



**Florida Department of Financial Services
Bureau of Insurance Fraud
Probable Cause Affidavit
Case Number
22-1435**

Defendant: Edward Joseph Galbraith **Race:** White **Sex:** Male **DOB:** 05/23/1964

Height: 6'1" **Weight:** 250 lbs. **Hair:** Blonde **Eyes:** Brown **SSN:** [REDACTED]

Florida Driver License: G416-230-64-183-1

AKA: N/A

Address: 12725 Mallard Creek Drive
Palm Beach Gardens, Florida 33418

Offense(s): Count 1: §440.105(4)(a)(3) Failure to Obtain Workers' Compensation Insurance, more than \$100,00 (First-Degree Felony)

Count 2: §831.02 Uttering a Forged Instrument (Third-Degree Felony)

Count 3: §831.02 Uttering a Forged Instrument (Third-Degree Felony)

Count 4: §831.02 Uttering a Forged Instrument (Third-Degree Felony)

Count 5: §440.105(4)(a)(1) Presenting Fictitious Certificate of Insurance (Third-Degree Felony)

Count 6: §440.105(4)(a)(1) Presenting Fictitious Certificate of Insurance (Third-Degree Felony)

Count 7: §440.105(4)(a)(1) Presenting Fictitious Certificate of Insurance (Third-Degree Felony)

Count 8: §817.234 Organized Scheme to Defraud, less than \$20,000 (Third-Degree Felony)

FILED
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JOSEPH A. BLOOM, CLERK
PALM BEACH COUNTY, FL
CRIMINAL

Before me this date personally appeared Detective George Betscha, who being first duly sworn deposes and says that between August 18, 2020, and December 31, 2021, at 4400 PGA Boulevard, Suite 600, Palm Beach Gardens, Florida 33410, the above-named defendant committed the above offenses charged and the facts showing probable cause to believe same are as follows:

This investigation was predicated in a self-generated tip by the Florida Department of Financial Services that stated the owner of Total Maintenance Building Services, Inc. appeared to be working without active workers' compensation coverage.

Records from the Florida Department of State, Division of Corporations showed Total Maintenance Building Services, Inc. (hereinafter "Total Maintenance"), located at 4400 PGA Boulevard, Suite 600, Palm Beach Gardens, Florida 33410, was incorporated on October 1, 1992. Edward J. Galbraith (hereinafter "Galbraith") is listed as the only officer of the corporation. The corporation is still active.

A search of the Coverage and Compliance Automated System (hereinafter "CCAS") to verify workers' compensation insurance showed Total Maintenance had workers' compensation coverage until 2018. The last policy shown for Total Maintenance was through Associated Industries Insurance Company (hereinafter "AIIC"), which expired July 27, 2018. It also showed Galbraith had a workers' compensation exemption which was applied for in 1995. The records from CCAS indicated Galbraith's workers' compensation exemption had no expiration date.

Country Corner

Information received during the investigation indicated Galbraith was utilizing Country Corner Grocery (hereinafter "Country Corner"), a money service business (hereinafter "MSB") in Jupiter, Florida, to cash business-to-business checks for Total Maintenance. Records were obtained from Country Corner. Included in these records was a notarized business record certificate from record's custodian Omar Atway. Also included was the Know Your Customer file with a corporate resolution dated April 2, 2020 which listed Galbraith as President of Total Maintenance. The Florida driver's license number on this corporate resolution matched the license number listed on Galbraith's DAVID profile.

A customer profile page was provided which showed a photo taken in store of Galbraith and included a copy of Galbraith's Florida driver's license.

On the 2020 "Customer Profile" page in these records, Galbraith was listed as the only beneficial owner of Total Maintenance. Under services offered was written "lawn maintenance". This document also listed a projected annual check cashing volume of \$906,993. A workers' compensation policy box is checked "yes", and "5 employees" was listed in the policy coverage limits box. It should be noted Galbraith cashed approximately \$869,281 during this period and reported approximately \$873,397 in payroll through Paymaster, a payroll company used by Total Maintenance for payroll services.

On the 2021 "Customer Profile" page, Galbraith was again listed as the only beneficial owner of Total

Maintenance. The box "exemption" was checked where asked about a workers' compensation policy. The annual check cashing volume was projected to be \$800,000.

These records showed from January 2021 to May 2022, Galbraith cashed over \$1 million in business-to-business checks issued to Total Maintenance at this location, including approximately \$669,092 in 2021 from the City of West Palm Beach (hereinafter "WPB"), approximately \$2,101 from the City of Palm Beach Gardens (hereinafter "PBG"), and approximately \$16,626 from the Town of Palm Beach (hereinafter "TPB"). It should be noted from January 2021 to June 2022, Galbraith reported approximately \$887,429 in payroll through Paymaster.

City of West Palm Beach

Based on the records obtained from Country Corner, I went to the WPB's clerk's office and made a verbal public records request for information and documents pertaining to the business relationship between WPB and Total Maintenance. An employee of the city clerk's office provided me with a printed copy of a contract from 2014. The contract appeared to be signed with the same signature from a 2010 signature of Galbraith's DAVID profile. I was advised the person who handled the contract between WPB and Total Maintenance was Theodore Gray (hereinafter "Gray") whose office was at a different location.

I met with Gray who provided me with a recorded sworn statement and public records he had for Total Maintenance. Included in these records were invoices from Total Maintenance, certificates of insurance (hereinafter "COI"), and other miscellaneous documents pertaining to WPB's contract with Total Maintenance. In his statement, Gray told me he knew Galbraith to be the owner of Total Maintenance and knew Galbraith's son and son-in-law to be employed by the company as "managers". He stated he specifically dealt with Galbraith for company matters. I showed Gray a photograph of Galbraith at which time he immediately recognized him. Gray initialed and dated the picture.

While reviewing two COIs provided by Gray, I observed multiple indications the COIs were possibly fictitious. The first COI, dated 08/18/20, had text in a different font size and color from the other text on the certificate. It showed workers' compensation coverage through Nationwide Insurance Corporation, policy number CWC1014438, with effective dates of 10/31/20 to 10/31/21. The second certificate of insurance, dated 09/09/21, had the same font and color discrepancies, listed the same workers' compensation policy number and insurance company, and showed the policy to be effective 09/09/21 through 10/31/22.

Through my professional training and experience I am aware that workers' compensation policies are only effective for one year (i.e., 09/09/21 through 09/09/22). Policy numbers for workers' compensation coverage change each policy period as well.

Insurance Agency of America

I met with Jessie Thomas (hereinafter "Thomas"), an employee of Insurance Agency of America (hereinafter "IOA") in Jupiter, Florida. IOA was listed as the producer on both of the COIs given to WPB. Thomas provided me with a recorded sworn statement. He stated he had been employed with IOA as an account executive since February 2017. I showed him copies of the COIs provided to WPB by Galbraith. He stated the certificates were not issued by IOA. Thomas pointed out multiple differences between COIs issued by his company and those presented to WPB. He stated the color and consistency of the way the numbers were entered into boxes were not consistent with COIs issued by his company. The policy numbers listed on the COIs were numbers from expired policies or from policies which did not exist. He also specified the contact person listed on the COIs for IOA, Karen Ireland (hereinafter "Ireland"), had not been employed at IOA since 2019 and the email address listed for her was not accurate.

Thomas stated IOA did at one time provide services for Total Maintenance including workers' compensation, automotive, and general liability insurance, but based on internal records had not provided coverage for Total Maintenance since 2018. He also stated based on internal records, IOA had not provided any services for Total Maintenance since 2019, including issuing any COIs.

Total Maintenance did not have active workers' compensation insurance coverage at the time the COIs were presented to WPB. Therefore, the fictitious COIs were knowingly presented and included false information as proof of coverage in violation of Florida State Statutes 831.02 and 440.105(4)(a)(1).

Town of Palm Beach

On May 31, 2022, I went to the TPB's public works department where I spoke with Ryan Canterbury (hereinafter "Canterbury") and Duke Basha (hereinafter "Basha"), employees of the Purchasing Division. I made a verbal public records request to Canterbury who provided me with COIs provided to TPB by Total Maintenance. Basha advised he knew Jacobs to be Galbraith's son-in-law and the manager for Total Maintenance.

Other documents provided by Canterbury included a Contract Information Form for TPB for Total Maintenance. This document listed Galbraith as the owner and Jacobs as the Primary Contact. An ACH authorization form was also provided with a Bank of America account for Total Maintenance. The vendor address listed matched the PO Box number listed on the Department of Corporations website for Total Maintenance and listed the email address edtmbs@aol.com. This document appeared to be signed by a signature similar to Galbraith's on 10/15/2021. The phone number listed on this document for Galbraith matched the number listed on the documents from Country Corner for Galbraith.

Canterbury provided two COIs given to TPB by Total Maintenance. The first COI was dated 10/21/20 and listed Commercial General Liability, Automobile Liability, and Workers' Compensation and Employers' Liability coverage. IOA was listed as the producer and Ireland was listed as the contact for IOA.

The second COI was dated 09/09/21 and listed Commercial General Liability, Automobile Liability, and Workers' Compensation and Employers' Liability Coverage. IOA was listed as the producer and Ireland was listed as the contact for IOA.

Canterbury provided a W-9 from Total Maintenance with the Employer Identification Number, [REDACTED]. This matched the number listed on the Division of Corporations website as belonging to Total Maintenance. This document was signed with a signature which appeared to be similar to Galbraith's and was dated 08/20/2019.

Canterbury also provided an email thread from October 2021 with an email from Galbraith (edtmbs@aol.com) to Jacobs (dan@totalmaintenancefl.com), Jacobs then forwarded the email to Ed Fiondella, the Recreation Facilities Maintenance Supervisor for TPB. This email chain included a message the COI was uploaded to TPB's compliance website Ebix.

Also included was a printout of a page documented by "eshibly" showing a COI was received on April 6, 2020, at 10:36pm. Canterbury stated the person who received this COI was no longer employed with TPB.

Total Maintenance did not have active workers' compensation insurance coverage at the time the COIs were presented to TPB. Therefore, the fictitious COIs were knowingly presented and included false information as proof of coverage in violation of Florida State Statutes 831.02 and 440.105(4)(a)(1).

City of Palm Beach Gardens

A Purchase Award Transmittal document was signed in 2020 for PBG. This document showed Total Maintenance was awarded a contract totaling \$1,250,000 for "Contract Labor Services for Golf Course". This contract appeared to be signed by Galbraith on page 7. The invitation for bidding stated the vendor would provide all labor and must maintain certain types of insurance including workers' compensation insurance and general liability insurance. COIs needed to be provided to PBG as proof of coverage.

I contacted Kim Ra, Purchasing and Contracts Director for PBG, by email at which time I made a public records request for COIs on file for Total Maintenance. Ra provided email threads with two COIs provided by Total Maintenance. The content of the email threads was as follows:

- The first COI was provided via email to Gracie Wong (hereinafter "Wong"), Risk Management Coordinator for PBG, on July 25, 2020 at 7:51am, by Jacobs (dan@totalmaintenancefl.com). This COI was dated 10/21/19 and listed Commercial General Liability, Automobile Liability, and Workers' Compensation Coverage. The producer listed on this COI was IOA.
- The second COI was provided via email to Wong on October 7, 2021, at 11:33am from Galbraith (edtmbs@aol.com). This COI was dated 09/09/21 and listed Commercial General Liability,

Automobile Liability, and Workers' Compensation Coverage. The producer listed on this COI was IOA.

Total Maintenance did not have active workers' compensation insurance coverage at the time the COIs were presented to PBG. Therefore, the fictitious COIs were knowingly presented and included false information as proof of coverage in violation of Florida State Statutes 831.02 and 440.105(4)(a)(1).

Gregory Mills Affidavit

On June 7, 2022 I obtained a sworn affidavit from Gregory Mills, Records Custodian for the Division of Workers' Compensation, Bureau of Compliance. This affidavit stated Total Maintenance had a workers' compensation policy with AIIC and was cancelled on July 26, 2018. It also stated Galbraith had an active workers' compensation exemption with no expiration date.

Florida Department of Revenue

On June 14, 2022, I received certified wages from Kory Baker, Revenue Specialist I with the Florida Department of Revenue. These documents indicated the last quarter Total Maintenance reported wages was July 2017 to September 2017. These records listed Galbraith and Jacobs as employees and showed \$95,268.02 in reported total gross wages for the quarter.

Galbraith

On June 15, 2022, I spoke with Galbraith by phone at which time he admitted to not having insurance for "two or three years". When he assumed ownership of the business, he believed workers' compensation was being withheld by Paymaster, the payroll company used by Total Maintenance. Prior to assuming the administrative responsibilities for Total Maintenance, he was aware workers' compensation was required to be held by the business.

Galbraith stated Jacobs was an employee of Total Maintenance and the company had 10 or 11 employees. When asked about the certificates of insurance which were presented to the municipalities Galbraith stated he made them on his computer and provided them.

Upon learning Total Maintenance did not have insurance coverage, Galbraith obtained coverage for the business. He provided certificates of insurance which showed Total Maintenance had a workers' compensation policy with Cornerstone Capital Group PEO ("Cornerstone Capital") and general liability through US Specialty Insurance Company.

Paymaster

Records obtained from Paymaster showed Total Maintenance had been utilizing the company's payroll services since 2001 and although require taxes were withheld, workers' compensation was not.

Records for 2021 showed Total Maintenance reported approximately \$682,087 in payroll. Records from Paymaster showed from June 2021 to June 2022, Total Maintenance reported approximately \$631,889 in payroll.

Records from Country Corner showed Galbraith also cashed approximately \$749,699 in business-to-business checks payable to Total Maintenance in 2021 for labor services.

Cornerstone Capital

Records from Cornerstone Capital showed Total Maintenance began utilizing their payroll service on June 8, 2022 and listed the number of employees as 10. The application showed an estimated weekly payroll of \$10,000 (\$520,000/year). Galbraith was listed as the personal guarantor and appeared to be signed with a signature similar to Galbraith's.

Galbraith obtained workers' compensation insurance coverage upon learning his company did not have the required active coverage. These actions confirmed Galbraith was aware workers' compensation coverage was statutorily required for his company, Total Maintenance, yet failed to obtain it.

Bank of America

Records from TPB listed a Bank of America account listed on an ACH page. A subpoena was obtained and served to Bank of America by FedEx for these records. A letter was received from Bank of America in response to this subpoena which stated no records were located for Total Maintenance.

Conclusion

Per Florida State Statute 440.02(16), Galbraith, as the owner and officer of Total Maintenance, meets the definition of employer and is the party responsible for compliance with Florida State Statute 440.10(1)(g).

Per Florida State Statute 440.38(1), every employer shall secure the payment under this chapter.

Galbraith did knowingly present multiple false, forged, or altered documents (i.e., certificates of insurance) as evidence of compliance with Florida State Statutes pertaining to workers' compensation coverage. Galbraith did so in a systematic, organized manner with the intent to defraud one or more persons, or to obtain property from one or more persons by false or fraudulent pretenses or representations.

Therefore, based on the totality of information collected during this investigation, probable cause exists to believe Galbraith:

- did fail to secure workers' compensation coverage insurance (more than \$100,000), in violation of FSS 440.105(4)(a)(3), a First-Degree Felony; and,
- did utter and publish as true a false, forged, or altered certificate of insurance, knowing the

- same to be false, altered, forged or counterfeited, with intent to injure or defraud multiple local municipalities, in violation of FSS 831.02, a Third-Degree Felony (3 counts); and,
- did knowingly present a false, fraudulent, or misleading statement as evidence of compliance with FSS 440.38, in violation of FSS 440.105(4)(a)(1), a Third-Degree Felony (3 counts); and,
 - did so in a systematic, ongoing course of conduct with the intent to defraud one or more persons, or with the intent to obtain property from one or more persons by false or fraudulent pretenses, representations, or promises or willful representations of a future act, less than \$20,000, in violation of FSS 817.034(4)(a)(1), a Third-Degree Felony.

I hereby swear and affirm that the above information did occur in Palm Beach County, Florida and is true and correct to the best of my knowledge and belief.



Dated

11/09/2022

George Betscha, DETECTIVE
Florida Department of Financial Services
Division of Investigative and Forensic Services
Bureau of Insurance Fraud

Subscribed to and sworn before me this 4th day of NOV 2022, by, who is personally known to me.



Law Enforcement Officer (F.S.S. 117.10)