barbieri a copy of a psychiatric evaluation done at Octavia Gardens 11 days after the Reins moved there. It indicated Alzheimer's disease had impaired Rein's judgment.

Barbieri — a Palm Beach County School Board member since 2010 — told investigators he'd handled such cases for three decades and "did not have a good feeling" about Scarselli. At one point, he said, he spoke privately to Rein and concluded the man did not understand what was going on.

Barbieri said Scarselli told him he was "not happy" when Barbieri refused to help him and threatened to try another attorney. The lawyer told the investigators he later



Scarselli

Wasielewski

contacted Marcus Rein's sister and advised that she gain guardianship because he believed Scarselli was trying to take advantage.

Barbieri did not return calls from The Post seeking comment.

Meanwhile, Rein's financial adviser at Aegis Capital in Boca Raton told investigators he froze Rein's account after someone identifying himself as Rein's caretaker called several times trying to get access.

On Jan. 6, 2016, the report said, a power-of-attorney document naming Scarselli was completed and notarized at Octavia Gardens.

Two days later, the reports say, Scarselli took Rein to Dr. C. Chris Mbaeri, a Wellington general practitioner, who later wrote Rein was "capable of making his own medical and financial decisions." The doctor told investigators he'd reached his conclusion through "general observation" and had not conducted any cognitive tests.

"At the time I saw him, that was my assessment," Mbaeri told The Post on Monday. He did not want to elaborate.

The report said Scarselli then brought Rein to a Bank of America in Royal Palm Beach and opened checking and savings accounts naming both Rein and himself.

Scarselli brought Rein to another Bank of America branch, opened a trust account and made several transfers into it, then into a joint account for him and Rein, and finally to an account just for him. The final amount: \$345,000. He also allegedly tried, without success, to transfer \$419,064 from two Aegis accounts.

The report said Scarselli admitted to a Florida Department of Families

and Children investigator that he had made the \$345,000 transfer. He first said he planned to found a nonprofit in Rein's name. He then said he planned to invest Rein's money.

The investigator said Scarselli gave several conflicting and evasive statements. He said Octavia Gardens wasn't providing timely paychecks and Rein agreed to pay him directly.

Scarselli also said his daughter had bone cancer, that he'd converted Rein to Christianity from Judaism and that Rein wanted to give Scarselli money for a charity. Scarselli also said he was hoping to start a church or a street ministry.

Asked if he'd exploited Rein, Scarselli said, "If you look at it the way other people look at it, they might say so."

President, secretary, treasurer, director

Barnes, the owner of Octavia Gardens, told the investigator she knew Scarselli was writing checks on Rein's account but had concluded Rein still could make his own financial decisions.

An independent doctor examined Rein in April 2016 and said he had been incapacitated for a while. Around the same time, documents were filed with the state creating the ReinStone Foundation ministries, with Rein as director and Scarselli as president, secretary, treasurer and director.

Marcus Rein died in June 2016. Over the next three months, withdrawals totaling \$130,860 were made from a joint checking account, even as Scarselli knew he was being investigated, the report said.

State records show Barnes voluntarily closed Octavia Gardens in December 2018. She said Thursday she had no comment.

EK@pbpost.com
@eliotkpbp

PAYOUT

From Page A1

"The allegations certainly are disgusting, and if true, this is something we absolutely cannot tolerate in our workplace," Peduzzi continued. "But I don't know if we've gotten to that point yet."

The lawyer for fired city employee Sharagay Esposito has alleged that Green sexually assaulted Esposito in a City Hall conference room in June and repeatedly tried to get her to participate in a menage-a-trois with his wife.

Esposito came out with the allegations when she was being fired, in September or early October, city documents show.

Based on the allegations and the threat of a lawsuit, James asked for Green's resignation in October and the administration negotiated the conditional settlement with Esposito, which required City Commission approval.

But Green on Sunday denied the allegations to The Palm Beach Post and said he never had sex with Esposito. He said the city has never asked for his side of the story.

He added that Esposito told Green's wife, Barbara, with whom she was best friends, that she would be going to the press with made-up allegations because she wanted her job back.

The allegations of assault were disclosed in a letter Friday from Esposito attorney Isidro Garcia to West Palm City Attorney Kimberly Rothenburg.

Interim City Administrator Faye Johnson, one of four city officials in the mediation that led to the conditional settlement, said she strongly recommended commissioners accept it because of the offensive nature of texts and other information shown her by Esposito's lawyer. Green's

behavior was "unconscious," she said.

Rothenburg conceded she never called Green to get his side of the story. Neither she nor Johnson detailed the allegations at Monday's meeting because of confidentiality requirements governing the mediation.

Green said the Esposito lawyer's letter, forwarded to him by The Post for comment, was the first he'd heard of any sexual assault allegations against him and that the city never called to ask his side of the allegations.

"I haven't heard of any of this before," he said, adding that he never had sex with Esposito.

Green's attorney, Denise Bleau, called the allegations "absolutely and categorically false."

In his letter to the city attorney Friday, Garcia also spelled out allegations that the regional director of a security guard company that just won a \$7.9 million city contract, Willie Perez, of Professional Security Consultants (PSC), texted Esposito a photo of his erect penis in an effort to attract her to a sexual tryst at the city administrator's house.

Perez, who has previously declined comment, could not be reached for comment. He told Green, with whom he is friends, that he would not comment.

PSC's Florida counsel, Sally Helen Seltzer, told the commission that, from the start, the firm expressed concerns about being offered the contract without a competitive process. But PSC was given assurances by the city administration that it wouldn't be a problem, she said.

If the city now yanks the contract, as Commissioner Richard Ryles and others in the community are recommending, the city would owe PSC more than \$200,000 for equipment and other costs, Seltzer said.

tdoris@pbpost.com
@TonyDorisPBP

DELRAY

From Page A1

Not only is the verdict one of the largest levied in Florida against tobacco companies on behalf of a single smoker or their families, but it is a momentous victory for gay couples nationwide, said attorney Scott Schlesinger, whose firm represented Rintoul during the roughly five-week trial.

Typically, spouses can recover damages in wrongful death cases only if they were married before their husbands or wives got sick or injured, Schlesinger said.

Rintoul and Caprio didn't get married until 2005, days after the U.S. Supreme Court lifted the nationwide ban on same-sex unions. That meant Rintoul would have been prohibited from collecting any damages because Caprio was first diagnosed with lung disease in 1996.

However, in a specific finding, the jury agreed that if gay marriages had been legal, the couple would have wed before 1996, after they met, fell in love and began living together in California, Schlesinger said.

"Bryan and Ed had been together for 40 years," Schlesinger said. "We successfully argued that they would have married if they had been allowed to."

Officials from R.J. Reynolds Tobacco Co. and Philip Morris, which is now owned by Altria, didn't respond to requests for comment on the verdict. Both were found equally at fault because Caprio smoked brands from both companies while feeding the habit he began at 15.

During the trial,

attorneys representing the cigarette-makers set the stage for an appeal by asking Broward County Circuit Judge David Haines several times to declare a mistrial.

In court papers, they said Schlesinger and his legal partners shouldn't have been allowed to tell jurors that they were faced with a "historic" opportunity to award damages to the widower of a gay man.

They also said Schlesinger shouldn't have been able to tell jurors about Altria's year-old \$12.8 billion investment in Juul, which is being investigated for its marketing to minors of its popular e-cigarettes.

Schlesinger said he didn't mention the various investigations Juul faces. Instead, he said he used Altria's purchase of a 35% stake in the e-cigarette company as evidence that the tobacco companies haven't changed their ways since their top executives finally admitted — decades after health warnings were put on cigarette packs — that their product was dangerous.

Just as they did years ago with what are now called "combustible cigarettes," the companies are using e-cigarettes to get teenagers addicted to nicotine, Schlesinger said.

Studies have shown that at least 25% of people under the age of 18 use e-cigarettes, he said.

Turning teens into nicotine addicts has been a fruitful business model for tobacco giants, Schlesinger said.

"They kill two-thirds of their regular customers and then hook their children and call them replacement smokers," Schlesinger said.

He said he fully expects R.J. Reynolds and Philip

Morris will appeal. R.J. Reynolds successfully appealed an eye-popping \$23.4 billion verdict Stuart attorney Willie Gary won for the widow of a Pensacola smoker. The cigarette-maker won when the case was tried for a second time in January.

That case is typical of how tobacco companies have behaved, Schlesinger said. They have appealed all unfavorable verdicts in hundreds of cases that grew out of a 1994 class-action lawsuit in Miami-Dade County.

While a jury awarded 700,000 smokers and their families \$145 billion, the Florida Supreme Court in 2006 threw out the award, ruling each person must prove his or her unique damages at separate trials.

While hundreds of the roughly 8,000 cases have gone to a jury, thousands of more are still pending. The number decreases every month as smokers die or their families give up hope, Schlesinger said.

Attorney Jonathan Gdanski, who also represented Rintoul, applauded him and Caprio for pursuing the lawsuit. Before he died last year at age 74, Caprio sat through a lengthy trial that ended in a hung jury.

For Rintoul, the verdict was a moral victory.

"I did it for Ed," he said, his voice cracking with emotion. "He deserved his day in court. He suffered so terribly."

When the jury acknowledged Caprio's suffering by delivering the stunning verdict, he said he prayed that the victory wasn't his alone.

"I just hope to God he was watching from up above," Rintoul said.

jmusgrave@pbpost.com
@pbpcourts

KEISER
UNIVERSITY

HAWK talk

Hosted by Keiser University's Flagship Residential Campus
2600 N. Military Trail, West Palm Beach, FL 33409

Wednesday, November 20, 2019

3:00PM - 5:00PM

Lectures in the Turner Education Center Auditorium

5:00PM - 6:00PM

Wine & Cheese Reception

The event is free and open to the public.

To RSVP and gain additional information, please contact
Glenn Swift at gswift@keiseruniversity.edu

Theme: Leadership and Civility

Moderator: Mr. Glenn Swift, Interdisciplinary Studies Program
Director & Professor, Keiser University Flagship Residential Campus

Leadership For Our Future Workforce

Ms. Belinda Keiser, Vice Chancellor of Community Relations
and Student Advancement, Keiser University

Dialogues in Democracy

Mr. John P. Hart, President, Hart Consulting Group

Getting Over Our Anger

Mr. Antonio Fins, Politics Editor, The Palm Beach Post

The Keiser University Hawk Talk series is designed to provide students, faculty, staff and community members the opportunity to gain insights from leaders in the educational, business and nonprofit sectors. Upcoming themes include Health and wellness, Dialogs in Democracy and Civility, International Relations, World Politics, and more.