



ELECTIONS

A campaign video shows her inside town hall. Now her opponents say she broke the rules.

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A candidate goes to Village Hall to file paperwork to run for office and brings a video crew to record the big moment. The village clerk takes the papers from the candidate and processes them. If the clerk says anything, it's not heard on the campaign video — which is posted on YouTube — because music has replaced any dialogue.

In that exchange, the clerk and the candidate both may have violated Florida law.

The state attorney's office is looking into whether the video violated either of two Florida statutes that govern the interaction between public employees and candidates for elected office. One statute prohibits a candidate from using the services of an on-duty public employee to further their campaign. The other prohibits an employee from participating in "any potential campaign for an elected office" while on the clock.

It's not known if the state attorney will launch a formal investigation. The misdemeanor charges come with up to \$1,000 in fines and even jail time, although two people with knowledge of the case told the Miami Herald it's unlikely that will happen.

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Yvonne Hamilton, under fire from commissioners, has since resigned as village clerk. After nearly three decades of employment, and several attempts to remove her, Hamilton signed a separation agreement with the village in mid-September after news of the video broke. She could not be reached for comment.

The candidate, Julianna Strout, said she did not intend to use Hamilton's services specifically to further her campaign. She said the video was intended to serve an informational purpose for residents interested in how someone becomes a candidate.

“I’ve shown it to two state attorneys. Nobody said there was anything wrong with it,” Strout said.

The city does not have any signage prohibiting the use of cameras inside publicly accessible areas of village hall. Still, Strout says she asked the clerk’s permission to film. She said Hamilton then asked the village attorney Norman Powell for permission. According to Strout, Hamilton said Powell had given her permission.

Strout’s videographer, Philip Talleyrand, confirmed that they asked Hamilton for permission to film that day.

“I also let her know that I was filming but the main focus was Julianna because it’s a day in the life of Julianna Strout,” Talleyrand said.



Julianna Strout, candidate for at-large commissioner

Powell denies that he even knew about the film crew until several commissioners brought the already published video to his attention.

Strout sees the complaints as part of a politically motivated attack by her opponents and their allies in the current village administration. Powell, who represents the administration, said his actions, as well as the actions of the person who reported the video to him, were mandated by the village charter and would be applied equally to any candidate.

“When the commissioner called me to tell me about the video, that commissioner had an obligation to report it [a potential crime]. And when anyone calls me I have an obligation to report it,” Powell said. But he also said his initial concern was over the role of an employee, whose actions are regulated by the village charter.

“This was not necessarily an action that was to implicate Ms. Strout in any way initially. It was more about our village employee and a possible violation of our village charter and or the ethics,” Powell said.

Powell sent the video to the Miami-Dade Commission on Ethics and Public Trust. In what he called an “abundance of caution,” Jose Arrojo, the commission’s executive director, then sent the video to the state attorney’s office. In an email to Powell, Arrojo explained that an “expansive reading” of a Florida statute prohibiting a candidate from using the service of municipal employees to advance their campaign could be applied to Strout’s actions.

Marvin Wilmoth, who filed as a candidate for a different seat on the commission and was automatically elected when his only opponent was disqualified, can also be seen filing his paperwork in Strout’s video. It’s unclear if his role is also under review by the state attorney’s office.

Jose Smith, former North Miami Beach city attorney, also reviewed the video at Strout’s request and said he believed all of the actions were lawful. He wrote the following response in an email to Strout: “Candidates often videotape themselves as they file their registration documents. As demonstrated in your video, the city clerk, was merely performing her routine and ordinary functions, as the municipality’s election official.”

While he acknowledged that a broad reading of Florida statutes could implicate Hamilton as well for taking actions to further Strout’s campaign while on the clock, Arrojo wrote to Powell that it didn’t seem to be the case.

“I just don’t believe that in allowing herself to be videotaped by the candidate while she discharges part of her official duties at Village Hall confers any special benefit on the candidate,” Arrojo wrote in an email to Powell. “That would be an incredibly expansive, and in my view, erroneous application of the section [of statutes] to these facts.”

However, the North Bay Village charter does prohibit staff members wearing anything that defines them as an employee of the village from doing anything — even indirectly — to influence an election and can be fired for violating that provision.

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