

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: C12-038/K12-173

Date Opened: 11/14/12

Date Closed: 12/13/12

Name of Investigator: Manuel W. Diaz

Allegation:

Harvey Busch (Busch), a candidate for the Sunny Isles Beach (SIB) District 3 Commission Seat, in the November 2012 election, alleged that his opponent, George Scholl (Scholl), made threats that he would disclose information concerning Busch if he did not withdraw his candidacy.

Historical:

On Tuesday November 6, 2012, SIB held a municipal election for its District 3 Commission seat. Busch ran against incumbent Scholl.

Investigation:

Interviews:

Harry Busch – former candidate SIB Commission Candidate.

Busch was interviewed at his home. Busch advised the following. On October 17, 2012, he was advised by SIB Vice-Mayor Lewis Thaler (Thaler) that he had been visited by Scholl. Scholl advised Thaler that he had learned, from an internet search that Busch had filed for bankruptcy in 2011. Scholl advised Thaler that he would make Busch's bankruptcy public, and a campaign issue, if Busch did not withdraw as a candidate before October 23, 2012. Scholl told Thaler to

inform Busch. SIB Mayor Norman Edelcup (Edelcup) was present when Scholl during the conversation.

Lew Thaler – Vice Mayor SIB

Thaler was interviewed via telephone. Thaler advised that he was meeting with Edelcup in his office at City Hall. Scholl came into the office and presented them with documents reflecting that Busch had filed for bankruptcy in 2011. Scholl told Thaler and Edelcup that he would make the information public if Busch did not withdraw from campaign by Thursday October 23, 2011. Thaler told the COE that he called Busch later in the evening and told him about the conversation.

Norman Edelcup – Mayor SIB.

Edelcup was interviewed via telephone. Edelcup confirmed that he was present when Scholl met with Thaler. His recollection of the meeting coincides with that of Thaler.

Jonnette Hardiman- Assistant State Attorney, Eleventh Judicial District, Florida.

Michael P. Murawski, Esq., Advocate, Miami Dade Commission on Ethics, forwarded a copy of Busch's Complaint to Hardiman to determine if there were any violations of Florida Statutes. Hardiman reviewed the Complaint and advised that there was no violation of Florida Statutes, since the information presented by Scholl was a public record.

George Scholl- Commissioner SIB

Scholl was interviewed via telephone. He confirmed that he met with Thaler and Edelcup. Scholl also confirmed that he presented Thaler and Edelcup with copies of documents that he obtained during an internet search on Busch. Scholl confirmed that he informed Thaler and Edelcup that he was going to use the information in his campaign against Busch. Scholl felt that the fact that Busch, declared bankruptcy was critical to his qualifications for elected office.

Summary of Facts:

1. Busch a candidate for the SIB Commission filed a COE Complaint alleging that Scholl, also a candidate for the SIB Commission threatened him with disclosure that Busch filed for bankruptcy.
2. Scholl acknowledged that the information concerning the Busch bankruptcy was obtained as a result of a public records search.
3. Scholl acknowledged that he disclosed the information to Thaler and Edelcup. He advised them that he would use the information in his election campaign because he felt the information was critical to Busch's qualifications as a candidate.
4. Hardiman opined that Scholl's action did not violate Florida Laws, because the Busch bankruptcy information was available to the general public.

Conclusion:

The instant case has been turned over to the Advocate for probable cause recommendation.