

Miami-Dade Commission on Ethics & Public Trust

Report of Investigation

**Investigator:** Sylvia Batista

<b>Case No:</b> K14-056	<b>Case Name:</b> Marcellus campaign signs	<b>Date Opened:</b>	<b>CASE CLOSED</b>  Date: <u>7/21/14</u>
<b>Complainant(s):</b> Anonymous	<b>Subject(s):</b> Jean Rodrigue Marcellus, candidate for the office of City of North Miami Mayor	06/19/14	

**Allegation(s):**

On June 19, 2014, the COE received copies of campaign signs posted by City of North Miami (the City) mayoral candidate Jean Rodrigue Marcellus (Marcellus). The signs, prominently placed at two busy intersections of the City, use Marcellus' previous official title of "councilman." Marcellus was elected as councilman for the City in June of 2009 and resigned from that office prior to running for mayor in May of 2013<sup>1</sup>. Marcellus has not held the title of "councilman" since that time. He is running for mayor again in the City's special election to replace former Mayor Lucy Tondreau, who was removed from office after being charged in a mortgage fraud case.

**Relevant Law:**

Florida Statutes, Sec. 104.271 and Sec. 106.143.

<sup>1</sup> He was unsuccessful in his 2013 bid for mayor.

Document/Audio/Video Review:

Color copies of the campaign signs posted by Marcellus around the City, in which he uses his previously held official title of “councilman.”

“Statement of Candidate” signed by Marcellus on 06/02/14.

Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates wherein Marcellus appoints himself as campaign treasurer on 06/02/14.

Campaign Treasurer’s Report Summary for the period from 06/01/14 to 06/20/14, listing a \$100 cash contribution and a \$3,000 loan made by the candidate to himself. Report also lists \$250 in expenditures for signs and bond.

Investigation:

*Interviews/Contacts*

**06/19/14 – Louis Thelisca**, Deputy Clerk of City of North Miami –

Louis Thelisca advised that Marcellus turned in his qualification documentation, but did not submit a signed Declaration and First Amendment Waiver. Signing a Declaration and First Amendment Waiver would have placed Marcellus under the jurisdiction of the COE for possible violations of the Voluntary Statement of Fair Campaign Practices.

**07/02/14 – Ashley Davis**, Attorney for State Elections Division –

Ashley Davis is the attorney designated to answer questions about elections violations. Davis was asked about the violation allegedly committed by Marcellus. Davis said that, to her knowledge, there is no elections law on point in the Florida Statutes that addresses the issue of using an official title no longer held by the candidate. Davis pointed out that possible sections where the issue might be addressed are Sec. 104.271 and Sec. 106.143.

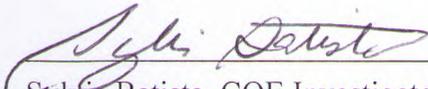
**07/14/14 – Jean Rodrigue Marcellus –**

Marcellus was contacted and advised of the subject of this inquiry. Marcellus advised that he was told about his error and had corrected the signs by adding the word “former” directly before the word “councilman.”

Marcellus advised that the signs using his previously held official title were left over from his candidacy in the 2013 mayoral race. He said he corrected the signs and has replaced the ones with the improper title. Marcellus was advised that he must report the value of the campaign signs from his former candidacy as an in-kind contribution received during the course of the present mayoral campaign.

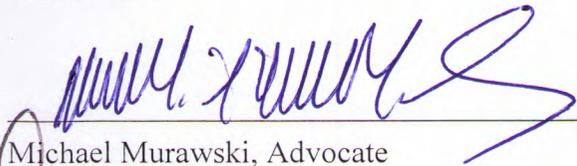
**Conclusion(s):**

Marcellus’ act is conceivably a violation of the Statement of Fair Campaign Practices, but because Marcellus did not sign the Declaration and First Amendment Waiver, the COE has no jurisdiction over him on this matter. Additionally, Marcellus’ act of posting campaign material using a no-longer held title is not a violation of the Election Laws of the State of Florida. For that reason, no further action will be taken by the COE on this matter.

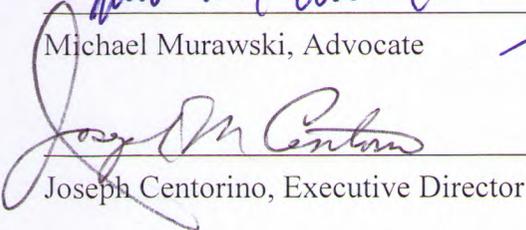


Sylvia Batista, COE Investigator

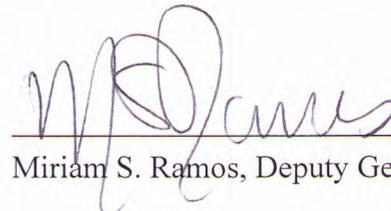
Approved by:



Michael Murawski, Advocate



Joseph Centorino, Executive Director



Miriam S. Ramos, Deputy General Counsel

7/17/14  
Date Closed