

MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: K12-180

Date Opened: November 29, 2012

Date Closed: March 27, 2013

Name of Investigator: Manuel W. Diaz

Allegation:

South Dade Matters, a blog, reported that the Village of Palmetto Bay (VPB) Political Action Committee (PAC) “Palmetto Bay Concerned Residents (PBCR)” received a contribution of \$3000.00 in violation of FS 106. 08(7)(a) that limits individual campaign contributions to \$500.00.

Applicable Legislation:

106.08 Contributions; limitations on

(1)(a) Except for political parties or affiliated party committees, no person, political committee, or committee of continuous existence may, in any election make contributions in excess of \$500 to any candidate for election to or retention in office or to any political committee supporting or opposing one or more candidates. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section. Florida Elections Commission (FEC), Petitioner v. Pine Island action and Robert J. Glennon, Chairman, Respondent, FEC-08-329, F.O. No. 09-153W, (Copies Attached)

Investigation:

The blog South Dade Matters for November 19, 2012, was reviewed. The blog reported that Jack Fell (Fell) contributed \$3000.00 to PBCR and that PBCR sent mailings to Palmetto Bay voters urging a vote for two candidates running for office in the November 2012 election.

The VPB website was queried. The site contained the following,

a. The Statement of Organization of Political Committee for PBCR filed October 3, 2012 for the November 6 general election. Under the # 3., *Area, Scope and Jurisdiction of the Committee*, preparers indicate “Political action in support of Nov. 6 election.” Under #4., *Nature of Organization or Organizer’s Special Interests*, the preparers indicate “Advocacy for neighborhood protection.”

b. The Statement of Organization of Political Committee for PBCR filed November 9, 2012 for a municipal run off (DuBois vs. Pariser and Araiza vs. Schaffer). Under #3., *Area, Scope and Jurisdiction of the Committee*, the preparers indicate “Political Action.” Under #4., *the Nature of the Organization or Organization’s Special Interests* the preparers indicates “Neighborhood Protection.”

c. Campaign Treasurer’s Reports. The website contains the G3, G4, and the R1 treasurer’s reports for PBCR.

The Florida Elections Commission website Opinions was queried,

The following opinion was located, Florida Elections Commissioner, Petitioner v. Pine Island Action and Robert J. Glennon, Chairman, Respondent. In the findings, the FEC determined that Glennon, the Chairman of the PAC made a prohibited contribution of \$1000.00 to Pine Island Action in the form of a loan. (Copy in file)

Interviews:

Jack Fell – Palmetto Bay Concerned Residents – Chairman and Deputy Treasurer

Fell was interviewed by telephone. He was advised as to the scope of the investigation; specifically that he might have violated Florida Election law in contributing to the PAC. Fell advised that he contacted Palmetto Bay City Clerk Megan Alexander (Alexander) and sought her guidance in establishing the PAC and the filing of Campaign Treasurer reports.

Megan Alexander (Alexander) – VPB City Clerk

Alexander was contacted. She confirmed that she spoke with and assisted Fell in registering the PAC. She and Fell did not discuss campaign contributions or campaign expenditures.

Additional Documents - Press Concepts 8774 Southwest 129 Street, Miami, Florida 33176.

The Campaign Treasurers Reports filed by PBCR (2a. above) reflect payments to Press Concepts. Press Concepts provided the COE with copies of invoices and copies of the materials printed and mailed for PBCR for the November 6, 2012 general election and November 20, 2012, run-off election.

The review of the printed materials sent out for the November 6, 2012 general election indicate that PBCR may have violated #4 of The Statement of Organization of Political Committee for PBCR filed October 3, 2012 for the November 6, 2012 general election by supporting the election of two candidates.

The review of the printed materials sent out for the November 20, 2012 run-off election indicate that PBCR may have violated #4 of The Statement of Organization of Political Committee for PBCR filed November 9, 2012 for the November 20, 2012 run-off election, by supporting the election of two candidates.

Conclusion:

The instant case is closed and a complaint will be filed with the Florida Elections Commission.