

and Health Review Commission against Respondent Great White Construction, Inc. *See Exhibit 1.*

On June 5, 2018, the Eleventh Circuit Court of Appeals granted a second application by the Secretary, pursuant to Section 11(b) of the OSH Act, for summary enforcement of two (2) additional final orders that had been issued by the Occupational Safety and Health Review Commission against Respondent Great White Construction, Inc. *See Exhibit 2.*

On January 3, 2020, the Eleventh Circuit Court of Appeals held all of the Respondents (Great White Construction, Inc.; its successor company, Florida Roofing Experts, Inc.¹; and the sole owner of both entities, Travis Slaughter), in contempt for failure to comply with the Court's orders granting the Secretary's October 2, 2017 and June 5, 2018 applications for summary enforcement of final orders of the Occupational Safety and Health Review Commission. *See Exhibit 3.*

On June 5, 2020, the Eleventh Circuit Court of Appeals ordered coercive sanctions against Florida Roofing Experts, Inc., Great White Construction, Inc., and their Owner Travis Slaughter. This Order instructed Florida Roofing Experts, Inc.

¹ As these orders correctly determined, contempt holdings may also be brought against both a successor corporation created to evade OSH Act responsibilities, as well as the corporate officer personally responsible for the evasion. *See, e.g., Reich v. Sea Sprite Boat Co., Continental Marine Corp., and Robert F. Smith*, 64 F.3d 332 (7th Cir. 1995).

and Travis Slaughter to pay the Secretary of Labor the amount of \$2,202,049.41, plus interest and fees, in assessed penalties within ten days of entry of this order, or (a) show cause why they are unable to do so and (b) specify what they are able to pay and the timeframe within which they will pay it, and the reasons for their proposal. *See* Exhibit 4.

As of the date of this Motion, neither Florida Roofing Experts, Great White Construction, Inc., nor Travis Slaughter has paid any amount toward \$2,202,049.41 as ordered by the Eleventh Circuit of Appeals. Even more troubling, Mr. Slaughter has defied these various court orders by making quit claim deed transfers of his real property, in the amount of \$10.00 (ten dollars), to his family members, as reflected on the Duvall County Clerk of Court website,² as follows:

- 1) June 14, 2018 transfer via quit claim deed, for the amount of \$10.00 (ten dollars), from grantor Travis M. Slaughter to his daughter, Morgan Indy Slaughter, of the real property located at Northshore Condominiums, Unit 502, 1126 1st St N, Jacksonville Beach, FL 32250, parcel identification number 173436-1040. *See* Exhibit 5.
- 2) June 14, 2018 transfer via quit claim deed, for the amount of \$10.00 (ten dollars), from grantor Travis M. Slaughter to grantee Morgan Indy

² *See* <https://oncore.duvalclerk.com/search/SearchTypeName>.

Slaughter, of the real property identified as PT L 7 POTTSBURG FARMS, parcel identification number 138674-0000. *See* Exhibit 6.

- 3) June 4, 2020 transfer via quit claim deed, for the amount of \$10.00 (ten dollars), from grantor Travis M. Slaughter to his father and his brother, grantees Ralph M. Slaughter and Tripp C. Slaughter, the real property located at 2734 Belfort Road, Jacksonville, Florida 32216, parcel identification number 154551-0000. *See* Exhibit 7.

For the reasons set forth below, the Secretary requests this Court determine these real property transfers were fraudulent, in that they were made for almost no consideration and in violation of the Court's orders, and should be set aside. Once these real property transfers are voided, the Secretary's abstract of judgment, recorded with the Duval County Clerk of Court on July 29, 2021, *see* Exhibit 8, will attach.

II. Discussion.

A. Standard of Review.

Pursuant to Fed. R. App. P. 48, "[a] court of appeals may appoint a special master to hold hearings, if necessary, and to recommend factual findings and disposition in matters ancillary to proceedings in the court. Unless the order referring a matter to a master specifies or limits the master's powers, those powers include,

but are not limited to . . . taking all appropriate action for the efficient performance of the master's duties under the order.”

Here, in the instant 11(b) enforcement action, the Eleventh Circuit authorized the special master to “take such steps as necessary to enforce this Court’s January 3, 2020 contempt judgement and this order set forth below.” Exhibit 4 at p. 3. That order required Respondents Great White Construction, Inc., Mr. Travis Slaughter, and Florida Roofing Experts, Inc. to pay to the Secretary of Labor, within ten (10) days of the order, the amount of \$2,202,049.41, plus interest and fees, in assessed penalties. If Respondents claimed a financial inability to pay the entire amount, the order instructed Respondents to show cause, specifying the amount they would pay, the timeframe for that payment, and the reasons supporting such a proposal. The order explicitly required Respondents to disclose all of their financial accounts and prohibited them from closing any such accounts or from “sell[ing] any interest in real property, without prior notice to the Secretary of Labor and prior approval of this Court.” *See id.*

Here, Mr. Slaughter has violated the express instructions of the Court’s order by making several \$10 quit claim deed transfers of his real property holdings to his daughter and father without providing any notice to the Secretary or the Court. Thus, under Fed. R. App. P. 48, the Special Master is authorized to take the appropriate action necessary to enforce the Court’s order, which in this case, involves applying

state law (Florida's Fraudulent Transfer statute) and/or federal law (the Federal Debt Collection Procedure Act), discussed herein, to set aside Mr. Slaughter's fraudulent transfers and allow the Secretary's recorded abstract of judgment to attach to those properties.

B. The Transfers May Be Set Aside Under Florida's Fraudulent Transfer Statute.

Florida Statute § 726.105 provides a legal mechanism by which creditors may reach a debtor's assets after they have been transferred to another party. Pertinent here, a transfer made or obligation incurred by a debtor is "fraudulent" as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation (1) with actual intent to hinder, delay, or defraud any creditor of the debtor; or (2) without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor had incurred, or reasonably should have believed that they would incur, debts beyond their ability to pay as they became due. *See Fla. Stat. Ann. § 726.105*

When determining intent under Section (1)(a), the statute provides a non-exhaustive list of "badges of fraud." *See § 726.105(2); see also In re Goldberg*, 229 B.R. 877, 885 (Bankr. S.D. Fla. 1998). Courts interpreting the statute have noted that "while a single badge of fraud may only create a suspicious circumstance and may

not constitute the requisite fraud to set aside a conveyance ... several of them when considered together may afford a basis to infer fraud.” *In re Goldberg*, 229 B.R. at 885 (citing *General Trading Inc. v. Yale Materials Handling Corp.*, 119 F.3d 1485, 1498 (11th Cir. 1997) and *Johnson v. Dowell*, 592 So.2d 1194, 1197 (Fla.2d Dist.Ct.App. 1992)).

Relevant badges of fraud include transfers made to an insider (including to family or a girlfriend), retaining control or possession of the property or asset even after transfer, the transfer was made after being sued or threatened with legal action, and the transfer was of nearly all of the debtor’s assets. *See* § 726.105(2); *see also United States v. Ressler*, 433 F. Supp. 459, 464 (S.D. Fla. 1977), *aff’d*, 576 F.2d 650 (5th Cir. 1978) (noting that retention of possession of the property after the transfer and the close relationship between a transferor and transferee both create prima facie presumptions of fraud); *In re Goldberg*, 229 B.R. at 885 (finding that debtor’s fiancée is considered an insider for purposes of the fraudulent transfers statute); *In re Lazar*, 81 B.R. 148, 151 (Bankr. S.D. Fla. 1988) (finding fraudulent transfers where “the subject transfers were made to family members for no consideration, and after the transfers the debtor retained full control over, and derived the primary benefit from, the use of the funds and the assets subsequently purchased therewith.”). A transferee may raise as a defense that they took the assets in good faith and for a reasonably equivalent value. Fla. Stat. Ann. § 726.109.

Finally, the statute of limitations for bringing a fraudulent transfer claim is generally four years from the date of transfer. Fla. Stat. Ann. § 726.110 (1997). For claims brought under Section 105(1)(a), a claim may be brought after four years have passed if it is brought within one year of the creditor discovering the transfer. § 726.110(1).³

Significantly, the fraudulent transfer statute contemplates various possible remedies for creditors, including, but not limited to,⁴ obtaining avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim. *See* Fla. Stat. Ann. § 726.108. Significantly, if a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds. *See id.*

³ For claims brought under Section 106(2), the claim must be brought within one year of the transfer being made. § 726.110(3).

⁴ Other remedies under Florida's Fraudulent Transfer statute include:

- (1) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with applicable law;
- (2) An injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;
- (3) Appointment of a receiver to take charge of the asset transferred or of other property of the transferee; and
- (4) Any other relief the circumstances may require.

Fla. Stat. Ann. § 726.108.

Although the list of potential remedies in § 726.108 does not specifically mention placing a lien, the language referencing “an attachment or other provisional remedy” indicates that the court has authority to place an attachment lien on the property.⁵ Additionally, the statute’s catch-all remedy, “any other relief the circumstances may require,” is quite broad and could encompass a judgement lien.

Here, the quit claim deed transfers Mr. Slaughter made to his daughter, as described in Section I above, occurred within the four-year limitation period (the earliest transfer was June 2018). Accordingly, pursuant to Fed. R. App. P. 48 and Fla. Stat. Ann. § 726.108, the Secretary requests this Court to void the transfers of property at issue. This request is analogous to the federal government’s use of state fraudulent conveyance laws to recover unpaid federal taxes. *See, e.g., Ressler*, 433 F. Supp. at 463 (“In such a situation, where a taxpayer disposes of property prior to the existence of federal tax liens, the United States may seek relief under the applicable fraudulent conveyance laws of the particular state in which the property and taxpayer are located.”) (citing *Commissioner v. Stern*, 357 U.S. 39, 45 (1958) (regarding the federal government’s attempts to collect debts owed, “until Congress

⁵ Attachment liens, or sometimes just referred to as “attachments,” are provisional and can be imposed by a court during pending litigation to prevent a party from disposing of the property during the life of the case. *See* DANIEL SCHIMMEL, *ET. AL.*, LITIGATION AND ENFORCEMENT IN THE UNITED STATES: OVERVIEW, Interim Remedies Question 13 (U.S. Law as of May 1, 2021) (available on Westlaw).

speaks to the contrary, the existence and extent of liability should be determined by state law.”); *Reich v. Sea Sprite Boat Co.*, 50 F.3d 413, 418 (7th Cir. 1995) (“[d]uring collection proceedings the Secretary may show that [a] transfer ... was a fraudulent conveyance, enabling him to reach [a contemptuous employer’s] assets.”); *In re Goldberg*, 229 B.R. at 879; *N.L.R.B. v. Int’l Measurement & Control Co.*, 978 F.2d 334, 338 (7th Cir. 1992).

C. The Transfers May Be Set Aside Under the Federal Debt Collection Procedure Act.

In the alternative, the Secretary requests that Mr. Slaughter’s quit claim deed transfers to his daughter be set aside pursuant to the Federal Debt Collection Procedure Act (FDCPA).

The FDCPA allows the U.S. Government to reach assets that have been fraudulently transferred in order to collect a debt to the federal government. *See* 28 U.S.C. § 3301 *et seq.* The FDCPA’s definition of “debt” includes money owed to the federal government on account of a “fine”, “penalty”, and “interest”, among other things. 28 U.S.C. § 3002(3)(B).

Many federal departments and agencies have used this statute to recover debts, including, but not limited to, the U.S. Department of Labor, the National Labor Review Board, the Internal Revenue Service, the Securities and Exchange Commission, and the U.S. Department of Justice. *See, e.g., U.S. v. Bedi*, 453

F.Supp.3d 563 (N.D.N.Y. 2020) (back pay award ordered by Administrative Review Board is “debt” within the meaning of the FDCPA); *NLRB v. Enjoi Transportation, LLC*, 2019 WL 6174391 (E.D. Mich., Nov. 20, 2019); *United States Small Business Admin. v. Bensal*, 2014 WL 5527821, (N.D. Cal., Oct. 31, 2014); *United States v. Schippers*, 982 F.Supp.2d 948 (S.D. Iowa 2013); *United States v. Forbes*, 740 F.Supp.2d 334 (D. Conn. 2010); *United States v. Sherrill*, 626 F.Supp.2d 1267 (M.D. Ga. 2009); *United States v. Billheimer*, 197 F.Supp.2d 1051 (S.D. Ohio 2002).

The statute of limitations for bringing a claim for fraudulent transfer under the FDPCA is either six years from when the transfer occurred or, if later, within two years of the government discovering the transfer. § 3306(b). The statute of limitations can also be subject to equitable tolling. *See Forbes*, 740 F.Supp.2d at 337. The statute provides similar tests and defenses to Florida’s fraudulent transfer statute. *See* § 3307 (discussing defenses of good faith purchasers, etc.); *see also Forbes*, 740 F.Supp.2d at 342 (discussing factors that would be considered “badges of fraud” under the FDCPA).

Here, the quit claim deed transfers Mr. Slaughter made to his daughter, as described in Section I above, occurred within the six-year limitation period (the earliest transfer was June 2018). Accordingly, pursuant to Fed. R. App. P. 48 and the FDCPA, the Secretary requests this Court to void the transfers of property at issue.

III. Conclusion.

The Eleventh Circuit Court of Appeals' June 5, 2020 Contempt Order required all of the Respondents (Florida Roofing Experts, Inc., Great White Construction, Inc., and their owner, Travis Slaughter), to pay the Secretary of Labor the amount of \$2,202,049.41, plus interest and fees, in assessed penalties within ten days of entry of the order, or (a) show cause why they are unable to do so and (b) specify what they are able to pay and the timeframe within which they will pay it, and the reasons for their proposal.

Mr. Slaughter has entirely failed to comply with that Order. To date, he has not made any payment, of any dollar amount, toward his obligation of \$2,202,049.41, plus interest and fees. Furthermore, and as discussed more fully in the Notice of Noncompliance filed by the Secretary in this case on August 17, 2021 (Docket Item No. 37), Mr. Slaughter has continually failed to provide monthly financial information to the Secretary. Notably, at his recent in-Court deposition before the Special Master, Mr. Slaughter could not even provide any justification or reason why he was unable to comply with this directive.

Furthermore, Mr. Slaughter's real property transfers to his daughter via \$10.00 quit claim deeds, all of which occurred after the Eleventh Circuit's June 15,

2018 Order under 11(b) of the OSH Act, reflect multiple “badges of fraud”. Slaughter transferred assets to his family members for almost no consideration, (\$10.00), after knowing of his OSHA fines and attempts made to collect them, and after the Eleventh Circuit enforcement case brought against him. All of these transfers were made within the past four years and as such, the statute of limitations in the Florida law or the FDCPA has not run. Clearly, Mr. Slaughter should be required to purge himself of his contempt of the multiple orders issued by the Eleventh Circuit Court of Appeals.

Cases considering contempt and fraudulent transfers have been brought under either the appropriate state law or under the FDCPA. *Compare Int'l Measurement & Control Co.*, 978 F.2d at 338 (applying Illinois’ fraudulent transfer law because the company was incorporated in Illinois); *and Ace Masonry, Inc.*, 363 NLRB No. 181, 2016 WL 2619464 at *6 (May 3, 2016), *aff'd*, 700 F.App’x 19 (2d Cir. 2017) (noting that the transferor was from New York so New York’s fraudulent transfer law should apply); *with Enjoi Transportation, LLC*, 2019 WL 6174391 at *1 (applying the FDCPA’s fraudulent transfer section to reach assets). In a bankruptcy case in Florida, the government brought a claim using Florida’s fraudulent transfer statute as well as the applicable federal statute. *See In re Goldberg*, 229 B.R. at 879. Although the government applied 11 U.S.C. § 448, instead of the FDCPA, the FDCPA explains that it is the general mechanism for all federal agencies to apply in

debt-collection proceedings, unless an Agency is bound by another applicable statute. *See* 28 U.S.C. § 3001(b).

Accordingly, for the foregoing reasons, the Secretary requests: (1) an Order requiring Mr. Slaughter to undo the two quit claim transfers made to his daughter from 2017 to the present; (2) an award of attorney's fees to the Secretary; and (3) the imposition of daily fines against Mr. Slaughter, until the Court determines that he has purged himself of his contempt.

Respectfully submitted this 5th day of October 2021.

ADDRESS:

Office of the Solicitor
U. S. Department of Labor
61 Forsyth Street, S.W.
Room 7T10
Atlanta, GA 30303

Telephone:
(678)237-0614
(404) 302-5438 (FAX)

Mock.Karen@dol.gov
Murphy.Kristin.R@dol.gov
Latterell.Richard.A@dol.gov
Atl.Fedcourt@dol.gov

SEEMA NANDA
Solicitor of Labor

TREMELLE I. HOWARD
Regional Solicitor

KAREN E. MOCK
Counsel

KRISTIN R. MURPHY
Senior Trial Attorney

By: */s Richard A. Latterell*
RICHARD A. LATTERELL
Trial Attorney

Office of the Solicitor
U. S. Department of Labor
Attorneys for Petitioner

SOL Case Nos. 20-00018, 20-00019, 20-00020

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

IN RE: APPOINTMENT OF A SPECIAL
MASTER TO ENFORCE AN ORDER OF THE
ELEVENTH CIRCUIT COURT OF APPEALS
IN CASE NO. 19-13261-J

OSHA, U.S. DEPARTMENT OF LABOR,)	
Petitioner,)	
)	
v.)	Case No.: 3:20-mc-10-J-20
)	
GREAT WHITE CONSTRUCTION, INC.,)	
TRAVIS SLAUGHTER, and FLORIDA)	
ROOFING EXPERTS, INC,)	
Respondents,)	
_____)	

Case No.: 3:20-mc-10-J-20

ORDER

Upon review of the Secretary of Labor’s Motion to Set Aside Fraudulent Transfers, it is hereby **ORDERED**:

(1) Mr. Slaughter must undo the two quit claim transfers made to his daughter from 2018 to the present;

(2) the Secretary is awarded his attorney’s fees associated with bringing this motion; and

(3) Daily fines shall be imposed against Mr. Slaughter, in the amount of \$100.00, until the Court determines that he has purged himself of his contempt.

SO ORDERED.

SENIOR JUDGE HARVEY E. SCHLESINGER

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2021, I electronically filed the foregoing Motion to Set Aside Fraudulent Transfers with the United States Court of Appeals for the Eleventh Circuit using the CM/ECF system, which will provide service to the following CM/ECF participants:

Richard Komando
rich@claylawyers.com

/s/ Richard A. Latterell
Richard A. Latterell
Trial Attorney