

Tampa Bay Times

FLORIDA'S BEST NEWSPAPER

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Bernie McCabe
1947-2021



Times (1999)

In law, he found his passion, purpose

Pinellas-Pasco's chief state attorney prosecuted many of area's headline cases.

BY KATHRYN VARN AND JOSH SOLOMON
Times Staff Writers

When Bernie McCabe first thought about becoming a lawyer, the name that came to mind was TV's most famous defense attorney.

"I was always fascinated by Perry Mason," he told the *Tampa Bay Times* in 2018.

Instead, McCabe's historic career went in the opposite direction: He spent a half-century as a prosecutor and in 1992 was elected to the top job.

As Pinellas-Pasco State Attorney, he spent nearly three decades overseeing the prosecution of murderers, cop-killers and con men in both counties. He led the office in its unsuccessful prosecution of the Church of Scientology.

McCabe died on Friday. He was 73.

He had been in poor health for some time. In February, he suffered what he called an "adverse health event" before the pandemic and started working from home. McCabe provided no details about his health then.

"It's no secret he's been in poor health," said Pinellas Pasco Clerk of the Circuit Court Ken Burke, a longtime friend of the state attorney.

McCabe leaves behind a wife, Denise, whom he married in 1969, and two children.

In a 2018 interview with the *Times*, McCabe said his job meant everything to him.

"There's a lot of satisfaction there. I think I would feel a big void (if I wasn't working)," he said. "I don't play golf. In fact, I hate gardening. I can cook reasonably well, but I can't do that all the time ..."

"I don't know if there's anything else that I could find that would give me the sense of fulfillment that I get out of this office."

When the news of McCabe's death broke Saturday, the region's top officials offered praise.

"He was a man with great intelligence. He had a superior insight into our judicial system. He was a keen politician, and he was always mindful of the other justice partners," said Pinellas-Pasco Chief Judge Anthony Rondolino, who had known McCabe since both were young attorneys. "He was a great leader for the state attorney's office and has a legacy that will be very, very difficult to replace."
See McCABE, 9A

CASH DRIVEN | A TIMES INVESTIGATION



Arizona Department of Transportation

Johnathon Lue, 35, burned to death May 4 after the driver lost control of this GardaWorld truck and crashed on a Phoenix highway.

A federal agency knew GardaWorld was 'really bad' at safety. People kept dying. FAILED OVERSIGHT

BY BETHANY BARNES | Times Staff Writer

By the time Johnathon Lue burned alive in the back of a GardaWorld armored truck in May, evidence had been piling up for years that the company was operating dangerously.

In 2013, the U.S. Department of Transportation visited Garda's corporate offices in Boca Raton and found "systematic breakdowns" in the company's approach to safety.

In 2015, a worker in Lue's branch called the state, saying he was afraid of how badly the company's trucks were maintained.

In 2017, investigators learned repair requests at a Garda branch in Ohio had not been read for months.

In 2019, federal regulators warned a division of the company its trucks were crashing too often and told it to make changes.

And in 2020, just weeks before Lue died, one of his co-workers confronted management over a *Tampa Bay Times* investigation that showed Garda had taken shortcuts on maintenance and training, sending



Courtesy of Peter Broksas

Johnathon Lue, left, with GardaWorld co-worker and friend Anthony Hernandez. Lue died May 4 while on the job.

armored trucks hurtling out of control across America.

Lue was worried about what he read in the *Times* and the conditions he saw all around him, according to two of his co-

workers. He was looking for a new job but hadn't found one yet.

And so Lue was in a Garda armored truck when the driver lost control on a Phoenix highway. The truck rammed through a concrete barrier, landed in a ditch and ignited.

The injured driver was sent to the hospital. But rescuers couldn't break into the back of the truck.

Trapped and on fire, the 35-year-old Lue screamed for somebody to help.

No one had, and by then, no one could.

Lue was one of 22 people to die in crashes involving Garda trucks since 2008 — six in the past two years, and three since the *Times* investigation published in March.

But armored car companies like Garda largely slip between gaps in the U.S. regulatory system.

As a result, Garda has faced little government scrutiny and few consequences for its national pattern of error-prone drivers and unsafe trucks, or the devastating crashes that have followed.

See GARDA, 7A



DEDE SMITH | Times-Union

Jacksonville Sheriff's Office members attend the Celebration of Life for Lt. Christopher Michael Cunningham, a COVID-19 victim, at Paxon Revival Center Church.

Virus now leading killer of state's law officers

Among the ranks, prison staff suffer the most COVID-19 deaths.

BY JACK EVANS
Times Staff Writer

In 2020, two Florida law enforcement officers were killed by gunfire. One died in a motorcycle crash. Another died after being injured while running after a suspect.

But at least 18 police officers, correctional officers,

sheriff's deputies and a federal agent in Florida died of complications from the coronavirus in 2020, the *Tampa Bay Times* found.

That number includes 13 local law enforcement officers listed in an unofficial count kept by the Officer Down Memorial Page, which

tracks deaths based on media reports.

It also includes at least five Florida Department of Corrections officers who died from the virus while performing what has become one of the riskiest law enforcement duties during the pandemic: **See CORONAVIRUS, 9A**

LOCAL HOSPITAL CHAPLAINS TESTED

Being a hospital chaplain is not easy in the best of times. Providing spiritual services in the bay area this year presented unforeseen challenges. **Local, 1B**

WHEN WILL THINGS START LOOKING UP?

The pandemic did not affect all parts of Florida's economy equally. A rebound may hinge on vaccines and federal relief, but there are unknowns. **Business, 1D**

BUCS ARE HAVING A VERY BRADY YEAR

You can quibble about the details, but there's no disputing that Tampa Bay's new quarterback is having a historic season, columnist John Romano says. **Sports, 1C**

DESPITE ALL THE GLOOM, A BRIGHT SIDE

Eclipsed by the pandemic, politics and general awfulness of so many things in 2020, there were some good news local stories that flew under the radar. **Floridian, 1E**

Front moves south

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Vol. 137 No. 163

INDEX

Astrology F Editorials 2P
Business 1D Puzzles F



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GARDA continued from 1A

Although Garda is overseen by a patchwork of federal regulators and state agencies, the primary responsibility for making sure that national trucking companies operate safely falls on the U.S. Department of Transportation.

A close examination of some of the department's interactions with Garda illustrates the light touch regulators have taken.

Garda workers told the *Times* in March that the company disregarded requests for repairs that the federal agency requires. Dozens said that the company put trucks on the road without working brakes, speedometers or seat belts.

But when the agency has investigated complaints against Garda, the reviews have often been cursory and haven't included interviews with workers, the *Times* found. Portions of Garda's trucking operation haven't been thoroughly examined in more than a decade.

That's not because Garda escaped the agency's attention. By 2015, the department had recognized that the company had a "really bad" track record of maintaining its fleet and following rules to prevent exhausted drivers, an email between agency officials shows.

One official noted that she believed the company was taking steps to avoid the department's oversight. She said there were plans for a major review.

The department would not say whether the larger review ever took place, but no formal enforcement action followed, federal records show.

The department declined to comment on its oversight of Garda, aside from suggesting that local agencies have more authority over the company.

But state regulators can only examine small portions of the company, which operates nationwide.

Evidence of Garda's safety problems has regularly appeared in court files and police reports. But police officers investigate only the collision in front of them. Lawsuits normally focus on a specific case and often end in confidential settlements that can mask larger patterns.

Garda workers have been far more likely to suffer the consequences — from criminal charges to injury or death — of unsafe practices that the *Times* found to be widespread at the company.

"I just don't understand how it was allowed to go on this long," said Jammie Bolton, a Garda manager from 2017 to 2018. "These people just continue to do whatever they want."

Garda didn't respond to a memo detailing the reporting in this story. "GardaWorld Cash Services has declined to participate further," the company's law firm, Holland and Knight, wrote in a letter this month, saying the *Times* has a "clear bias" against the armored truck carrier.

Previously, Holland and Knight threatened to sue the *Times* if the news organization published the March investigation into truck safety. The attorneys also subpoenaed the *Times* this month for records as part of Garda's ongoing 2017 lawsuit against a former employee. The news organization has said it will fight the subpoena.

"It is categorically false that our trucks lack basic safety features or that we do not invest in our fleet," Garda said in a 2019 statement. "The safety of our people and members of the public are paramount in our day-to-day work. We have industry-leading safety policies and protocols in place, including mandatory employee training."

Garda's U.S. armored car business is only a small portion of the international private security company's operations. The company is angling to grow even bigger, waging a monthslong hostile takeover of the world's largest private security company, G4S.

G4S's management has called the bid "opportunistic" and plans to sell to another company. Garda has been undeterred.

In the United States, Garda has continued to enjoy the trust of some of the country's largest and most recognizable banks and retailers. As of January 2020, the U.S. armored truck division's revenues were about \$585 million.

Over the course of the year, two dozen of Garda's clients and five different regulatory agencies have declined to comment on the company's safety record and money-handling practices.

That silence continued after a *Times* report in October that showed the company had lost track of millions of dollars in its vaults and hid those losses from the banks that are its clients.

In a statement, Garda said, "We have industry-leading controls



Arizona Department of Public Safety

The flames were so intense May 4 in Phoenix that rescuers were unable to get Johnathon Lue from the back of the armored truck before he died.



Ali family photo

Sama Ali, 7, died in September after being hit by a GardaWorld armored truck in Brooklyn, N.Y. Her brother told the *New York Daily News* she loved math and had a big Barbie doll collection.



Seegars family photo

Ronald Seegars, 73, with his wife, Wendy, described in his obituary as the love of his life. Seegars also was killed in September, when a GardaWorld truck hit his SUV in South Carolina.

in place to monitor the constant movement of our clients' money, and any discrepancies detected are immediately investigated, reported and resolved."

Meanwhile, people have continued to die on the roads.

In September, in Brooklyn, a Garda truck ran over 7-year-old Sama Ali in the middle of a street, as she left a park on her scooter. She was in the crosswalk, but the Garda truck had a green light. Video footage shows the

truck didn't slow as it approached the intersection. It hit the girl, dragging her body as her family watched, according to news reports. The police investigation is ongoing.

That same month, a Garda truck slammed into an SUV in South Carolina, killing 73-year-old Ronald Seegars. The grandfather loved his family, his friends, the beach, Pat Conroy's books, golf and music, according to his obituary. A lawsuit from Seegars' family said the Garda

truck had mechanical issues that an inspection should have caught and that the Garda driver didn't have a valid license. Police cited the driver.

In Lue's case, nearly eight months after the armored truck flew off the road, police have no idea why. The investigation is closed.

The driver told the officer that he didn't remember much. The truck started to slide off the shoulder, he tried to correct it, and from there, his memory went blank, he said. He said he wasn't sure how fast he'd been going but that he was obeying the speed limit. Officers found nothing unusual about the road conditions or the weather.

The driver said he hadn't noticed any problems with the truck before the crash.

But he told police the truck hadn't been inspected that morning, even though it's a Department of Transportation requirement.

The driver said workers took trucks on the road without first inspecting them all the time.

...

Oversight of Garda is split among an alphabet soup of government agencies.

Some federal agencies set the rules for the company's vault business, or how it is supposed to handle money. Others are state agencies that have authority only within their borders.

Two regulators are supposed to ensure the company operates safely across the country.

The federal Occupational Safety and Health Administration oversees worker safety off the roads. The agency — and state agencies that wield its authority — has fined Garda more than 60 times since 2008 for workplace safety issues.

Most of the fines are small, but at least three exceeded \$60,000. The bigger fines pale compared to Garda's revenues. The company's American armored truck operation brings in the amount of the largest fine — \$103,000 — roughly every 90 minutes.

The Department of Transportation oversees trucking companies that operate across state lines as long as they have vehicles that weigh over 10,000 pounds. Not every truck Garda operates is that big, but thousands of them are.

The agency has detailed rules for

how long drivers can work and the safety standards trucks must meet. It has the power to impose civil penalties and even shut companies down.

The department's regulations aren't really designed for armored trucks, said Jason Miller, a Michigan State University professor who studies motor carrier safety. Its primary focus is monitoring long-haul trucking companies and the heaviest trucks on the road.

The *Times*' reporting on Garda "exposes a reality of the regulatory resources we have are nowhere near enough to regulate an industry of this size," Miller said.

The department declined to answer questions about its oversight of Garda. It said armored truck companies are primarily the responsibility of state and local regulators, while acknowledging that it had reviewed Garda several times.

Using federal records requests, the *Times* obtained nine of those reviews.

The reviews show that the inspectors run through a checklist of items, which includes looking over repair forms and inspecting a sample of the vehicles.

The reviews can be narrow, examining a particular branch or a single safety measurement, and are sometimes performed by state officials on the federal department's behalf.

Five of the nine investigations the *Times* reviewed were spurred by complaints. But none described an investigator interviewing a driver. In one case, the investigator closed five complaints without visiting the company.

The way Garda is structured may result in it receiving less scrutiny than competitors.

The Department of Transportation chooses which carriers to investigate using an algorithm that considers traffic tickets and other violations found during roadside inspections by local officials.

The algorithm compares carriers to others of a similar size. And Garda is broken into nine regional corporate entities, all managed from the same headquarters in Boca Raton.

Each entity gets separate ratings. Instead of being compared to chief competitors Brink's and Loomis, the Garda companies are compared to far smaller carriers.

No part of the company is being
See GARDA, 8A

GARDA continued from 7A

compared to “the safest carriers in the industry,” which tend to be larger, Miller said.

“Rather than playing against the varsity team, by breaking yourself up, you are getting to play against the junior varsity squad,” he said.

When the federal agency does a major review on a company, it gives them one of three safety ratings: satisfactory, conditional and unsatisfactory.

Three of the Garda entities have no rating because they have not been reviewed. Two entities in 2014 and 2019 were given conditional reviews, which indicated that Garda didn’t have adequate safety regulations in place.

The remaining four entities have satisfactory ratings. But three of them haven’t been comprehensively reviewed in 15 years — meaning they haven’t been rated since before Garda purchased that part of the company. One has gone 33 years without a review.

Mark Brauning, who worked as a mechanic for Garda until 2016, said he was surprised a national company like Garda could get away with not following regulations.

He would try to pull a truck off the road because it wasn’t in compliance with federal regulations — tires would be bald, brakes faulty — and Garda would send it out anyway, he said.

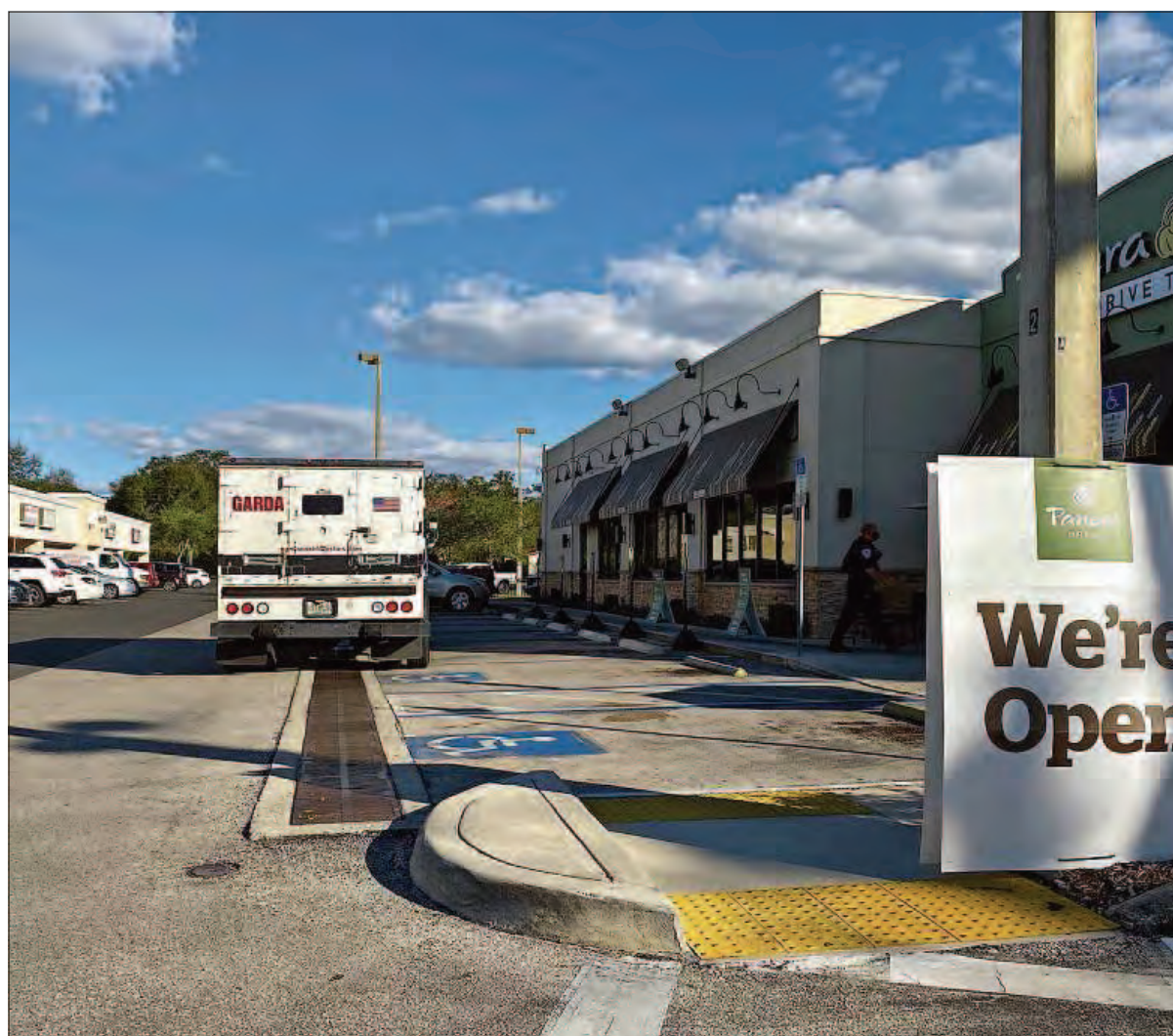
“You’re scared to death,” he said. He recalled his friend, Alan Stagg, whose co-worker fell asleep driving. The *Times* reported in March that the company had let the driver work longer than Department of Transportation rules allowed. The truck crashed in Kansas in 2015, killing Stagg and a hospice nurse on her way to work.

“There are laws to ensure that doesn’t happen,” Brauning said. “It cost two people their lives.”

•••

In Phoenix, there was a clear warning, long before Johnathon Lue’s death.

Daniel Pompa Jr. joined Garda’s Phoenix branch in 2014 as a driver. He couldn’t believe he was expected to move millions of dollars with trucks that were falling apart.



A GardaWorld armored truck stands outside a Panera Bread in Lakeland on Tuesday. The company has offices across Florida and routes around Tampa Bay.

MARK KATCHES | Times

He worried about the safety of everyone who worked there.

He told the *Times* one truck had a steering wheel that was so loose it jiggled when he tried to steer. Other trucks didn’t have up-to-date insurance and registration. One day, the bumper of a coworker’s armored truck fell off, he said. The choices were drive the truck, go home without pay, or quit, he told the *Times*.

He thought if he filed an official complaint with regulators, Garda would have to make changes.

In 2015, Pompa told the Arizona Department of Public Safety that Garda’s trucks had problems with brakes, tires, horns, lights, steering, out-of-date tags and fumes leaking into the truck. He took photos and a video of the bad steering wheel and sent those along, too.

It turned out that Pompa wasn’t the only one worried about Garda.

Federal officials were, too.

A federal employee in Arizona emailed the U.S. Department of Transportation’s Florida office — where Garda is based — to ask if the Arizona Department of Public Safety could investigate.

The Florida official sent an enthusiastic response.

Garda’s poor safety performance was on the Florida office’s radar, the official said — so much that the agency had planned a “strike force” to review several Garda offices at once, but then got bogged down with other work, she said.

The email said that Garda’s corporate structure “is to play around with” the algorithm the Department of Transportation uses to prioritize companies for review.

The company was “difficult to deal with,” she warned. The last time her office investigated, they were “stonewalled by lawyers,” she wrote.

“They hide behind the intrastate thing, too,” she said, seeming to reference the department’s inability to regulate companies that don’t cross state lines.

Anything Arizona could do would be “more than okay,” she wrote.

The investigation that followed wouldn’t get to the bottom of things.

Garda was given a 21-day heads-up that an investigator was coming.

At the Phoenix office, he reviewed past crashes and looked at their system for tracking repairs. He also looked at six trucks and cited one for brake problems.

Aside from his initial exchanges with Pompa, the review doesn’t show that the investigator interviewed a single driver.

He recommended someone follow up with Garda about missing

paperwork — documents proving its drivers had been background checked and were qualified to drive. Then he closed the review.

Robert Littlejohn, who worked at Garda at the time, remembered the investigation.

“I think they would get more information if they actually talked to people,” Littlejohn said.

Pompa said little changed after the investigator’s visit.

“I did the best I could,” Pompa told the *Times*. “There was nothing more that I could do.”

Years later, when Lue joined the office, workers were still afraid of the trucks Garda gave them.

Two of Lue’s co-workers, Anthony Hernandez and Peter Broksas, said Lue texted them the *Times* investigation after he saw it. Broksas said he and Lue talked about the story for a week straight.

It was evidence the problems they saw every day went beyond the Phoenix operation — and had existed for more than a decade, Broksas said. It scared them.

“How many times can this happen?” Hernandez said. “What does it take for them to come investigate?”

Broksas said he confronted his managers about the story. “They didn’t take it seriously.”

A few weeks later, Lue was killed. “After that I asked them, ‘Do I need to show you the article again?’” Broksas said.

Disgusted, he quit, and waited for investigators to determine what caused Lue’s crash.

No such determination was coming.

Times data reporter Connie Humburg contributed to this story.

CASH DRIVEN: READ THE WHOLE SERIES

Part 1: As it built an armored truck empire, GardaWorld took dangerous shortcuts. Its workers and unsuspecting motorists suffered the consequences.

tampabay.com/gardatrucks

Part 2: Big banks entrusted money to GardaWorld. It secretly lost track of millions.

tampabay.com/gardavaults

Garda’s response and other developments: tampabay.com/garda

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