

Printed on page A1

# Charges Against Exit Realty Co-Owner Dropped

By [Kyle Kennedy](#)  
THE LEDGER

Published: Tuesday, July 7, 2009 at 9:14 p.m.

LAKELAND | The State Attorney's Office dropped fraud charges against the co-owner of Lakeland's Exit Realty on Tuesday, after new evidence ruled out criminal intent.

A notice issued by Assistant State Attorney Darla Jean Dooley said the SAO will not prosecute Exit's Bill Nicholas, or his daughter, Molly Wescomb, "in light of additional facts and evidence."

The two were arrested May 28 on charges of fraud and theft.

Investigators had accused Nicholas of conducting a scheme from 2004 through 2008 in which he paid Wescomb more than \$45,000 in salary and about \$25,000 in benefits using company money.

Wescomb left Exit in 2003 after having a baby and didn't return to work until October 2008.

Exit co-owner Mike Hamic was unaware of the payments until 2006, when he confronted Nicholas and demanded the payments stop, investigators said.

"Additional documentation the office received indicated that the matter was at most a civil matter, and that the state would not be able to establish there was a criminal intent upon the part of either defendant," SAO spokesman Chip Thullbery said Tuesday.

He said the documents were provided by the defense.

"We have always maintained that this matter was a civil dispute between partners in a business venture," said Bob Puterbaugh, lawyer for Nicholas and Wescomb, in a statement issued Tuesday.

"On behalf of Bill Nicholas, Molly Wescomb and Exit Realty, I want to thank the State Attorney's Office for the manner in which they have handled the resolution of this case and their prompt determination to dismiss all charges." [p://www.theledger.com/apps/pbcs.dll/article?AID=/20090707](http://www.theledger.com/apps/pbcs.dll/article?AID=/20090707)

Puterbaugh declined further comment Tuesday and said Nicholas was out of town and unavailable for comment.

Hamic declined to comment.

Hamic and Nicholas are still engaged in an ongoing legal battle for control of Exit, which is Polk County's second-largest real estate firm by agent count.

Keller Williams Realty is No. 1.

According to court documents from 2008, Hamic accused Nicholas and his wife, Susie (an Exit partner) of illegally withholding access to Exit's books, while the Nicholases said Hamic was heavily in debt and unfit to continue operating the business under the terms of their partnership.

Earlier this year Hamic joined the Lakeland office of Exit rival Keller Williams Realty, but still has a 50 percent ownership stake in Exit.

[ Kyle Kennedy can be reached at [kyle.kennedy@theledger.com](mailto:kyle.kennedy@theledger.com) or 863-802-7584. ]

This story appeared in print on page A1

---