26 CT - 13649ANB

Marsy's Law CVI ☐ Marsy's Law LEO ☐

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1

Juvenile: N

ADMINISTRATIVE

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number
	FLO 5 0 2 6 0 0	PALM BEACH GARDENS POLICE DEPARTMENT	78 - 78-26005468

Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No)

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
LAKE VICTORIA GARDENS/PGA BLVD, PALM BEACH GARDENS, FL, 33410	4200-BLK PGA BLVD, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/28/2026	03:08					KAUFF'S TOWING AND RECOVERY 4701 EAST AVENUE, WPB, FL 33407

DEFENDANT

Name (Last, First, Middle): BERGAN, NICHOLAS, JAMES

Alias (Name, DOB, Soc. Sec. #, Etc.):

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	06/23/1979	5'11	185	BRO	BRO	LGT	MED

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):

Marital Status: MARRIED | Religion: NOT STATED | Indication of: Alcohol Influence ☑ Y ☐ N ☐ Unk. / Drug Influence

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
444 RED HAWK DR, JUPITER, FL 33477	(561) 603-5511	2

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
444 RED HAWK DR, JUPITER, FL 33477		VERBAL

Business Address (Name, Street) (City) (State) (Zip)	Phone	Occupation

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
B625-630-79-223-0 FL	[redacted]		MISHWAKA, IN	US

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				☐ 1. ☐ 2.	☐ 3. ☐ 4. ☐ 5.
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large	3. Felony 4. Misdemeanor 5. Juvenile
				☐ 1. ☐ 2.	☐ 3. ☐ 4. ☐ 5.

JUVENILE

☐ Parent ☐ Legal Custodian ☐ Other:

Name (Last) (First) (Middle)	Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip)	Business Phone

Notified by: (Name)	Date	Time	Juvenile Disposition 1. Handled/ processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated

Released To: (Name)	Relationship	Date	Time

The above address provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason)

School Attended	Grade

Property Crime? ☐ Yes ☐ No	Description of Property	Value of Property

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Dispense/ Distribute M. Manufacture/ Produce/ Cultivate Z. Other

Drug Type: N. N/A A. Amphetamine B. Barbiturate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/ Equipment S. Synthetics U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DRIVING UNDER THE INFLUENCE OVER .150	1	☐Y ☑N	316.193(4)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond
N	N	.236			

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☑N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☑N		

Drug Activity	Drug Type	Amount I Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☑N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address):

NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700

Court Date and Time: Month DECEMBER Day 2 Year 2026 Time 10:00 AM ☒ PM ☐

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED

Signature of Defendant (or Juvenile and Parent /Custodian)

10/28/2026
Date Signed

SCANNED

ADMIN

HOLD for other Agency Name:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Signature of Arresting Officer: X

Name of Arresting Officer (Print): OFC. FLINK I.D. #: 514

Name Verification (Printed by Arrestee) (PRINT)

OCT 28 2026 5:11

Intake Deputy: C. HONEA I.D. #: 7766 Pouch #:

Transporting Officer: OFC. FLINK ID #: 514 Agency: PBGPD

Witness here if subject signed with an -X"

PAGE 1 OF 1

0572354 2694

NOT A CERTIFIED COPY

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1

JUVENILE:

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 26-005468

Charge Type: Check as many as apply.
- ☐ 1. Felony
- ☐ 2. Traffic Felony
- ☐ 3. Misdemeanor
- ☒ 4. Traffic Misdemeanor
- ☐ 5. Ordinance
- ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
BERGAN, NICHOLAS JAMES		W	M	06/23/1979

CHARGES

Charge Description	Charge Description
316.193(4) DUI - BAC ABOVE .15	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
State Of Florida			

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source

Business Address (Name, Street)	(City)	(State)	(Zip)	Phone	Occupation

The undersigned certifies and swears that he/she has just and resonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody . . .

- ☒ committed the below acts in my presence.
- ☐ confessed to _____ admitting to the below facts.
- ☐ was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.
- ☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 28 day of October, 2026 at 02:51 (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

On 10/28/2026 at approximately 0251 hours, this Officer was traveling east bound on PGA Blvd approaching the Interstate 95 interchange, PBG, FL, and observed a vehicle stopped well beyond the clearly painted stop bar. Body worn camera and in car video were used.

The vehicle, a red Mercedes S-Class Maybach (12BQNC/FL) was in the outside through lane, with its rear wheels beyond the stop bar and still slightly moving forward. Once the light changed to green the vehicle continued east bound in the outside through lane. This Officer observed the vehicle drift from its lane at least three times, two of which involved a jerking motion back into the lane. The vehicle also drifted side-to-side within its lane. This Officer activated emergency equipment and initiated a traffic stop on same on Lake Victoria Gardens Ave just south of PGA Blvd. This Officer approached the driver window and observed the sole occupant, later identified via Florida Driver License photo, Nicholas Bergan (OF) staring straight ahead with a blank look on his face. This Officer had to knock on the window to gain Bergan`s attention. Once Bergan lowered the window, this Officer noticed his dashboard was indicating a drowsy driver alert.

This Officer explained the reason for the stop, to which Bergan acknowledged and said "I know, I know". This Officer confirmed Bergan`s address and confirmed that`s where he was headed. This Officer requested Bergan`s insurance and registration, to which Bergan provided his registration and had to be reminded to provide his insurance. This Officer asked Bergan where he was coming from, to which he stated "my dad just died", two days prior. Bergan then provided this Officer with an expired registration and the window decal from when he purchased his vehicle, rather than his insurance. While speaking with Bergan, this Officer observed him to have glassy watery eyes, thick slurred speech, flushed red face, and the very strong obvious odor of an unknown alcoholic beverage emanating from his breath at conversational distance.

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER

10/28/2026
DATE

MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH751489
Expires 2/7/2030

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

10/28/2026
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

1

JUVENILE

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 26-005468

Charge Type: Check as many as apply.
☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
BERGAN, NICHOLAS JAMES		W	M	06/23/1979

PROBABLE CAUSE STATEMENT

This Officer returned to the marked unit to conduct a records check of Bergan then reapproached the vehicle. Rather than handing over insurance, Bergan again attempted to provide the expired registration and vehicle window sticker. This Officer determined Bergan was having obvious difficulty dividing his attention and following simple instruction. This Officer again asked Bergan where he was coming from, to which he replied Rocco`s Taco`s, to which this Officer is aware closed several hours prior. Bergan was then unable or unwilling to account for the previous several hours. This Officer asked Bergan how much he had to drink, to which he said "do what you want to do, I`m sorry". This Officer asked again, to which Bergan said "sorry".

Based on this Officer`s observations, this Officer expressed concern to Bergan about him being under the influence and asked him to exit the vehicle to participate in Standardized Field Sobriety Exercises, to which he complied. Bergan indicated he did not have any medical conditions which would effect the exercises performed.

The first exercise conducted was the Horizontal Gaze Nystagmus. The stimulus used was a pen with an illuminated white tip. This Officer did observe Bergan to have a lack of smooth pursuit, however, with each pass Bergan would not properly follow the stimulus and also would move his head. After several attempts, this Officer terminated the exercise believing Bergan was too impaired to follow the very simple instructions.

The second exercise conducted was the Walk and Turn. The line used was a white fog line painted upon the pavement. Prior to starting the exercise, Bergan agreed with this Officer about the line not being slippery. Bergan had great difficulty getting into and remaining in the starting position. Bergan would place his feet incorrectly and step out of position. Bergan also started prior to being told to do so at least three times. During the first set of steps, Bergan missed heel-to-toe on at least seven steps and raised his arms more than six inches from his sides. Bergan took 10 steps rather than nine. Bergan conducted an improper turnaround by way of pivoting both feet, rather than taking a series of small steps. During the return set of steps, Bergan missed heel-to-toe on each step and raised his arms well over six inches from his sides. It should be noted, at no time did Bergan slip or appear to be effected by the line being wet whatsoever.

The third exercise conducted was the One-Leg Stand. During the exercise Bergan raised his right foot. During the exercise Bergan swayed side-to-side and placed his foot down three times. The first time Bergan placed his foot down, he raised it less than six inches. The second time Bergan placed his foot down he stumbled to his left. The final time Bergan placed his foot down, this Officer ended the exercise. After Bergan placed his foot down the first time, he stopped counting aloud and when he was counting aloud it was not as instructed. Bergan counted linear rather than "1001, 1002, 1003 etc" as instructed.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER

10/28/2026
DATE

MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH751489
Expires 2/7/2030

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

10/28/2026
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

1

JUVENILE

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 26-005468

Charge Type: Check as many as apply.
☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
BERGAN, NICHOLAS JAMES		W	M	06/23/1979

PROBABLE CAUSE STATEMENT

The final exercise conducted was the Rhomberg Alphabet. Bergan recited the alphabet as: A, B, C, D, E-F-G-H-G-A-F-K-L-M-L-P-M-P-Q-R-M-M-S. Bergan then opened his eyes and said something this Officer was unable to understand. This Officer asked Bergan if he was done, to which he continued: LMNOP very quickly, then Q, Q and stopped.

Based on this Officer`s observations and the totality of the circumstances, Bergan was placed under arrest at 0308 hours. At the PBSO BAT this Officer conducted a 20 minute observation period noting no issues. This Officer requested Bergan provide a breath sample for the purpose of determining its alcohol content, to which he consented. At 0407 hours he blew .236 and at 0410 hours he blew .222.

Based on the results of the investigation, this Officer determined Nicholas Bergan did operate a motor vehicle, upon a public roadway, in the state of Florida, while under the influence of alcohol to the extent his normal faculties were impaired, with an unlawful breath alcohol content over .150, contrary to FSS 316.193(1)(4).

NOT A CERTIFIED COPY

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

10/28/2026
DATE

MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH751489
Expires 2/7/2030

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

FLINK, ANDREW S (514)
NAME OF OFFICER (PLEASE PRINT)

10/28/2026
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SUBJECT: BERGAN, NICHOLAS CASE NUMBER: 26005466

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: Ofc Funk 514

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SUBJECT: BERGAN, NICHOLAS CASE NUMBER: 26005462

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: Ofc Funk 514

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PALM BEACH COUNTY
SHERIFF'S OFFICE
SHERIFF RIC L. BRADSHAW

DUI Breath Implied Consent

NOT APPLICABLE WITH VOLUNTARY CONSENT

DEFENDANT'S NAME: BERGAN, NICHOLAS J CASE NO: 26005468

DATE OF ARREST: 10/25/26 TIME OF ARREST: 0303

I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.

Will you take the test? YES X NO

NOTE: *READ ONLY IF THE ANSWER TO THE ABOVE IS "NO"*

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL. Additionally, if you refuse to take the test I have requested of you, you will be committing a misdemeanor of the SECOND DEGREE if this is your first refusal, in addition to any other penalties which can be imposed by law. If you refuse to take the test I have requested of you, and if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for a refusal to submit to a lawful test of your breath, urine, or blood, your driving privilege will be suspended for a period of eighteen (18) months. Additionally, you will be committing a misdemeanor of the FIRST DEGREE, in addition to any other penalties which can be imposed by law. Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES_____ NO_____

Do you still refuse to submit to this test? YES_____ NO_____

NOTE: *IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER LICENSE (CDL), READ THE FOLLOWING, REGARDLESS OF WHETHER THE SUBJECT IS OPERATING A COMMERCIAL MOTOR VEHICLE (CMV)*

In addition, if you hold a Commercial Driver's License (CDL), or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privileges for one year from today. If this is your second refusal, you will be permanently disqualified from operating a Commercial Motor Vehicle (CMV).

Do you understand what I have just read to you? YES_____ NO_____

Do you still refuse to submit to this test? YES_____ NO_____

Date read: _____ Time read: _____ Location read: BREATH ALCOHOL TESTING

LAW ENFORCEMENT OFFICER NAME (printed): OFC A. FOWLE ID: 514

LAW ENFORCEMENT OFFICER SIGNATURE: _____

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

FORM #0126BR REV 09/25

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PALM BEACH COUNTY

SHERIFF RIC L. BRADSHAW

DUI Breath Implied Consent

NOT APPLICABLE WITH VOLUNTARY CONSENT

DEFENDANT'S NAME: BERGAN, NICHOLAS J CASE NO: 26005468

DATE OF ARREST: 10/28/2026 TIME OF ARREST: 0308

I am now requesting that you submit to a lawful test of your **BREATH** for the purpose of determining its alcohol content.

Will you take the test? YES X NO

NOTE: *READ ONLY IF THE ANSWER TO THE ABOVE IS "NO"*

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL. Additionally, if you refuse to take the test I have requested of you, you will be committing a misdemeanor of the SECOND DEGREE if this is your first refusal, in addition to any other penalties which can be imposed by law. If you refuse to take the test I have requested of you, and if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for a refusal to submit to a lawful test of your breath, urine, or blood, your driving privilege will be suspended for a period of eighteen (18) months. Additionally, you will be committing a misdemeanor of the FIRST DEGREE, in addition to any other penalties which can be imposed by law. Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES____ NO____

Do you still refuse to submit to this test? YES____ NO____

NOTE: *IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER LICENSE (CDL), READ THE FOLLOWING, REGARDLESS OF WHETHER THE SUBJECT IS OPERATING A COMMERCIAL MOTOR VEHICLE (CMV)*

In addition, if you hold a Commercial Driver's License (CDL), or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privileges for one year from today. If this is your second refusal, you will be permanently disqualified from operating a Commercial Motor Vehicle (CMV).

Do you understand what I have just read to you? YES____ NO____

Do you still refuse to submit to this test? YES____ NO____

Date read: _____ Time read: _____ Location read: BREATH ALCOHOL TESTING

LAW ENFORCEMENT OFFICER NAME (printed): DEC. A. FUNK ID: 514

LAW ENFORCEMENT OFFICER SIGNATURE: _____

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

FORM #0126BR REV 09/25

CERTIFIED COPY

PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 26-106257 PBSO Zone: 3-13

Agency Case #: 78-26005468 Crash Case #: _____

Incident Information:

Time of Stop/Crash: 0253 Date of Incident: 10/28/2026 Day: WEDNESDAY

Location of Incident: 4200-BLK PGA BLVD, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 03:08 Date of Arrest: 10/28/2026 Day: WEDNESDAY

Location of Arrest: LAKE VICTORIA GARDENS/PGA BLVD, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) BERGAN, (F) NICHOLAS, (M) JAMES

DOB: 06/23/1979 Race: W Sex: M Height: 5'11 Weight: 185 Hair BRO Eye BRO

Address: 444 RED HAWK DR, JUPITER, FL 33477 Phone: (561) 603-5511

DL: B625-630-79-223-0 ST: FL SSN: _____ Division: TRAFFIC UNIT

Arresting Officer Name: OFC. FLINK ID# 514 Agency: PBGPD

☐ Marsy's Law CVI ☐ Marsy's Law LEO

Testing Results

1) .236 at 04:07 hrs.
2) .222 at 04:10 hrs.
3) N/A at N/A hrs.
4) N/A at N/A hrs.

☐ Urine Obtained at _____ hrs.
☐ Urine Refused at _____ hrs.

---BAT Use---

BAT Notified: YES
Arrival Time at BAT: 0339
Subject Arrest Time: 03:08

Breath Test Operator: GONZALEZ 40577
PBSO

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TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: BERGAN, NICHOLAS J

CASE NUMBER: 26-106257

DATE: Oct 28, 2026

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 04:02

ENDING TIME: 04:13

BREATH TESTS RESULTS: 1) .236 TIME 04:07 A.M. ☒ P.M. ☐ 2) .222 TIME 04:10 A.M. ☐ P.M. ☐

3) N/A TIME N/A A.M. ☐ P.M. ☐ 4) N/A TIME N/A A.M. ☐ P.M. ☐

BREATH OPERATOR: M. GONZALEZ #40577

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: PRONOUNCED

ATTITUDE: TALKATIVE

CLOTHING: BLUE SHORT, BURGUNDY SHIRT, WHITE SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES GLASSY
SUBJECT: HAD AN ORDOR OF AN UNKNOWN ALCOHOLIC BEVERAGE EMITTING FROM HIS BREATH.

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 03:39 HRS.

SUBJECT: AGREED TO TAKE TEST.

A/O: READ RIGHTS
SUBJECT: STATED HE UNDERSTOOD RIGHTS

TECH: READ TEST RESULTS
SUBJECT: STATED HE UNDERSTOOD TEST RESULTS.

A/O: NO Q & A CONDUCTED

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH COUNTY SO
Instrument Serial Number: 80-006477 Software: 8100.27
Date of Test: 10/28/2026

Date of Last Agency Inspection: 10/23/2026
Observation Period Began: 03:39
Subject's Name: NICHOLAS J BERGAN DOB: 06/23/1979 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	04:05
Air Blank	0.000	04:05
Control Test	0.078	04:06
Air Blank	0.000	04:06
Subject Sample #1	0.236	04:07
Air Blank	0.000	04:07
Air Blank	0.000	04:09
Subject Sample #2	0.222	04:10
Air Blank	0.000	04:10
Control Test	0.077	04:11
Air Blank	0.000	04:11
Diagnostics Check	OK	04:11

Cylinder Lot: 25-3342
Exp: 02/09/2028

State of Florida, County of PALM BEACH.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I MADELIN GONZALEZ, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 10-28-26
Signature

Sworn to (or affirmed) before me this 28th day of October, 2026

_____ OFC. A. FLINK
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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Palm Beach County Sheriff's Office

Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(4)(c)	Undercover personnel	Click or tap here to enter text.
	☐	119.071(2)(e)	Confession	Click or tap here to enter text.
	☐	119.071(2)(j)1.e.	Name of a law enforcement officer who, in the course of their duties became a victim, is confidential and exempt for 72 hours after the incident. This information is exempt for an additional 60 days after the initial 72 hours.	Click or tap here to enter text.
Public Info. Exemptions	☐	119.071(2)(j)1.b.(I)	Identity, home or employment phone number, home or employment address, or any other information that could be sued to locate or harass the victim.	Click or tap here to enter text.
	☐	119.071(2)(j)	Home/employment telephone number, home/employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence	Click or tap here to enter text.
	☐	119.0712(2)	Personal information contained in a motor vehicle record	Click or tap here to enter text.
	☐	316.650(11)	Driver information contained in a uniform traffic citation	Click or tap here to enter text.
	☐	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	Click or tap here to enter text.
Florida Rules of Judicial Administration 2.420	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers	2
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request	Click or tap here to enter text.
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses	Click or tap here to enter text.
	☐	Click or tap here to enter text.		Click or tap here to enter text.
	☐	Click or tap here to enter text.		Click or tap here to enter text.
Other	☐	Click or tap here to enter text.		Click or tap here to enter text.
	☐	Click or tap here to enter text.		Click or tap here to enter text.
	☐	119.071(2)C	Active criminal intelligence/active criminal investigation information	Click or tap here to enter text.
	☐	119.071 (2)(J)	The Victim's address in a Domestic Violence action on petitioner's request.	Click or tap here to enter text.

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REVIEW COMPLETED BY

Booking Number: 2026029351	**Date:** 10/28/2026
	Specialist Name/ID#: MTooks #8557