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## Miami-Dade County Commission on Ethics and Public Trust

# Memo

**To:** File

**From:** Karl Ross, ethics investigator

**Date:** Aug. 15, 2012

**Re:** K11-086 Julio Robaina Campaign, Part I (M. Bustamante allegations)

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**Summary:** After fielding a complaint from a West Kendall area woman who claimed representatives of the Julio Robaina for Miami-Dade County Mayor Campaign attempted to tamper with her right to vote through the manipulation of absentee ballots, this office launched an inquiry in response to her allegations. A preliminary investigation suggested the problem was more widespread, and the State Attorney's Office and Florida Department of Law Enforcement assisted COE, forming a task-force to canvass the area to identify other voters whose rights may have been similarly compromised. Based on these interviews a number of suspects were identified, including two that were immunized in exchange for sworn statements. During said statements, both Robaina campaign workers admitted falsifying signatures on absentee ballot request forms they were being paid to circulate and collect. However, the investigation was suspended after the alleged victim refused to cooperate, and investigators determined that the abuses were being carried out by individual campaign workers and were not being directed by the campaign itself.

**Background:** On or about May 23, 2011, COE received a phone call from Maria Bustamante, a registered voter living at 3450 SW 139<sup>th</sup> Avenue. Ms. Bustamante complained that an absentee ballot had been requested without her authorization for the May 24, 2011, special election for Miami-Dade County mayor. She said she learned about this after reporting to the Coral Way Library for early voting when she was advised by a poll worker that she had requested an absentee ballot for said election. She stated that she had never requested an absentee ballot, and was allowed to vote. She said she later received a letter from the elections department

advising her that her request for an absentee ballot was rejected because the signature on the form did not match the signature kept on file. She said that at about this same time she was visited by a female campaign worker for the Robaina campaign and that the woman was “very, very insistent” about helping her fill out her absentee ballot. She said that she advised the woman that she never requested an absentee ballot (AB), but that the woman was not easily dissuaded and left only after telling her she did not intend to vote for Robaina. She described the woman as middle-aged, Hispanic and dressed in an orange Robaina campaign T-shirt. She said she was fearful that she might become a victim of voter fraud.

**Findings:** COE contacted Rosie Pastrana, deputy supervisor for voter services for Miami-Dade County elections, to discuss the concerns raised by Ms. Bustamante. Pastrana advised that an absentee ballot request form was received on behalf of Ms. Bustamante on May 5, 2011, but that no AB was mailed out because the signature did not match. (The request form was signed “Maria B.,” not her full name.) She said Ms. Bustamante was sent a notice to this effect, and that “the system worked and she was protected” in that no AB was mailed out in response to the request form.

Pastrana said she would provide a copy of the rejected AB request form, but said that a court order would be needed to release her signatures or those of other voters. A court order was subsequently obtained through the State Attorney’s Office, and on June 16 investigators visited the elections offices in Doral and examined a sample of AB request forms from 2100 voters countywide who received a “signature differs” letter denoting that no AB would be issued for this reason, as was the case with Ms. Bustamante. After reviewing approximately 300 to 400 of these cases, it was decided that the review should be limited to voters in the same zip code as Ms. Bustamante (33175) and those of an adjacent zip code (33174). Based on subsequent review, a list was compiled by COE of voters in the West Kendall area who may have been subject to similar attempts to fraudulently manipulate their absentee ballots. The list consisted of voters whose AB request forms were filled out in similar fashion, and those that were dated on or about April 21, 2011 – the same date as Bustamante’s.

On or about June 24, 2011, a team of investigators from COE, SAO and FDLE was deployed to interview registered voters in the West Kendall area whose AB request forms were similar to that of Ms. Bustamante. After meeting at FDLE’s South Florida headquarters, investigators visited the homes of approximately 50 voters. When contacted, the voters were asked to respond to a list of questions prepared by COE investigator Ross and FDLE Special Agent Kelly Rawson. They were also shown a copy of the AB request forms issued on their behalf to determine if the signatures were valid or not. Many of the voters contacted by investigators stated that the signatures on the forms were not theirs and had been forged. Many of the same voters stated that they had been contacted by members of the Robaina campaign.

Based on information provided by a relative of one of the voters, investigator Ross and Ethics Advocate Mike Murawski were able to learn that one of the Robaina campaign workers was a blonde, middle-aged woman who worked as a cook at the

TGI Fridays at Dolphin Mall and that she drove a green pick-up truck, and that this woman was accompanied by a younger woman who was believed to be her daughter. On or about June 27, 2011, Special Agent Rawson advised that she had spotted a vehicle matching this description in the parking lot at Dolphin Mall near the TGI Fridays, and that it corresponded to a blonde female named Lidia Aguayo. A photograph of Ms. Aguayo was also obtained by Special Agent Rawson. A review of Robaina campaign finance records showed Ms. Aguayo was employed by the campaign and that another campaign worker, Kazandra Gonzalez, lived at the same address, 1150 SW 139<sup>th</sup> Ct. (It was later learned they are mother and daughter.)

The subpoenas were subsequently served by FDLE Special Agent Jim Futch, the assigned case agent, and Aguayo and Gonzalez gave statements pursuant to the subpoenas on July 7, 2011. The notes from said interviews are as follows:

Kazandra Gonzalez, campaign worker  
Julio Robaina for Miami-Dade Mayor Campaign  
July 7, 2011

Ms. Gonzalez gave a sworn statement at the state attorney's office, and was advised as to her rights with respect to the subpoena issued in her name. Gonzalez provided her date of birth (02/04/1983), and said she lived with her mother (Lidia Aguayo) and an aunt (Miriam Aguayo) at 1150 SW 138<sup>th</sup> Ct. She said she is currently taking courses at Miami-Dade College in connection with her nursing studies at FIU. She said that in addition to the Robaina campaign she also worked last year for Anitere Flores, a candidate for the state legislature. She said that one of her mother's friends asked them to work for the campaign and that her duties consisted mainly of passing out campaign flyers. She said that she joined the Robaina campaign when a friend of her mother's similarly advised her that campaign workers were needed. She said she reported to the campaign office at the 12800 block of Bird Road and that she and her mother were supervised by a man named Emiliano (last name U/K). She said Emiliano gave her and the other campaign workers lists of names of voters to visit in order to get them to consent to requesting absentee ballots by mail. She said she was advised that most of the voters would be elderly and that the logic was that it would be more convenient for them to vote by absentee ballot, from the comfort of their own homes, than it would be to vote at a polling place.

She said that if voters agreed to vote by absentee ballot that she and her mother would attempt to get them to sign absentee ballot request forms that were prepared by the campaign and that already contained the voter's personal information. "We gave them a paper and they would sign it," she said. She said she and her mother worked five to six days a week and that she was paid about \$10 per hour. She said Emiliano told her and her mother that they were responsible for 10 signed request forms a piece, initially, but that this quota increased as the campaign went on and that by the end of the campaign, she and her mother were expected to bring in twice that number of signed forms.

She said that all forms were turned into Emiliano, who presumably sent the forms into the elections department for processing. She said that on several occasions she did sign the

absentee ballot request forms for elderly voters, but with their permission and in their presence – because of arthritis or some physical ailment. She advised that some of the voters were very old, as old as 100 in some cases.

Upon further questioning, she advised that “maybe once” she had signed absentee ballot request forms on her own and without the knowledge and consent of the voter(s). She noted that if she and her mother did not bring in the requisite number of absentee ballot request forms the campaign officials would complain, though they would still get paid. She said she didn’t know if her mother was aware that she may have forged one or more absentee ballot request forms. She did advise that on one occasion she and her mother were sent by Emiliano to the home of an elderly couple that required assistance voting and that the couple voted in their presence and that they took the two signed absentee ballots to Emiliano. She described Emiliano as being 40ish, medium height, medium build and with light brown or graying hair. She helped identify several other campaign workers – her sister, Majela Aguayo; her sister’s common law mother in law, Magaly “Maggie” Rosa; and Rosa’s mother, Gladys “Tata” Rodriguez. She said that her sister worked on the phone bank but “Maggie” circulated AB request forms, as did Lourdes Cabrera and possibly her sister, Marta Cabrera, and another man named Rene.

Lidia Aguayo, campaign worker  
Julio Robaina for Miami-Dade Mayor Campaign  
July 7, 2011

Ms. Aguayo provided an informal statement due to the absence of a court-certified translator. She advised that she had previously worked for the campaigns of David Rivera and Anitere Flores, doing “the same thing” (absentee ballots). She said that she was hired by Emiliano, but did not know his last name. She provided his phone number. She said that she advised him that she had received a subpoena in connection with the Robaina campaign but that he claimed to be unaware of any investigation and did not offer to assist her further. She advised that she and her daughter were instructed to go to voters’ homes and to attempt to get them to sign AB request forms that had been prepared by the campaign. She said the forms were filled out in advance, except for the voters’ signatures. She said that if other members of the household wanted to vote by absentee ballot, they would help them fill out blank AB request forms and have them sign those forms. She said that, if at all possible, she would have the voters fill out those forms, but allowed that toward the end of the campaign, on perhaps four or five occasions, she filled out the forms without the voters’ authorization. She said she did this in order to meet the increasing demands placed upon her by the Robaina campaign, Emiliano in particular.

She said that when a voter was not home, was at work or refused to talk to campaign workers that this would be notated on the list. She said that Emiliano did not review the signed AB request forms and would not have noticed if such forms were turned in for voters such as those who were unavailable for the aforementioned reasons. Ms. Aguayo also stated that she and her daughter were asked to pick up absentee ballots from an elderly couple and that the couple turned over their ballots and that they turned them into

Emiliano. She said that normally, when she and her daughter conducted follow-up visits with voters who had received their absentee ballots, they would offer to place a stamp on the ballots and take them to the nearest mail box. She said that those ballots were not taken back to the campaign headquarters or any other off-site location.

Aguayo said that she made \$12 an hour and that her daughter earned \$10.50. She said there was no bonus pay for additional AB request forms signed or ballots collected. She did note, however, that one young woman was not meeting the campaign's quotas and that she was not called back to continue working. She identified the same campaign workers as her daughter as well as Rene Esteva, whom she said drove a green truck.

Investigator Ross and FDLE Special Agent Futch subsequently identified the person overseeing absentee ballot operations for the Julio Robaina campaign office on Bird Road as Emiliano Antunez, president of Dark Horse Strategies in Miami. A subpoena was requested in case it would be necessary to interview Mr. Antunez.

On or about July 11, 2011, a spreadsheet was prepared by COE investigator Ross tabulating the results from the interviews conducted the previous month by agents at COE, SAO and FDLE. A total of 31 voters or their immediate family members were interviewed, and, of those, 20 advised that the signatures on the absentee ballot request forms bearing their names were not theirs and appeared forged. The main geographic areas affected were those in the same zip code as Bustamante (33175), and those of an adjacent zip code (33184). Both areas were canvassed by workers reporting to the Bird Road campaign offices of the Robaina mayoral campaign.

On July 12, 2011, Special Agent Futch and investigator Ross visited the offices of Dark Horse Strategies at 3663 SW 8<sup>th</sup> Street. The notes are as follows:

Emiliano Antunez, president/political consultant  
Dark Horse Strategies  
July 12, 2011

FDLE Special Agent Jim Futch and COE Investigator Karl Ross served Antunez with a subpoena from the Miami-Dade County State Attorney's office and conducted a preliminary interview. Antunez asked if the protections granted to him by virtue of the subpoena would be in effect during the course of the interview and he was advised that it was not the intention of investigators to deceive him and get him to incriminate himself. He then agreed to discuss the absentee ballot operations that he oversaw on behalf of the Julio Robaina for Miami-Dade County Mayor Campaign. He said he worked out of the Bird Road office and that he was in charge of "get-out-the-vote" efforts – including AB collections – for the western portion of Miami-Dade County from roughly SW 8<sup>th</sup> Street to Sunset Drive (SW 72<sup>nd</sup> Street) and from the Florida Turnpike to approximately SW 152<sup>nd</sup> Street. He said that for his outreach efforts the campaign targeted older Hispanic voters, those considered likely to vote for Robaina, based on demographics and polling information. He said a list of approximately 4,000 to 5,000 potential voters was

assembled based on Elections Department information that was obtained from Arisitotle Inc., a private data firm that cross references elections data with commercial databases and death records. He said the information from Aristotle was more reliable than information from the elections department because it included changes of address, deaths and included working phone numbers in most cases at a cost of about 3 cents per voter.

Antunez said he reported to Julio Ponce, a senior member of the Robaina campaign, and also to Hugo Arza, a legal advisor to the campaign. He said he did not work with Ana Carbonell or other political consultants overseeing absentee ballot operations elsewhere in the county (such as Sasha Tirador), and that he was responsible for what they call the “chase” aspect of his West Dade operation – this being the term for collecting the signed absentee ballots once they had been received in the mail by the voters. He said that he was careful to “read the riot act” to his employees and that they were at no time authorized to touch or handle the ballots themselves or to sign anything on behalf of the voters. He said that they were further instructed not to take the absentee ballots back to the campaign office, but rather to take them to the nearest mailbox or post office.

Antunez said he did give his workers stamps so that they could facilitate mailing the ballots to elections. He said that only in a few isolated instances were absentee ballots taken to the campaign office on Bird Road and that he expressly tried to avoid having signed absentee ballots lying around the office. He said that one such incident occurred the final Saturday before the Special Election and that he directed one of his employees to take the ballot to the post office. He said that this was the first time he had worked a “chase” operation, and that chase operations for other parts of the county were handled by, among others, Sasha Tirador, whose specialty was in collected signed ABs.

Antunez said that he purposely had his campaign workers wear Robaina campaign T-shirts so that they could be readily identified by voters. He said it was his assumption that voters who were responsive to his campaign workers were likely to cast their votes for Robaina. He said that his workers were not directed to use persuasive tactics because it was assumed, based on the demographics, that those voters contacted were likely to vote for Robaina and the ones who were not, were likely to turn workers away. He said that he hired his staff by calling Rene Esteve and Lidia Aguayo because they had worked with him on previous campaigns, and that he told them each to hire an additional three people to assist with the canvassing operations. He said he later realized that Aguayo hired other members of her family including her daughter, Kazandra, and in-laws Magaly “Maggie” Rosa and Gladys Rodriguez. He said Aguayo’s younger daughter, Majela, was pregnant and worked on the phone bank, which he also oversaw. He said that other canvassers included Marta Cabrera and Lourdes Cabrera and another younger woman who only worked one day. He said he did not impose hard and fast quotas but did tell his workers he expected them to collect at least 10 absentee ballot request forms per day in the field.

He said that he only worked during the Special Election and not for the Run-off because he was not able to come to terms financially with the Robaina campaign with respect to his compensation. He said he went on to switch camps and work for a PAC affiliated

with the Gimenez campaign (Common Sense) for the Run-off. He said that he believes his workers collected between 1,200 and 1,300 absentee ballot request forms during that time. He said that he would bundle those forms in groups of 100 and deliver them to elections. He said that, as a rule, it was expected that it would take three days before those voters would be getting their ABs in the mail. He said that his campaign workers would then return to those households and they would offer to help the voters. He said he was not aware of any misconduct by his workers and that, at no time, were they encouraged to falsify signatures. He said that once the AB request forms were collected, he would have one of his assistants take them personally to the elections office in Doral. He said that the person who did intake for elections – “Mercy,” last name unknown – told him that about 85 to 90 percent of his request forms had been approved.

With respect to the canvassing teams, he said that he would try to locate any lists that were given to the campaign workers. He did not think he had kept those lists, stating they were likely left at campaign headquarters. He did say that he had a master list that he was willing to provide to investigators. He said “Maggie” was perhaps his most productive canvasser and that she is in her late 40s. He said that Marta (Cabrera) could usually be identified by her heavy Puerto Rican accent, and that Gladys had light-colored eyes. He said he would be interested in learning if any of his campaign workers were falsifying signatures. He said he believes the existing absentee ballot system is fraught with problems, and is vulnerable to manipulation by political operators. He said that, at a minimum, voters using ABs should be required to get their ballots notarized.

Antunez said he also thought that any absentee ballot in which an oval had been crossed out and re-voted should be immediately voided. He said that if this happens, the voter should be required to get a new absentee ballot from elections or vote at an assigned polling place. He said that politicians are now putting a heavy emphasis on hiring people to help them collect ABs instead of focusing on issues and more traditional approaches to winning elections. He said that because of low voter turn-out, the role of absentee ballots has been magnified in recent elections – citing large advantages by politicians such as David Rivera, Marco Rubio and Lincoln Diaz-Balart in this category.

Based on the information compiled from sworn statements, interviews and campaign records, a list of remaining suspects was identified and photo arrays were to be prepared by FDLE with the hopes that Ms. Bustamante would be able to identify the woman who visited her home prior to the May 24 special election. However, on or about July 25, 2011, COE spoke with Ms. Bustamante, who surprisingly refused to provide further cooperation with the investigation. In contrast to her earlier indignation at having her “rights as an American citizen” possibly infringed upon by unscrupulous campaign workers, Ms. Bustamante stated that she and her husband were “old and sick” and that they did not want to be bothered with this matter further. She asked that investigators refrain from contacting her and terminated the conversation.

**Conclusion:** The investigation successfully developed leads and identified Robaina campaign workers who circulated AB request forms in the West Kendall area, based on the initial information provided by Ms. Bustamante. A pattern of possible voter

fraud was identified in that 20 of 31 voters or family members interviewed by COE, FDLE or SAO agents maintained that the signatures appearing on AB request forms submitted on their behalf were suspected forgeries. The statements of the individual voters or their family members are contained in the investigative notes. This belief was further corroborated when agents took sworn statements from two of the Robaina operatives and both admitted having falsified a small number of signatures, though the actual number of forgeries appears to be much greater.

Investigators then interviewed the campaign consultant overseeing the get-out-the-vote operations for the Robaina campaign's West Kendall office on Bird Road, and confirmed that elderly voters were being targeted and that the AB request forms in question had in fact been prepared by the Robaina campaign. It could not be proven, however, that the apparent fraudulent activity – e.g. falsifying signatures on AB request forms – by some members of the Robaina canvassing staff was being carried out at the direction of the campaign office or the Robaina campaign. It would appear that the forgeries were being carried out by individual staffers in order to meet demands by the campaign for quotas for signed AB request forms.

As a result of these findings and in consultation with the Miami-Dade State Attorney's Office, it was decided that the investigation into the Robaina campaign's Bird Road office should be suspended and that efforts should be redirected to other aspects of the Robaina campaign in which more serious abuses had been alleged. The results of these efforts will be detailed in subsequent close-out memos (Parts II, III and IV).

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