



Miami-Dade Commission on Ethics & Public Trust

Investigative Report

Investigators: Robert Steinback, Karl Ross

Case No.: K12-176	Case Name: Comm. Gail Miller relatives alleged voter fraud	Date Open:	CASE CLOSED Date: <u>1/21/15</u>
	Subject(s): Opa-locka Comm. Gail Miller and extended family	Sept. 27, 2012	

Allegation(s):

The Commission on Ethics (COE) opened an inquiry into the above-referenced matter on or about Sept. 27, 2012, pursuant to an anonymous letter alleging that 10 or more relatives of then Opa-locka City Commissioner Gail E. Miller (Comm. Miller) were improperly registered to vote at her residence at 14235 NW 22nd Place. The anonymous letter stated Comm. Miller lives alone at that address, and that several of the relatives registered to vote there have homestead exemptions on properties outside of Opa-locka, suggesting possible homestead fraud if, in fact, those individuals resided with Comm. Miller, as claimed on elections records. It was further alleged that the purpose of this scheme was to enable the relatives to fraudulently vote in favor of Comm. Miller, who was seeking re-election in the November 2012 municipal election in the City of Opa-locka (the City).

Relevant Ordinances:

The following Florida statutes relating to voter fraud and other forms of electoral fraud could potentially apply to the matter under review:

F.S. 101.045, titled Electors must be registered in precinct; provisions for change of residence or name, which states in pertinent part, subsection (1), that: "A person is not permitted to vote in any election precinct or district other than the one in which the person has his or her legal residence and in which the person is registered."

F.S. 97.1031, titled Notice of change of residence, change of name, or change of party affiliation, which states in pertinent part, subsection (1)(a), that: “When an elector changes his or her residence address, the elector must notify the supervisor of elections.”

F.S. 104.41, titled Violations not otherwise provided for, which states in pertinent part that: “Any violation of this code not otherwise provided for is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.”

F.S. 104.041, titled Fraud in connection with casting vote, which states in pertinent part, that: “Any person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast, to be cast, or attempted to be cast, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

F.S. 104.15, titled Unqualified electors willfully voting, which states in pertinent part that: “Whoever, knowing he or she is not a qualified elector, willfully votes at any election is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.”

F.S. 104.011, titled False swearing; submission of false voter registration information, which states in pertinent sections that: “(1) A person who willfully swears or affirms falsely to any oath or affirmation, or willfully procures another person to swear or affirm falsely to an oath or affirmation, in connection with or arising out of voting or elections commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.; and (2) A person who willfully submits any false voter registration information commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.”

Investigation:

Background and findings

The City held a primary election on Aug. 14, 2012, to determine whether elected officials should receive a deferred compensation plan. That item failed to gain approval, losing by nearly a two-to-one margin with 63 percent opposed. The city also scheduled an election to fill two city commission seats on November 6, 2012. Comm. Miller finished sixth out of eight candidates with only 9 percent of the vote and lost her seat. The two top vote-getters were former Mayor Joseph Kelley, with 22 percent, and now Comm. Luis Santiago, with 16 percent. Only the top two candidates were elected to office.

Elections officials advised that three of the family members named in the anonymous letter did not vote in either of the municipal elections – Tamika Miller, James Rivers, and Keneshia Brennon – while Angel Miller and Ancel Miller only voted in the November general election. The other five relatives voted in the primary and general elections.

Elections records further indicated that all of the relatives voted by absentee ballot, with the exception of Angel Miller, who voted early, and Ancel Miller, who voted on Election Day at his assigned polling place. Only these two relatives are believed to live in the City of Opa-locka. Angel Miller lives in a nearby rental apartment at 14265 NW 22nd Place, Unit #8,

according to information obtained by investigators

Based on interviews with Miami-Dade County and state Elections officials, it was determined that the following individuals may have been involved in violations of electoral law as it relates to failing to register to vote at their true and current addresses. Or in the case of Ancel Miller, whether he voted without being eligible due to a past felony conviction. The particulars are discussed on a case-by-case basis for the seven relatives examined below:

Alvin Lewis Miller

According to his Florida DL issued on June 6, 2012, Alvin Miller's home address is 18845 NW 11th Court, Miami Gardens. He has been linked to this address by a number of other sources of information, including property records showing him and his wife, Rhonda Myers Miller, have a homestead exemption there. Mortgage records show Comm. Miller and his wife took out a mortgage on the property in 2003. His employer, the Miami-Dade County School District, reported the home address on file for Miller as being the same address appearing on his driver's license. He further listed this address on state incorporation documents filed on Aug. 2, 2012, for Walker Miller Children of Miami Inc., a for-profit corporation presided by Miller. The U.S. Postal Service Office of the Inspector General (USPS OIG) also linked Alvin and Rhonda Miller to the address in Miami Gardens as their primary mailing address. (Note: The available information is consistent and suggests Alvin Miller resided in Miami Gardens, at his marital residence, at all times material to this investigation.)

Alvina Jannie Miller

According to her Florida DL issued on April 29, 2011, Alvina Miller listed the subject's home address at 14235 NW 22nd Place as her official address. This is contradicted by other information obtained during the course of the investigation, suggesting that Alvina Miller resides at 1780 NW 64th Street, Miami. Investigation found that Alvina Miller – twin sister of former Opa-locka Mayor Alvin Miller – has a homestead exemption at the latter address in the city of Miami, and that she secured a County-backed loan to fix up this property on Aug. 21, 2012. The program requires Alvina Miller to live at the property receiving the rehabilitation funding. State records also show Ms. Miller was an officer in Walker Miller Children of Miami Inc., which formed on Aug. 2, 2012 – five days prior to the Opa-locka primary election. She listed her Miami address as her address in the corporate filing available at Sunbiz.com. Motor vehicle registration records show Alvina Miller had two vehicles – one registered at the home of Comm. Miller and another registered with a co-owner in Tampa. USPS OIG records indicate Alvina Miller received mail at the Tampa address. (Note: It is possible that Alvina Miller lived elsewhere while her property was being repaired, perhaps even at the home of Comm. Miller as well as in Tampa. Further investigation would be required to determine where she resided in late 2012.)

Regina Algerita Miller

According to her Florida DL issued on Jan. 25, 2013, Regina Miller resides at 15951 NW 18th Street, Miami Gardens. Property records on file with the County appraiser's office show Regina Miller had a homestead exemption on this property along with her late mother, Helen

Miller. The mailing address for the owner was the same as the property in question, indicating the owner lived at said property. USPS OIG records identify Regina Miller as receiving mail at this address, as well. The property records show that Regina Miller owns a second property in the City of Miami, located at 6816 NW 15 Avenue. There is no homestead on this property. Regina Miller has also been linked to the suspected true address in Miami Gardens by state incorporation records listing her as an officer in the Helen L. Miller Foundation Inc., a non-profit corporation that was created on or about Sept. 27, 2012 – prior to the November general election but after the August primary election. State motor vehicle registration records show Regina Miller registered vehicles at both the Miami and Miami Gardens addresses at or about the time of the elections. However, neither of the vehicles was registered at the address of the subject, former Comm. Miller. Lastly, it is worth noting that on or about March 25, 2014, Regina Miller filed a new voter registration form with Miami-Dade Elections, changing her address from that of the subject to her suspected true address in Miami Gardens. This occurred shortly after the subject was visited by investigators at her home and place of work. (Note: All available information indicates Regina Miller did not reside at the subject residence.)

Beverly Latrice Padgett

According to her Florida DL, issued Nov. 9, 2010, Beverly Padgett (Padgett) resided at 1473 NW 68th Terrace, Miami. She received a homestead exemption on said property in 2012, according to records on file with the County appraiser's office. Motor vehicle records showed Padgett registered a 2011 Kia Soul at this same address on or about Nov. 17, 2011, but that she re-registered the vehicle at a Miami Gardens address on Dec. 1, 2012 – nearly a month after the general election. That Miami Gardens address, 15951 NW 18th Avenue, has been associated with Regina Miller. On or about Oct. 13, 2013, the car was again re-registered at 1473 NW 68th Ter. Information provided by USPS OIG showed that the 1473 NW 68th Ter. residence was vacant from June 6, 2012, through April 17, 2013, when it appears that Padgett returned her homesteaded residence. During the time the home was vacant, Padgett received her mail at the home of Regina Miller in Miami Gardens, according to USPS OIG. Corporate records show that on or about March 20, 2013, Padgett was listed as an officer of the Beverly Padgett Kidney Transplant Foundation Inc., a Florida non-profit corporation, using the Miami Gardens address. (Note: Except for her voter registration form, Padgett was not linked to the subject address of former Comm. Miller at any time material to this investigation.)

Horace Alven Griffin Jr.

According to his Florida DL, issued Feb. 4, 2010, Horace Griffin (Griffin) resided at 15951 NW 18th Ave., Miami Gardens, the address similarly associated with Regina Miller. No vehicle information was found for Griffin. The USPS OIG was unable to identify where Griffin received his mail. It would seem significant, however, that on or about March 27, 2014, Griffin signed a change of address form with the County elections office, changing his address from the subject address to the above address in Miami Gardens. As noted above with respect to Regina Miller, Griffin also filed this change of address form after ethics investigators contacted the subject. (Note: The available information, while limited, suggests Griffin did not live at the subject residence.)

Walker Anthony Padgett-Derosiers

According to his Florida DL, issued Feb. 21, 2013, Walker Padgett-Derosiers (Padgett-Derosiers) resides at 15951 NW 18th Street, Miami Gardens, along with Regina Miller and others. Other sources of information link Padgett-Derosiers to a residence at 259 NW 43rd Street, Miami. This includes information obtained from his employer, Miami-Dade County Public Schools. No vehicle information was found for Padgett-Derosiers after 2010, and is therefore not material to the investigation. The available information suggests he did not live at the subject property.

Ancel Deon Miller

According to his Florida DL, issued on Feb. 13, 2002, Ancel Miller resides at the subject property at 14235 NW 22nd Place. (His license was revoked March 8, 2004, about three months after his felony conviction on cocaine possession charges in December 2003. As noted above, his civil rights have not since been restored.) The investigation linked Ancel Miller to a mailing address in Orlando, but subsequent inquiry with the state Department of Revenue showed that he has not worked in the Orlando area since 2010 and would therefore be immaterial to this matter. The USPS OIG did not link Ancel Miller to the subject property, but the available information would appear to be inconclusive as to whether he resided there during the period in question. (Note: It would appear that any charges against Ancel Miller would more readily be filed by the State Attorney's Office in connection with his unlawful voting as a convicted felon.)

Angel Miller, niece of former Comm. Gail Miller
14265 NW 22nd Ave., #8, Opa-locka, FL
Sept. 25, 2014

In a sworn statement at the Miami-Dade County State Attorney's Office, Angel Miller stated that former Comm. Gail Miller is her aunt on her late father's side. She stated that she has not resided at the former commissioner's home on NW 22nd Place for the past six or more years. She said she previously resided there, prior to establishing her own residence.

Angel Miller advised that political campaigns are a family undertaking, and relatives are usually active in supporting the campaigns of any relatives running for public office. She further stated that during the 2012 campaign of former Comm. Miller, her uncle, Alvin Miller, stated that he was not eligible to vote in Opa-locka since he is a resident of Miami Gardens.

Angel Miller was forthright in stating nearly all of the relatives named in the anonymous letter live outside of the Opa-locka city limits, with the exception of her brother, Ancel Miller, and an aunt, Alvina, who lives with her aunt from time to time due to a volatile relationship.

However, upon further questioning, Angel Miller allowed that many of her relatives – including but not limited to siblings Alvin Miller and Regina Miller – do visit the home of former Comm. Miller and may spend the night from time to time because the former

commissioner has suffered from health problems and requires occasional assistance.

She could not say with absolute certainty that any of the above-named relatives had never stayed over at the former commissioner's residence on NW 22nd Place. A complete copy of her statement will be attached to the file once it is available from the State Attorney's Office.

Document/Audio/Video Review:

Numerous sources of information were consulted during the course of the investigation, including the following:

- Voter histories, copies of absentee ballot envelopes, absentee ballot request forms, voter registration forms and other documents obtained from the Miami-Dade County Department of Elections.
- Property records available from the Miami-Dade County Property Appraisers Office, as well as mortgages and other documents recorded with the Miami-Dade County Clerk's Office.
- Marriage records available through the Miami-Dade County Clerk's Office.
- Mailing address information provided by the U.S. Postal Service Office of the Inspector General.
- A "Gold Seal" letter from the office of executive clemency, along with copies of court records relating to the conviction of Ancel D. Miller.
- Motor vehicle and driver's license records available through the State of Florida Department of Highway Safety and Motor Vehicles.
- Employment records obtained through the Miami-Dade County Public Schools District.
- State statutes regarding electoral fraud available through the Online Sunshine website, at the following address:
<http://www.leg.state.fl.us/Statutes/index.cfm?Submenu=2&Tab=statutes&CFID=297691152&CFTOKEN=71332126>
- Corporate records on file with the Florida Department of State at the Sunbiz.org website, at the following address: <http://www.sunbiz.org/>

Conclusion(s):

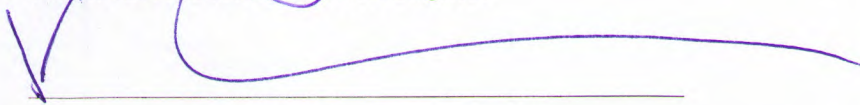
Following the interview of Angel Miller on Sept. 25, 2014, it was decided by the Assistant State Attorney assigned to the case that there was insufficient evidence to prove beyond a reasonable doubt that any of the relatives named in the September 2012 anonymous letter failed to meet the necessary residency requirement to vote at the home of former Opa-locka Comm. Gail Miller.

In the view of the Assistant State Attorney the fact that the individuals in question may have stayed at the home of the former commissioner from time to time raises sufficient question about their residency that the case could not be successfully brought to trial.

Accordingly it was determined the case should be closed at this time.

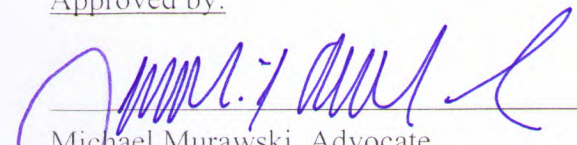


Robert Steinback, COE Investigator

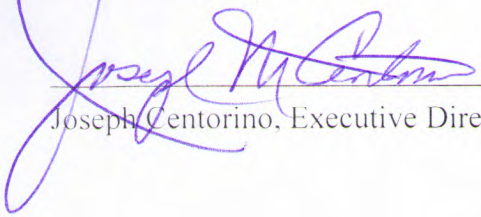


Karl Ross, COE Investigator

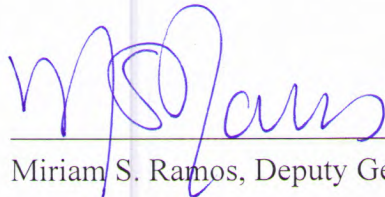
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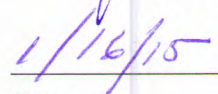
Michael Murawski, Advocate



Joseph Centorino, Executive Director



Miriam S. Ramos, Deputy General Counsel



Date



CLOSE-OUT MEMO
Criminal Investigation
Public Corruption Unit

A.S.A.: Sandra Miller-Batiste

INVESTIGATION #: 64-14-28

SIGNATURE: Sandra Miller-Batiste

DATE: December 5, 2014

REVIEWED BY:

Tim VanderGiesen
Tim VanderGiesen, Division Chief, PCU

DATE: 12/9/14

Jose J. Arrojo
JOSE J. ARROJO, Chief Assistant

DATE: 12/26/14

SUBJECT(S): Gail Miller

EMPLOYMENT: Former Opa Locka Commissioner

INVESTIGATOR: Karl Ross

INTERNAL AFFAIRS
INVESTIGATOR:

AGENCY: Miami-Dade County Commission
on Ethics & Public Trust

AGENCY:

PHONE:

PHONE:

CONCLUSION

CHARGES FILED

COURT CASE NUMBER:

CRIME	STATUTE
Fraud In Connection With Casting Vote	104.041
False Swearing: Submission of False Voter Registration information	104.011

DEGREE
3rd Degree Felony
3 rd Degree Felony

OTHER:
ALLEGATION

Gail Miller along with eleven of her relatives are accused of committing fraud in connection with casting a vote in the November 2012 Opa Locka Municipal election by allowing her relatives to use her address, located at 14235 NW 22nd Place, as their residence address to register to vote,



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when they did not reside there. The residence is a single family dwelling with 6 bedrooms and 2 baths. It is alleged that Gail Miller lived at 14235 NW 22nd Place, but her relatives did not reside at her address or within the boundary limits for the City of Opa Locka and thus were not eligible to vote in City of Opa Locka November 2012 municipal election. The relatives accused of using Gail Miller's address are Angel Miller, Ancel Miller, Alvin Miller, Alvina Miller, Regina Miller, Beverly Padgett, Horace Griffen, Walker Padgett, Tamika Miller, James Rivers, and Kenisha Brennen. The pertinent statutes include Florida Statutes 97.1031, 104.011, and 104.014. Florida Statute 97.1031 states that when an elector changes his or her residence address, the elector must notify the supervisor of elections. However, the statute does not state that failure to do so is a crime. Florida Statute 104.011 states that a person who willfully swears or affirms falsely to any oath or affirmation or willfully procures another person to swear or affirm falsely to an oath or affirmation in connection with or arising out of voting or elections, or a person who willfully submits any false voter registration information commits a felony of the third degree. Florida Statute 104.014 states that any person perpetrating or attempting to perpetrate fraud in connection with any vote cast or to be cast is guilty of a felony of the third degree. Failure to notify the supervisor of elections of a change in address is not a crime and thus none of the subjects have committed a crime for failing to do so. The Department of Elections records indicate that all subjects registered using 14235 NW 22nd Place as their address on their registration. According to Angel Miller, all of the subjects lived at that location at some point in time. We cannot prove that the subjects did not live at the residence when they registered to vote, and as such, we cannot prove that the subjects willfully submitted false voter registration information. Additionally, according to records provided by the Department of Elections, every subject has always voted within the Opa Locka city limits. Further, there is no evidence that there was an attempt to vote in two different places in one election or that the address was changed for the purpose of voting in an Opa Locka municipal election. Moreover, there is no evidence, to support the allegation that the subjects perpetrated or attempted to perpetrate fraud in connection casting a vote in the November 2012 Opa Locka municipal election. An individual review of the subjects as the evidence obtained relates to each of them will provide insight into the conclusion reached at the conclusion of this investigation.

Department of Elections advised that Tamika Miller, James Rivers, and Keneshia Brennon did not vote in the November 2012 municipal election, and thus there was no evidence that a crime was committed by these individuals or Gail Miller with respect to their ballots or voting.

Angel Miller, niece of Gail Miller, resided in Opa Locka at the time of the November 2012 municipal election and thus was eligible to vote in the election. Ms. Miller was subpoena' d to appear at the Miami Dade State Attorney's Office to provide a sworn statement regarding the investigation. During her statement Angel Miller stated that she does not currently reside with Gail Miller, however, she and other relatives have resided at 14235 NW 22nd Place at some point in time. She stated that Alvin Miller, brother of Gail Miller, owns the house next to Gail Miller and stays there sometimes. She also stated that Gail Miller is sickly and as such Regina, Gail Miller's sister stays with Gail sometimes to help her. Further, Ms. Miller stated that Alvina Miller, the sister of Gail Miller, has a rocky relationship with Gail Miller and lives with Gail Miller on an off. Further Angel Miller confirmed that she has lived within the city limit of Opa Locka all of her adult life. Since Angel Miller lived within the city limits of Opa Locka since she first registered to vote, she was eligible to vote in the November 2012 municipal election and no crime was committed by Angel Miller of Gail Miller with respect to her ballot or voting.

Ancel Miller, nephew of Gail Williams, currently resides with Gail Miller and has resided with her on and off for the past ten years according to Angel Miller. This investigation is historical in nature and as such there is no evidence to refute that Ancel Miller lived with Gail Miller at the time of the November 2012 election. Mr. Miller is also accused of falsifying his voter's



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registration for failing to disclose he is a convicted felon by neglecting to check the box denoting he "was not" a convicted felon. Although Mr. Miller should have answered the question by disclosing that he was a convicted felon, the fact that he declined to answer the question is not a crime. His voter's registration application should have been rejected as incomplete and the Department of Elections should have required that Mr. Miller answer the question before allowing him to become a registered voter and voting in the election. With respect to whether or not Mr. Miller lived with Gail Miller, it is unclear if he lived with her. According to Angel Miller, Ance Miller has lived with Gail Miller continuously for the past 10 years. Therefore, there is insufficient evidence to prove that Mr. Miller did not reside with Mrs. Gail Miller in November of 2012.

Alvin Miller, brother of Gail Miller, has been a registered voter since 1979. He registered using the address of Gail Miller's current residence. At the time he registered, Mr. Miller resided at 14235 NW 22nd Place in Opa Locka, Florida. Since 1979, Alvin Miller has not registered to vote using any other address. Mr. Miller owns a home located at 14245 NW 22 Place, Opa Locka Florida and another home along with his spouse, located at 18845 NW 11th Court Miami, Florida. According to Angel Miller, Alvin stays with his sister sometimes to help her as she is ill. Additionally, it is unknown whether Mr. Miller resided at his Opa Locka home at the time of the election. Consequently, since he has more than one address attributed to him and the State cannot prove beyond a reasonable doubt that he was not living with Gail Miller or at his Opa Locka residence at the time of the municipal election, no charges can be filed against Alvin Miller or Gail Miller with respect to ballots or voting.

Alvina Miller, sister of Gail Miller, lists her address on her driver's license as 14235 NW 22nd Place, Gail Miller's residence. She has a homestead exemption on another home located at 1780 NW 64th Street, Miami, Florida, which is outside the Opa Locka city limits. One of her vehicles is registered to Gail Miller's address. According to Angel Miller, she has a rocky relationship with Gail Miller and has lived with Gail Miller on and off for the last ten years. Consequently, since she has more than one address attributed to her and the State cannot prove beyond a reasonable doubt that she was not living with Gail Miller at the time of the municipal election in 2012, no charges can be filed against Alvina Miller or Gail Miller with respect to ballots or voting.

Regina Miller, sister of Gail Miller, has been a registered voter since 1971. She registered to vote using the address at which Gail Miller currently resides, 14235 NW 22nd Place, Opa Locka, Florida, which used to be their family home. Although she has a homestead exemption for a property she owns in Opa Locka, Florida, located at 15951 NW 18th Avenue, Opa Locka, Florida, she didn't change the address on her voter's registration until March of 2014. According to Angel Miller, Regina Miller stays with Gail Miller during the week periodically, due to an undisclosed illness, to help Gail Miller. Ms. Miller has more than one address attributed to her and the State cannot prove beyond a reasonable doubt that she was not living with Gail Miller at the time of the municipal election. Additionally, Ms. Miller would be eligible to vote in Opa Locka, regardless of the registration address, because her home is within the city of Opa Locka. Further, because it's not a crime to fail to notice the Department of elections of a change in address, no charges can be filed against Regina Miller or Gail Miller with respect to ballots or voting.

Beverly Padgett, niece of Gail Miller, registered to vote using Gail Miller's address, located at 14235 NW 22nd Place, in Opa Locka, Florida. Although records obtained reveal that Ms Padgett has lived at various residences, she never noticed the Department of Elections of any changes in her address. As stated previously, this failure alone does not constitute a crime. There is no evidence that Ms. Padgett attempted to vote twice in the same election or attempted to commit



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any other type of fraud connected with voting or ballots. Consequently, no criminal charges will be filed against Ms. Padgett.

Walker Padgett, nephew of Gail Miller, registered to vote using Gail Miller's address, located at 14235 NW 22nd Place, in Opa Locka, Florida. Although records obtained revealed that Mr. Padgett possibly lived at several addresses in 2012, he never noticed the Department of Elections of any changes in her address. This failure alone does not constitute a crime. It should be noted that the investigation did not lead to a confirmed home address for Mr. Padgett and therefore, it is unknown where he lived at the time of the 2012 elections. No evidence was found which indicated that Mr. Padgett attempted to vote twice in the same election or attempted to commit any other type of fraud connected with voting or ballots. Consequently, no criminal charges will be filed against Mr. Padgett.

Horace Griffen, nephew of Gail Miller, registered to vote using Gail Miller's address, located at 14235 NW 22nd Place, in Opa Locka, Florida. The investigation revealed that Mr. Griffen may have resided at another Opa Locka address, located at 15951 NW 18th Avenue, Opa Locka, Florida. Both addresses would have made him eligible to vote in the Opa Locka 2012 elections. Consequently, no criminal charges will be filed against Ms. Griffen because no evidence was found indicating that Mr. Griffen attempted to vote twice in the same election or attempted to commit any other type of fraud connected with voting or ballots.

In conclusion, there is insufficient evidence to file criminal charges against the subject, Gail Miller or her relatives. Consequently, this investigation is closed.



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