

Arrest Report

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502021-MM-001948 AMB

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
8535 NORTHLAKE BLVD
WEST PALM BEACH, FL.

Report Date / Time 3/13/2021 08:55 PM	Report Number C-0287AB	Case Number/Cad Number FWCS21OFF006454 / FWCS21CAD011949	Reporting Officer Name SPIRITO, GEORGE
Originating Agency ORI FL0488000	Occur Date Time Range 03/13/2021 18:07:49 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description BURT REYNOLDS EAST BOAT RAMP			
Street Number US1 N	Street	Apt/Lot/Bldg FWC	City JUPITER	State FL	Zip Code 33477

Defendant

First Name GABOR	Middle Name A	Last Name KISH	Suffix	Race WHITE	Sex MALE	Height 510	Weight 205	Hair BRN	Eyes BLU
MNI #	SSN	Date of Birth 11/01/1961	Age 59	ID Type E	Drivers License or other ID K200281614010	State FL	OCA / Agency ID		
Place of Birth:		AMLTON CANADA							
Address * / 31 RIDGEWOOD CIR , JUPITER, FL 33469 / 561-402-6311									

Arrest

Arrest Date/Time 3/13/2021 8:19:00 PM	Arrest Location Type PUBLIC PLACE	Arrest Location Description BURT REYNOLDS EAST BOAT RAMP				
Street Number 805	Street N US HIGHWAY 1	Apt/Lot/Bldg	County PALM BEACH	City JUPITER	State FL	Zip Code 33477

Charge : STATE STATUTE

Counts 1	Charge 327.35(1)(a)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree SECOND DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED			

Charge : STATE STATUTE

Counts 1	Charge 327.35(5)	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description BUI, REFUSAL TO SUBMIT TO 2ND OR SUBSEQUENT TEST (BREATH TEST)			

REC'D
AH 6:37
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
GUN CLUB

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Bond Set by Officer

▶ Bond Amount	<input checked="" type="checkbox"/> No Bond
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Bond Type(s)

Probable Cause

I. What: Boating under the influence

II. When: Saturday March 13, 2021

III. Where: Burt Reynolds Boat Ramp East

IV. Who: Name: Gabor A. Kish
D.O.B: 11/01/61
Address: 31 Ridgewood Dr
Jupiter FL 33469

FL DL K200281614010

V. Other Information Related to BUI

Vessel: 24' 2017 Premier Marine FL 4601RP

VI. Details of BUI

A. Initial Observations

On March 13, 2021 at approximately 5:50PM I Officer George Spirito of the Florida Fish and Wildlife Conservation Commission (FWC) was on patrol in my marked patrol truck at the Burt Reynolds East boat ramp. I observed a large group of people get off a pontoon boat on the shore behind the restrooms. Included in the group was a young child with no life vest which appeared to be under 6 years in age.

B. First encounter

I walked over to the vessel and encountered a male later identified as Gabriel Kish urinating on the ground at the shoreline. I announced my presence to Kish and questioned him about the child without the life vest. He was unsteady on his feet and had trouble getting on the boat. Although he had trouble, he was able to produce a child size life vest. I asked Kish if he was the operator of the vessel because of his apparent intoxicated state. He advised me that he was not and that his wife (Renee) was going to drive the boat. I then cleared my interaction with Kish and walked back to my patrol truck.

C. Observations after interaction

I observed Kish walk to the boat ramp and signal a male and 2 females that included his wife. He then took his wife and walked to the boat. Kish got into a passenger's seat and his wife took the helm. She backed off the beach

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before they switched seats and Kish took over at the wheel off the vessel. He used the wheel and the throttle to operate the vessel to the boat ramp and drove the vessel onto the trailer. The vessel did not land squarely on the trailer and had to be repositioned several times.

D. Second interaction

At the boat ramp I called in a vessel stop of the boat to dispatch for (FL 4601RP). The operator Kish stepped onto the dock and I again announced my presence to him and asked him to walk with me to a paved part of the boat ramp.

I chose a spot that was clear, flat and clean of any debris. I asked Kish if he had anything to drink on this date and he stated he did not. After talking with him further he told me he had one beer and then later told EMS that he had two.

E. Completion of Standardized Field Sobriety Tasks

I asked Kish to preform some sobriety tasks and he agreed. I asked him if he had any medical conditions
Horizontal Gaze Nystagmus

The first task that I administered to Kish was the horizontal gaze nystagmus. I explained the instructions to Kish reminding him to only move his eyes and not his head. As I conducted the task I had to stop several times and remind Kish not to move his head as he kept doing so. Kish had lack of smooth pursuit in both eyes and in both eyes nystagmus and maximum deviation.

9 Step Walk and Turn

The second task I asked Kish to preform was the 9 step walk and turn. I asked Kish to remain in the instructional phase while I demonstrated the task. Kish stated that he had leg problems and couldn't take the task. I asked him why he didn't tell me about his leg when I asked about medical conditions. Kish stated that he did not know. I demonstrated the task and told Kish that he could begin when he felt ready. He was unable to make any heel to toe contact and stumbled forward. Kish was unable to perform the task.

After the second task Kish stated that he could not perform any more tests.

At this time based on my interaction with Kish and my observations of the tasks that he attempted to take I placed Kish under arrest for operating a vessel under the influence of alcohol.

Kish was handcuffed, the handcuffs were double locked, and he was searched. Because Kish stated that he was diabetic I asked him if he required EMS to respond to check him out medically. Kish stated that he would like EMS and Palm Beach Fire rescue responded.

While checking Kish Palm Beach Fire Rescue found that his blood pressure was high and it was decided to transport him to Jupiter Medical Center. They advised that his blood sugar was higher than a normal level but that he was intoxicated from alcohol.

Lt. Benjamin Hankinson of the FWC responded to the scene. Lt. Hankinson and myself followed the ambulance to Jupiter Medical center where Kish was checked medically.

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Jail Booking Facility

Booking Date/Time	Booking County PALM BEACH	Booking Facility MAIN DETENTION CENTER	Booking Facility Phone (561) 996-1699
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406-3001			Booking Number
Booking Comments			



Court

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court PALM BEACH COUNTY COURT AT GUN CLUB	Court Phone	Court Appearance Date / Time 03/14/21 1:30 PM	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
SPIRITO, GEORGE OFFICER WP366	REPORTING OFFICER	FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCSISO REGION AIPALM BEACH

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name SPIRITO, GEORGE	Office Rank OFFICER	Officer ID No WP366	Sworn and subscribed before me, the undersigned authority This the <u>13</u> day of <u>March</u> , 2021 DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION			 P296
Officer Signature  WP366			

<input type="radio"/> No Bill / Petition	<input type="radio"/> Issue Warrant	<input type="radio"/> Prosecution Approved	Signature of Assistant State Attorney	Date
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SUBJECT: Kish Galar 4 CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE: EPILEPSY? _____
 GLASS EYE? _____
 FALSE TEETH? _____
 EAR INFECTION? _____
 INNER EAR TROUBLE? _____
 DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: _____

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL



PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 21-044762 PBSO ZONE 3-14
AGENCY CASE # FWCS71OFF006454 CRASH CASE # _____
TIME OF STOP/CRASH 1100 DATE 03/13/21 DAY Saturday
SUBJECT'S NAME Gabor A Kish RACE W SEX M
HGT 5'10" WGT 206 DOB 11/01/61
LOCATION Birt Reynolds East
ARRESTING OFFICER'S NAME & ID George Spirito P360 AGENCY FWC
DIVISION: SR-A
NOTIFIED BY COMMO No
ARRIVAL AT FACILITY 2227
Arrest Time 18:19
BREATH RESULTS:
1. **REFUSED**
2. _____
3. _____
4. _____
TESTING OFFICER'S ID 19183

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: FWC

SUBJECT: Kish, Gabor A

CASE NUMBER: 21-044762

DATE: Mar 13, 2021

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2250

ENDING TIME: 2254

BREATH TESTS RESULTS: 1) R TIME 2253 A.M. P.M. 2) n/a TIME 0 A.M. P.M.
3) n/a TIME 0 A.M. P.M. 4) n/a TIME 0 A.M. P.M.

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: thick

ATTITUDE: cooperative

CLOTHING: blue jeans, gray l/s shirt, black shoes

MEDICAL CONDITIONS: diabetes

MEDICATIONS: Glimepride, Metformin

OTHER:

eyes are glassy & bloodshot

COMMENTS:

arrived at center A/O conducted 20 minute observation period at 2227 hrs

subject refused to perform breath test

A/O read BUI I/C & subject understood I/C

subject refused to perform breath test

A/O read rights & subject understood rights

A/O attempted Q&A

subject declined to answer questions



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021006253	Date: 3/14/21
	Specialist Name/ID: A. Pinkney/7796