

Notary blamed in marriage fraud case



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Every year, thousands of couples are married in civil ceremonies performed by notaries public.

And so it was on Feb. 22, 2008, that a notary in Clearwater married Michelle Testa and Scott Gostyla.

There were just two problems: The bride was not even there. Nor did she want to get married — especially to a man she says had been cheating on her.

The notary, then an employee of Wachovia Bank, would later insist he had no idea he was legally binding two people in marriage when he notarized a marriage certificate issued before the bride-to-be changed her mind.

But the unwilling bride, who is suing the notary and the bank, claims it was all part of a scheme engineered by her ex-boyfriend to get continued access to her good credit.

"It's been an absolute nightmare," says Testa, 43.

The case shows the responsibility invested in notaries, who are state officers commissioned by Florida's governor. Among the notary's main functions are solemnizing marriages, administering oaths and acknowledging the execution of deeds and other documents.

Florida's foreclosure crisis has put the spotlight on notaries who signed what critics say are fraudulent assignments of mortgage. But Testa's case is thought to be the first in which a notary married two people when just one was present.

Testa said she and Gostyla began dating three years ago after he and his second wife split up. Dubbed a "serial entrepreneur" in a 2006 *St. Petersburg Times* profile, the flamboyant Gostyla built a 200-person dot.com company, Hydrogen Media, but declared bankruptcy in 2005 with \$8.4 million in debt.

Testa said she took \$70,000 from a credit line on her townhouse and invested in a new company, GHI Medical, in which she and Gostyla were officers. They moved into a house in Trinity purchased in Testa's name because Gostyla's credit was poor.

On Jan. 23, 2008, Gostyla and a very pregnant Testa went to the Pinellas County Clerk's Office and got a marriage license. Gostyla had big plans, she said, to fly everyone, including the new baby, to Mexico's Cabo San Lucas for the wedding.

But after applying for the license, "I found out he was cheating on me the whole time I was pregnant," Testa says. "We had a confrontation."

On Feb. 21, 2008, Testa gave birth by C-section to a son, Austin, with Gostyla in the delivery room.

Testa was still in the hospital the next day when Gostyla took the marriage license to a Wachovia Bank office in the same building as their company. Accompanied by two witnesses — both of whom worked with him — Gostyla presented the license to Athanasios Vassios, a Wachovia financial specialist who was also a notary public.

At the bottom of every Florida marriage license is a "certificate of marriage" that is dated and notarized by the person who performs the ceremony. It says: "I hereby certify that the above-named groom and bride were joined by me in marriage in accordance with the laws of the state of Florida."

Even though no bride was present, Vassios notarized the certificate. In the eyes of the law, Gostyla and Testa were married.

Gostyla, who denies cheating on Testa during her pregnancy, says he wanted to do "the right thing" by getting married when the baby came. He says he thought everything was proper because he brought witnesses and had the marriage certificate notarized.

"There was no intent to do anything wrong," he says.

Later that day, Gostyla went to the hospital and videotaped himself speaking to a groggy-looking Testa. In the video, which he played for the *Times*, he calls her "my one and only," announces that "we were married today" and says that a "ceremony and party will follow." Then he hands her a box with a ring.

Testa says she was so out of it that she didn't understand what Gostyla was talking about. Her brother checked with the clerk's office a few days later and discovered what happened.

Testa filed a complaint with the Pinellas County Sheriff's Office. The story was so bizarre that detectives at first had a hard time believing her.

She also complained to the Governor's Office.

In a sworn statement in response, Vassios said he thought he was merely notarizing Gostyla's signature on the marriage certificate. But he acknowledged that Testa "clearly was not present" although the law requires both parties to be on hand.

In March 2009, Vassios was arrested on the felony charge of false/fraudulent acknowledgement by a notary. The charge was dropped but the Governor's Office demanded, and got, Vassios' resignation.

Since 2008, only a handful of Florida notaries have lost their commissions, and none for what Vassios did.

Vassios, who is no longer with Wachovia, did not return calls for comment. Nor did an attorney for the bank.

After their son's birth, Testa's relationship with Gostyla continued to sour, to the point that he and another officer ousted her from the company and cut off her \$60,000-plus salary.

Gostyla, 44, sued for divorce. Testa filed a counterclaim, and got the marriage annulled this year. She also won full custody of Austin and an order that Gostyla pay \$850 a month in child support. A judge has twice threatened him with contempt of court for being late on payments.

Unable to pay the mortgage on the Trinity home, Testa sold it at a loss. She is fighting a lawsuit by American Express, which says she owes \$35,750 on a credit card issued to her and

GHI Medical. She says Gostyla got the card without her knowledge and used it largely for his own benefit, a claim he denies.

Today, neither has much good to say about the other. Gostyla, who faces a lawsuit from another firm that dealt with GHI, has started a new company. Testa, living with her mother and working in a radiology office, says Gostyla "ruined my life and ruined my credit."

Her mother, Lynn Testa, thinks the notary public also deserves a big share of blame for notarizing the marriage certificate.

"What kills me is the fact nobody takes it seriously," she says. "Anybody who did business at that Wachovia bank needs to get out their documents and look at them and make sure that what you have in your hand was legally notarized."

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