

IND 02-67



December 30, 2002

Andrew Dickman, Vice Mayor  
Village of El Portal  
500 Northeast 87<sup>th</sup> Avenue  
El Portal, FL 33138-3517

**ETHICS COMMISSIONERS**

Kerry E. Rosenthal, Chairman  
Robert H. Newman, Vice Chairman  
Gail Dotson  
Dawn Addy  
Elizabeth M. Iglesias

**ROBERT A. MEYERS**  
EXECUTIVE DIRECTOR

**MICHAEL P. MURAWSKI**  
ADVOCATE

**ARDYTH WALKER**  
STAFF GENERAL COUNSEL

Dear Vice Mayor Dickman:

Thank you for your correspondence dated December 25, 2002 wherein you request an opinion from our office in connection with the Florida Sunshine Law. Due to the fact you are seeking an interpretation of a state statute, the Miami-Dade Commission on Ethics and Public Trust has no jurisdiction to provide you with an opinion regarding this matter. Our office's authority to render ethics opinions is limited to issues involving local laws.

There are other sources which may be able to assist you. First, you may want to consult with you city attorney, if you haven't already done so. Secondly, the Office of the Attorney General in Tallahassee handles inquiries about the Sunshine Law and actually maintains a unit that does nothing but respond to Sunshine Law questions.

If you wish to discuss the above matter with me in greater detail, feel free to contact me at your earliest convenience.

Sincerely,

Robert Meyers  
Executive Director

112 Northeast 88 Street  
 Village of El Portal, FL 33138  
 Tel: 305.758.3621  
 Fax: 305.758.0508  
 dickmans@bellsouth.net

Vice Mayor  
**ANDREW DICKMAN**  
 Village of El Portal

# Fax

<b>To:</b> Robert Meyers	<b>From:</b> Andrew Dickman, Vice Mayor
<b>Fax:</b> 305.579.0273	<b>Pages:</b> 9 including cover
<b>Phone:</b>	<b>Date:</b> 25-Dec-02
<b>Re:</b> Opinion request	<b>CC:</b>

Urgent   
  For Review   
  Please Comment   
  Please Reply   
  Please Recycle

• **Comments:**

You may contact me via cell phone at 305.335.1303 between Dec. 26-31.

*Other Relevant Facts:*

- 1). I did not support Councilwoman Black's reelection campaign; and
- 2). The PBA endorsed the four candidates I did not support; and
- 3). Officer Adlet is the PBA Rep. for the El Portal Police Dept.; and
- 4). Officer Adlet was at Councilwoman Black's residence prior to his investigation at my home on Dec. 7th.

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply email, phone or fax and destroy all copies of the original message. Thank you



# Village of El Portal

500 NORTHEAST 87th STREET  
EL PORTAL, FLORIDA 33138-3517  
TELEPHONE (305) 795-7890  
FAX (305) 795-7884

December 25, 2002

Robert Meyers, Executive Director  
COMMISSION ON ETHICS AND PUBLIC TRUST  
19 West Flagler Street, Ste. 220  
Miami, FL 33130

VIA FAX AND U.S. MAIL

RE: "Sunshine Law" Opinion Request


Dear Mr. Meyers:

I would like the Commission to provide opinions regarding the Florida Sunshine Law in connection with the two events more fully described herein.

1. On December 22, 2002 three members of Council, include myself, signed one letter addressed to Mayor Edmonson and Councilwoman Black concerning their decorum on the dais. On December 24, 2002 Councilwoman Black returned to me a copy of her letter with a note indicating that our letter may constitute a Sunshine Law violation (see Exhibit "A"). It is my understanding of the law that we are not precluded from meeting to discuss matters that foreseeably will not come before our Council for action (see Exhibit "B"). Since this is a matter of personal decorum between two members of Council and not Village business, I did not and do not foresee the Council taking action on this issue. Therefore, it was and is my opinion that our letter requesting the recipients to respect the sanctity of the dais does not fall within the scope of the Sunshine Law. I respectfully request the Commission's opinion on this matter.
2. On December 7, 2002 I hosted a social event at my home for my friends and neighbors to meet the four Village Council candidates I was supporting in the Village general election on December 10, 2002. Two of these candidates were sitting members of Council. Towards the end of this event, I and several of my guests notices an El Portal police car slowly cruising back and forth in front of my home, photographing the cars and people at my house. When I motioned the officer to stop so I could inquire why he was taking photographs, he told me he was investigating a Sunshine Law violation (see Exhibit "C"). It is my understanding that members of the same Council are not precluding from meeting socially so long as they do not discuss matters which foreseeably could come before the Council for official action (see Exhibit "D"). Since the purpose of the event was social and no official Village business was discussed, I was and am of the opinion this event did not and does not fall within the scope of the Sunshine Law. I respectfully request the Commission's opinion on this matter.

Thank you in advance for your prompt attention to my request. Please let me know if you need additional information.

Very Truly Yours,



ANDREW DICKMAN  
El Portal Vice Mayor



Exhibit "A"  
Village of El Portal

12/24/02

500 NORTHEAST 87th STREET  
EL PORTAL, FLORIDA 33138-3517  
TELEPHONE (305) 785-7880  
FAX (305) 785-7884

I am forwarding

this to Miami Dade Ethics  
for Investigation of Possible

December 22, 2002

Sunshine Violations,  
D. Black

Mayor Audrey Edmonson  
VILLAGE OF EL PORTAL  
500 NE 87th ST  
El Portal, FL 33138

Councilwoman Daisy Black  
VILLAGE OF EL PORTAL  
500 NE 87th ST  
El Portal, FL 33138

RE: Council Decorum

Honorable Mayor and Councilwoman:

The undersigned Councilpersons wish to strongly encourage greater respect and decorum between the two of you during future committee and council meetings. Your behavior last week at the special council meeting was embarrassing and disruptive, and not at all appropriate for elected officials. Neither the village nor our government should have to endure another year of this type of interaction on the dais. This behavior reflects negatively on the entire Council and it distracts us from conducting Village business.

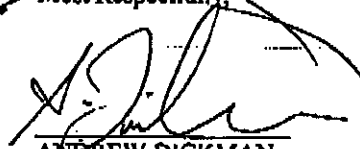
We believe it is unacceptable for a Councilperson to use OUR meetings to advance personal attacks against another Councilperson or against the Village itself. Such behavior only serves to demonstrate a Councilperson's ill will towards the entire Council and bad faith in representing the citizens of El Portal.


We must all remember that El Portal has a 5-member council form of government, not a strong mayor or a 1-council form of government. Courtesy and consideration should be extended towards each other and remaining focused on the task at hand should be our highest priority. We don't have to like each other or always agree with each other; however, we do have an obligation and duty to respect each other and to focus on Village business.


There is much work to be done in 2003, not the least of which is implementing the new Charter. This will require cooperation, dedication and setting aside personal agendas. El Portal residents are depending on us to get this done and to operate the Village in a professional manner. Your ongoing and very public feud is clearly eroding your political support both in the community and among your colleagues on council, and should it continue, we are concerned it will impact our reputations and ability to do our jobs as councilpersons.

Please use this holiday season to reflect on our advice, and perhaps try to heal your rift, so that we can make 2003 a very productive and rewarding year.

Most Respectfully,

  
ANDREW DICKMAN,  
El Portal Vice Mayor

  
MARIETTE SAINTVIL,  
El Portal Councilwoman

  
ANTHONY PEREA,  
El Portal Councilman

# Exhibit "B"

## PART I GOVERNMENT IN THE SUNSHINE LAW

### A. WHAT IS THE SCOPE OF THE SUNSHINE LAW?

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There are three basic requirements of s. 286.011, F.S.:

- (1) meetings of public boards or commissions must be open to the public;
- (2) reasonable notice of such meetings must be given; and
- (3) minutes of the meetings must be taken.

The complete text of the Government in the Sunshine Law and related statutes may be found in Appendix B.

A right of access to meetings of collegial public bodies is also recognized in the Florida Constitution. Article I, s. 24, Fla. Const., was approved by the voters in the November 1992 general election and became effective July 1, 1993. Virtually all collegial public bodies are covered by the open meetings mandate of the open government constitutional amendment with the exception of the judiciary and the state Legislature, which has its own constitutional provision requiring access. The only exceptions are those established by law or by the Constitution. The complete text of the amendment may be found in Appendix A.

The requirements of the Sunshine Law and Art. I, s. 24, Fla. Const., are discussed in detail in Part I.

### B. WHAT AGENCIES ARE COVERED BY THE SUNSHINE LAW?

#### 1. Are all public agencies subject to the Sunshine Law?

The Government in the Sunshine Law applies to "any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision." The statute thus applies to public

Exhibit

EL PORTAL POLICE DEPARTMENT CASE LOG

CASE #	ADDRESS	INCIDENT	OFFICER	NR 89	JUV	DATE
02-1747	Sooblk/110st	A.O.A. BPPD	CONLEY	X		12-7-02
02-1748	8700 N. MIAM. AV.	911 HANGUP Verbal Dispute QRU	CONLEY	X		12-7-02
02-1749	251 NE 86 ST	ALARM	BRILLANT			12-7-02
02-1750	144 NE 88 ST.	ELECTION VIOLATION	ADLET			12-7-02
02-1751	112 NE 88 ST.	INFORMATION	ADLET			12-7-02
02-1752	112 NE 88 ST.	THREAT AGAINST PUBLIC SAFETY	ADLET			12-7-02
02-1753	25 NW. 86 ST	VANDALISM	BRILLANT			12-7-02
02-1754	157 NE 86 ST.	ALARM	LOUETTE			12/8/02
02-1755	8500 Bisc Blvd J716	Info. <sup>Rel. A Lost</sup> C.D. <sup>City of</sup>	LOUETTE	X		12/8/02
02-1756	90 ST NE 2 AV	BATTERY	SENDEROFF			12-9-02
02-1757	8500 Bisc Blvd <sup>5508</sup>	UNINVITED PERSON	HUTWAGEL	X		12-9-02
02-1758	486 NE 87 ST	LOST PASSPORT	MORALES			
02-1759	124 N.W. 90th	Alarm <sup>Warrant</sup> related	RUIZ	X		12-9-02
02-1760	377 NE 85th	Alarm <sup>Warrant</sup> related	OLIVER	X		12-9-02
02-1761	389 NE 85 ST	A.O.A. FIRE	SENDEROFF	X		12-9-02
02-1762	166 NE 90 ST	INFO	SENDEROFF	Y		12-9-02
02-1763	8500 Bisc Blvd #801	INFO	SENDEROFF	Y		12-9-02
02-1764	170 NE 87 ST	911 HANG	SENDEROFF	Y		12-9-02
02-1765	3500 Bisc Blvd #822	DISTURBANCE	SENDEROFF			12-10-02
02-1766	205 NE 87 ST.	AOA RESCUE #30	LOUETTE	X		12-10-02
02-1767	66 NE 89 ST.	J.V. Fighting	LOUETTE			12-10-02
02-1768	NE 29 / BLK A14	AOA MBPD	LOUETTE	X		12-10-02
02-1769	8500 Bisc Blvd E502	Harassing Telephone Call	LOUETTE			12-10-02
02-1770	177 NE 86 ST	Towed Vehicle	ADLET			12-11-02
02-1771	41st / NE 12 Ave	A.O.A. MSPD	CONLEY	X		12-11-02
02-1772	148 NW 90 ST	CRIMINAL USE OF I.D.	ADLET			12-11-02
02-1773	236 NE 87 ST.	LANDLORD-TEENANT	ADLET			12-11-02

D. Black  
F. Dickman



EL PORTAL POLICE DEPARTMENT  
SUSPECT / SUBJECT REPORT

1. Original 1  
2. Supplement

Date of Supplement		Agency Report Number 02-1751	
Original Date Reported 1-2-07-02		Primary Offense Description INFORMATION	
OFFENSE Indicator 1. M 2. 3. 4. 5.		State of Lat. Name STATE OF FLORIDA	
V. Code # W 1 3		Name (Last, First, Middle or Surname) PEREA, ANTHONY (Candidate, now Councilman)	
Address (Street, Apt. Number) 85 NW 86 STREET		City State Zip EL PORTAL FL 33150	
Other Contact Info. (Time Available, Interpreter, etc.)		Synopsis of Involvement CANDIDATE FOR VILLAGE COUNCIL PRESENT AT FUNCTION	
V. Code # W W M		Date of Birth or Age 3 0 S	
OFFENSE Indicator 1. M 2. 3. 4. 5.		Name (Last, First, Middle) MARCUM, TODD	
Address (Street, Apt. Number) 12 NW 86 STREET		City State Zip EL PORTAL FL 33150	
Other Contact Info. (Time Available, Interpreter, etc.)		Synopsis of Involvement RESIDENT AT FUNCTION	
V. Code # W W M		Date of Birth or Age 3 0 S	
OFFENSE Indicator 1. M 2. 3. 4. 5.		Name (Last, First, Middle) SAINTVIL, MARIETTE (Councilwoman)	
Address (Street, Apt. Number) 550 NW 87 STREET		City State Zip EL PORTAL FL 33150	
Occupation COUNCIL MEMBER		Employer/Address VILLAGE OF EL PORTAL 500 NE 87 STREET	
Driver's License Identification		Business Phone	
Height		Weight	
Eye Color BRN		Hair Color BLK	
OFFENSE Indicator 1. M 2. 3. 4. 5.		Name (Last, First, Middle) EDMONDSON, AUDREY (Mayor)	
Address (Street, Apt. Number) 295 NW 88 STREET		City State Zip EL PORTAL FL 33138	
Occupation MAYOR		Employer/Address VILLAGE OF EL PORTAL 500 NE 87 STREET	
Driver's License Identification		Business Phone	
Height		Weight	
Eye Color BRN		Hair Color BLK	
<p>UPON MY ARRIVAL, I DID OBSERVE THREE (3) COUNCIL MEMBER'S PERSONAL VEHICLES PARKED AT THE ABOVE RESIDENCE, COUNCIL MEMBER DICKMAN'S HOME. I TOOK A PHOTOGRAPH AND OBSERVED COUNCIL MEMBER SAINTVIL EXITING THE RESIDENCE AND DRIVE AWAY IN HER CAR. A SHORT TIME LATER I MADE A SECOND DRIVE BY AND OBSERVED MAYOR EDMONDSON, COUNCIL MEMBER DICKMAN AND CANDIDATE PERERA STANDING OUTSIDE THE RESIDENCE. I TOOK A PHOTOGRAPH OF MAYOR EDMONDSON AND COUNCIL MEMBER DICKMAN'S CARS PARKED ALONG THE ROADSIDE.</p> <p>COUNCIL MEMBER DICKMAN ASKED IF THERE WAS A PROBLEM TO WHICH I ADVISED THAT AN ANONYMOUS RESIDENT HAD CONTACTED ME ABOUT A POSSIBLE SUNSHINE VIOLATION AT HIS HOME. COUNCIL MEMBER DICKMAN SAID HE WAS HAVING A BARBECUE WITH SOME FRIENDS AND DIDN'T KNOW IT WAS A VIOLATION TO DO SO. MAYOR EDMONDSON THEN WALKED UP AND TOLD ME I HAD SPENT ENOUGH TIME ON THAT STREET AND TOLD ME LEAVE AND TO PATROL SOMEPLACE ELSE AND GO DO YOUR JOB. CHIEF MORALES WAS CONTACTED AND ADVISED OF INCIDENT.</p>			
Officer Reporting D. Adlet		ID. Number 02-1752	
Officer Reviewing (If Applicable)		Unit EP11-18 12-07-02	
Case Status		Date Cleared	
Offense Type 1. Arrest 2. Exempted 3. Unfounded 4. Open Pending		Jail Inmate	
Disposition Type 1. EXEMPTED 2. Arrest on Primary Offense Secondary Offense Without Prosecution 3. Death of Offender 4. VOW Refused in Custody 5. Prosecutor Declined 6. Juvenile / No Custody		Page 2 of 2	





**EXHIBIT "D"****ATTORNEY GENERAL WEBSITE (FAQ):**

Q. Can two members of a public board attend social functions together?

A. Members of a public board are not prohibited under the Sunshine law from meeting together socially, provided that matters which may come before the board are not discussed at such gatherings.

**FLORIDA SUNSHINE LAW MANUAL 2002, PART ONE  
(E) (7):**

"Members of a public board or commission are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the board or commission are not discussed at such gatherings. Thus, when two or more members of a public board are attending or participating in meetings or other functions unconnected with their board they must refrain from discussing matters on which foreseeable action may be taken by the board but are not otherwise restricted in their actions. AGO 92-79."

"A luncheon meeting held by a private organization for members of a public board or commission at which there is no discussion among such officials on matters relating to public business would not be subject to the Sunshine Law merely because of the presence of two or more members of a covered board or commission. AGO 72-158. Accord, Inf. Op. to Batchelor, May 27, 1982 (Sunshine Law inapplicable when the gathering of two or more members of a board or commission is entirely for social purposes and no public business is discussed)."



Exhibit "A"  
Village of El Portal

12/24/02

500 NORTHEAST 87th STREET  
EL PORTAL, FLORIDA 33138-3517  
TELEPHONE (305) 795-7880  
FAX (305) 795-7884

I am forwarding  
this to Miami Dade Ethics  
for Investigation of Possible  
Sunshine Violations,  
D. Black

December 22, 2002

Mayor Audrey Edmonson  
VILLAGE OF EL PORTAL  
500 NE 87th ST  
El Portal, FL 33138

Councilwoman ~~Daisy Black~~  
VILLAGE OF EL PORTAL  
500 NE 87th ST  
El Portal, FL 33138

RE: Council Decorum

Honorable Mayor and Councilwoman:

The undersigned Councilpersons wish to strongly encourage greater respect and decorum between the two of you during future committee and council meetings. Your behavior last week at the special council meeting was embarrassing and disruptive, and not at all appropriate for elected officials. Neither the village nor our government should have to endure another year of this type of interaction on the dais. This behavior reflects negatively on the entire Council and it distracts us from conducting Village business.


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Please use this holiday season to reflect on our advice, and perhaps try to heal your rift, so that we can make 2003 a very productive and rewarding year.

Most Respectfully,

  
ANDREW DICKMAN,  
El Portal Vice Mayor

  
MARIETTE SAINTVIL,  
El Portal Councilwoman

  
ANTHONY PEREA,  
El Portal Councilman

# Exhibit "B"

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The requirements of the Sunshine Law and Art. I, s. 24, Fla. Const., are discussed in detail in Part I.

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# Exhibit "C"

## EL PORTAL POLICE DEPARTMENT CASE LOG

CASE #	ADDRESS	INCIDENT	OFFICER	N/R	39	JUV	DATE
02-1747	Sooblk/110st	A.O.A. BPPD	CONDY	X			12-7-02
02-1748	8700 N. MIAMI AV.	911 HANGUP Verbal Dispute GRU	CONDY	X			12-7-02
02-1749	251 NE 86 ST	ALARM	BRILLIANT	X			12-7-02
02-1750	144 NE 88 ST.	ELECTION VIOLATION	ADLET				12-7-02
02-1751	112 NE 88 ST.	INFORMATION	ADLET				12-7-02
02-1752	112 NE 88 ST.	THREAT AGAINST ROB. SUICIDE	ADLET				12-7-02
02-1753	25 NW 86 ST	VANDALISM	BRILLIANT				12-7-02
02-1754	157 NE 86 ST.	ALARM	LOVETTE				12/8/02
02-1755	8500 Bisc Blvd J716	INFO. <sup>Rel. A lost</sup> <sub>City of</sub> <sup>Call. Provision</sup>	LOVETTE	X			12/8/02
02-1756	90 ST NE 2 AU	BATTERY	SENDEROFF				12-9-02
02-1757	8500 BISC BLVD <sup>3508</sup>	UNWANTED PERSON	HUTENAGEL	X			12-9-02
02-1758	486 NE 87 ST	LOST PASSPORT	WORALES				
02-1759	124 N.W. 90 ST.	ALARM <sup>WORTHING</sup> related	RUIZ	X			12-9-02
02-1760	377 W.E. 85 ST	ALARM <sup>WORTHING</sup> related	OLIV	X			12-9-02
02-1761	389 NE 85 ST	A.O.A. FIRE	SENDEROFF	X			12-9-02
02-1762	166 NE 90 ST	INFO	SENDEROFF	X			12-9-02
02-1763	8500 BISC BLVD #821	INFO	SENDEROFF	X			12-9-02
02-1764	170 NE 87 ST	911 HANG	SENDEROFF	X			12-9-02
02-1765	3500 BISC BLVD #822	DISTURBANCE	SENDEROFF				12-10-02
02-1766	205 NE 87 ST.	AOA RESCUE #30	LOVETTE	X			12-10-02
02-1767	66 NE 89 ST.	J.V. Fighting	LOVETTE				12-10-02
02-1768	NE 89 / Bisc Blvd	AOA MBPD	LOVETTE	X			12-10-02
02-1769	8500 Bisc Blvd E502	Harassing Telephone Calls	LOVETTE				12-10-02
02-1770	177 NE 86 ST	Towed Vehicle	ADLET				12-11-02
02-1771	41st NE Lane	A.O.A. MSPD	CONDY	X			12-11-02
02-1772	148 NW 90 ST	CRIMINAL USE OF I.D.	ADLET				12-11-02
02-1773	236 NE 87 ST.	LANDLORD-TENANT	ADLET				12-11-02

D. Black

A. DeLuna

# EL PORTAL POLICE DEPARTMENT OFFENSE INCIDENT REPORT

1. Original 1  
2. Supplement

<b>ADMT</b>	Date of Supplement	Original Day Reported <b>SAT 1 2 0 7 2 0 0 2</b>	Time (mil) <b>1 7 0 0</b>	Time Dispatched (mil)	Time Arrived (mil) <b>1705</b>	Time Completed (mil) <b>1720</b>	Agency Report Number <b>0 2 - 1 7 5 1</b>						
<b>EVENT DATA</b>	Incident Type 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 9. Other	Incident: Day <b>12 - 0 7 - 2 0 0 2</b>	Time (mil) <b>1710</b>	To	Day	Date	Time (mil)						
<b>CODES</b>	OFF/INC # 1 Type 9 Description <b>INFORMATION</b>	A-Attempted C-Committed	C	Statute Violation Number <b>7 7 7 - 7 7 7 7 7 7 7 7</b>	NCIC/UCR Code								
<b>VICTIMWITNESS</b>	Incident Location (Street, Apt. Number) <b>112 NE 88 STREET</b>	City <b>EL PORTAL</b>	State <b>FL</b>	Zip <b>33138</b>	District <b>18</b>	Grid	Area	Zone					
<b>VICTIMWITNESS</b>	Business Name/Area Identifier <b>RESIDENCE</b>	Forced Entry 0. N/A 1. Yes 2. No	Occupancy 0. N/A 1. Occupied 2. Unoccupied 3. Abandoned										
<b>VICTIMWITNESS</b>	Location Type 01. Residence-Single 02. Apartment/Condo 03. Residence-Other 04. Hotel/Motel 05. Convenience Store 06. Gas Station 07. Liquor Sales 08. Bar/Nightclub 09. Supermarket 10. Dept/Discount Store 11. Specialty Store 12. Drug Store/Hospital 13. Bank/Financial Inst. 14. Commercial/Office Bldg. 15. Industrial/Mfg. 16. Storage 17. Gov't/Public Bldg. 18. School/University 19. Jail/Prison 20. Religious Bldg. 21. Airport 22. Bus/Rail Terminal 23. Construction Site 24. Other Structure 25. Parking Lot/Garage 26. Highway/Roadway 27. Park/Woodlands/Field 28. Lake/Waterway 29. Motor Vehicle 30. Other Mobile 88. Trailer Park/Mobile Home 99. Other												
<b>VICTIMWITNESS</b>	# OFF/INC <b>1</b>	# Victims <b>1</b>	# Offenders <b>U</b>	# Prem Ent. <b>0</b>	# Veh. Stolen <b>0</b>	Type Weapon 00. N/A 01. Handgun	02. Rifle 03. Shotgun 04. Firearm	05. Knife/Cutting Instrument 06. Blunt Object	07. Hand/Fist/Feet 08. Poison 09. Explosives	10. Fire/Incendary 11. Threat/Intimidation 12. Simulated Weapon	13. Drugs 88. Unknown 99. Other		
<b>VICTIMWITNESS</b>	V/W Code V-Victim W-Witness C-Reporting Person	P-Proprietor Z-Other	Victim Type 0. N/A 1. Juvenile 2. I.E. Officer 3. Adult	4. Business 5. Government 6. Church 9. Other	Race N-None W-White B-Black	I-American Indian O-Oriental U-Unknown	Sex M-Male F-Female U-Unknown	Residence Type 0. N/A 1. City 2. County 3. Florida 4. Out-of-State	Residence Status 0. N/A 1. Full Year 2. Part Year 3. Non-Resident	Extent of Injury 0. None 1. Minor 2. Serious 3. Fatal			
<b>VICTIMWITNESS</b>	Injury Type 00. N/A 01. Gunshot 02. Stabbed	03. Laceration 04. Unconscious 05. Poss. Broken Bones 06. Poss. Internal Injury	07. Loss of Teeth 08. Burns 09. Abrasions/Bruises 99. Other	Victim Relationship To Offender 00. N/A 01. Undetermined 02. Stranger	03. Spouse 04. Ex-Spouse 05. Co-Habitant	06. Parent 07. Brother/Sister 08. Child 09. Step-Parent	10. Step-Child 11. In-Law 12. Other Family	13. Student 14. Teacher 15. Child of Boy/Girl 16. Boy/Girl Friend	17. Friend 18. Neighbor 19. Sitter/Day Care	20. Employee 21. Employer 22. Landlord/Tenant 23. Acquaintance 99. Other Known			
<b>VICTIMWITNESS</b>	OFF/INC Indicator 1. #1 2. #2 3. #3 4. #4	V. Code # <b>W 1</b>	V. Type <b>5</b>	Name (Last, First, Middle or Business) <b>STATE OF FLORIDA/CITY OF EL PORTAL</b>	Residence Phone <b>( ) -</b>								
<b>VICTIMWITNESS</b>	Address (Street, Apt. Number) <b>500 NE 87 STREET</b>		City <b>EL PORTAL</b>	State <b>FL</b>	Zip <b>33138</b>	Business Phone <b>(305) 795-7870</b>							
<b>VICTIMWITNESS</b>	Other Contact Info. (Time Available, Interpreter, etc.)		Synopsis of Involvement <b>VICTIM OF POSSIBLE SUNSHINE VIOLATION</b>										
<b>VICTIMWITNESS</b>	# V/W Code V/W or P	Race <b>W</b>	Sex <b>M</b>	Date of Birth or Age <b>2 5</b>	Res. Type	Res. Status	Extent of Injury	Injury Type(s)	Relationship	Ethnicity	Will victim prefer charges? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>VICTIMWITNESS</b>	OFF/INC Indicator 1. #1 2. #2 3. #3 4. #4	V. Code # <b>W 1</b>	V. Type <b>2</b>	Name (Last, First, Middle or Business) <b>OFFICER M. REGO (EPPD)</b>	Residence Phone <b>( ) -</b>								
<b>VICTIMWITNESS</b>	Address (Street, Apt. Number) <b>500 NE 87 STREET</b>		City <b>EL PORTAL</b>	State <b>FL</b>	Zip <b>33138</b>	Business Phone <b>(305) 795-7870</b>							
<b>VICTIMWITNESS</b>	Other Contact Info. (Time Available, Interpreter, etc.)		Synopsis of Involvement <b>BACK UP OFFICER ON SCENE</b>										
<b>SUSPECT</b>	OFF/INC Indicator 1. #1 2. #2 3. #3 4. #4	Suspect Code S-Suspect E-Escapee A-Arrestee Z-Other	Code # <b>Z 1</b>	Juvenile	Name (Last, First, Middle) <b>DICKMAN, ANDREW</b>								
<b>SUSPECT</b>	Maiden Name		Milestone/Street Name		Place of Birth								
<b>SUSPECT</b>	Last Known Address (Street, Apt. Number) <b>112 NE 88 STREET</b>		City <b>EL PORTAL</b>	State <b>FL</b>	Zip <b>33138</b>								
<b>SUSPECT</b>	Occupation <b>COUNCIL MEMBER</b>	Employer/School <b>VILLAGE OF EL PORTAL</b>	Address <b>500 NE 87 STREET</b>										
<b>SUSPECT</b>	Driver's License State/Number		Business Phone		Social Security Number								
<b>SUSPECT</b>	Clothing (Describe)		Scars/Markings/Tattoos (Location/Describe)										
<b>SUSPECT</b>	Race <b>W</b>	Sex <b>M</b>	Date of Birth or Age <b>3 0 S</b>	Height	Weight	Eye Color							
<b>SUSPECT</b>	Hair Style	Complexion	Build	Facial Hair	Teeth	Hair Length	Hair Color	FOC/MOC					
<b>NARRATIVE</b>	I WAS CONTACTED BY AN ANONYMOUS RESIDENT WHO EXPRESSED CONCERNS THAT SEVERAL CURRENT EL PORTAL COUNCIL MEMBERS AND ELECTORAL CANDIDATES FOR OFFICE IN EL PORTAL WERE AT A FUNCTION NOT ADVERTISED TO THE PUBLIC AND BELIEVED THERE TO BE A POSSIBLE SUNSHINE VIOLATION AT THE MENTIONED RESIDENCE.												
<b>ADMINISTRATIVE</b>	Person/Unit Notified	Time	Related Report Number(s)										
<b>ADMINISTRATIVE</b>	Officer(s) Reporting <b>D. Adlet</b>	I.D. Number <b>09-18</b>	Unit <b>EP11-18</b>	Date <b>12-07-2002</b>									
<b>ADMINISTRATIVE</b>	Officer Reviewing (If Applicable)	I.D. Number	Routed To	Referred To	Assigned To	By	Date						
<b>ADMINISTRATIVE</b>	Case Status	Clearance Type 1. Arrest 2. Exceptional 3. Unbonded 4. Open Parol	A-Adult J-Juvenile	Date Cleared	Jail Number	Number Arrested							
<b>ADMINISTRATIVE</b>	Exception Type 1. Extradition Declined	2. Arrest on Primary Offense Secondary Offense Without Prosecution	3. Death of Offender	4. V/W Refused to Cooperate	5. Prosecution Declined	6. Juvenile/No Custody	OBTS Number	Page					

# EL PORTAL POLICE DEPARTMENT

## SUSPECT / SUBJECT REPORT

1. Original 1  
2. Supplement

Date of Supplement - - - - -	Original Date Reported 1 2 - 0 7 - 0 2	Agency Report Number 0 2 - 1 7 5 1
Primary Offense Description <b>INFORMATION</b>		Victim #1 Last Name <b>STATE OF, FLORIDA</b>
OFFENSE Indicator 1. #1 3. Both 2. #2 VVW Code # 1 W 1 V. Type 3 Name (Last, First, Middle or Business) <b>PEREA, ANTHONY</b> <i>(Candidate, now Councilman)</i>		
Address (Street, Apt. Number) <b>85 NW 86 STREET</b>		
City <b>EL PORTAL</b>		
State <b>FL</b>		
Zip <b>33150</b>		
Other Contact Info. (Time Available, Interpreter, etc.)		
Synopsis of Involvement <b>CANDIDATE FOR VILLAGE COUNCIL PRESENT AT FUNCTION</b>		
VVW or P W Race W Sex M Date of Birth or Age 3 0 S Res. Type Res. Status Extent of Injury Injury Type(s) Relationship Ethnicity Will victim prefer charges? Yes <input type="checkbox"/> No <input type="checkbox"/>		
OFFENSE Indicator 1. #1 2. #2 3. #3 4. #4 VVW Code # 1 W 2 3 Name (Last, First, Middle or Business) <b>MARCUM, TODD</b>		
Address (Street, Apt. Number) <b>12 NW 86 STREET</b>		
City <b>EL PORTAL</b>		
State <b>FL</b>		
Zip <b>33150</b>		
Other Contact Info. (Time Available, Interpreter, etc.)		
Synopsis of Involvement <b>RESIDENT AT FUNCTION</b>		
VVW or P W Race W Sex M Date of Birth or Age 3 0 S Res. Type Res. Status Extent of Injury Injury Type(s) Relationship Ethnicity Will victim prefer charges? Yes <input type="checkbox"/> No <input type="checkbox"/>		
OFFENSE Indicator 1. #1 2. #2 3. #3 4. #4 Suspect Code S-Suspect E-Escapee A-Arrestee Z-Other Code # Z 2 Name (Last, First, Middle) <b>SAINTVIL, MARIETTE</b> <i>(Councilwoman)</i>		
Maiden Name Nickname/Street Name Place of Birth		
Last Known Address (Street, Apt. Number) <b>550 NW 87 STREET</b>		
City <b>EL PORTAL</b>		
State <b>FL</b>		
Zip <b>33150</b>		
Occupation <b>COUNCIL MEMBER</b>		
Employer/School <b>VILLAGE OF EL PORTAL</b>		
Address <b>500 NE 87 STREET</b>		
Driver's License State/Number Residence Phone Business Phone Social Security Number		
Clothing (Describe) Scarf/Markings/Tattoos (Location/Describe)		
Race B Sex F Date of Birth or Age 4 0 S Height Weight Eye Color BRN		
Hair Style Completion Build Facial Hair Teeth Hair Length Hair Color BLK PCIC/MIC		
OFFENSE Indicator 1. #1 2. #2 3. #3 4. #4 Suspect Code S-Suspect E-Escapee A-Arrestee Z-Other Code # Z 3 Name (Last, First, Middle) <b>EDMONDSON, AUDREY</b> <i>(Mayor)</i>		
Maiden Name Nickname/Street Name Place of Birth		
Last Known Address (Street, Apt. Number) <b>295 NW 88 STREET</b>		
City <b>EL PORTAL</b>		
State <b>FL</b>		
Zip <b>33138</b>		
Occupation <b>MAYOR</b>		
Employer/School <b>VILLAGE OF EL PORTAL</b>		
Address <b>500 NE 87 STREET</b>		
Driver's License State/Number Residence Phone Business Phone Social Security Number		
Clothing (Describe) Scarf/Markings/Tattoos (Location/Describe)		
Race B Sex F Date of Birth or Age 4 0 S Height Weight Eye Color BRN		
Hair Style Completion Build Facial Hair Teeth Hair Length Hair Color BLK PCIC/MIC		
UPON MY ARRIVAL, I DID OBSERVE THREE (3) COUNCIL MEMBER'S PERSONAL VEHICLES PARKED AT THE ABOVE RESIDENCE, COUNCIL MEMBER DICKMAN'S HOME. I TOOK A PHOTOGRAPH AND OBSERVED COUNCIL MEMBER SAINTVIL EXITING THE RESIDENCE AND DRIVE AWAY IN HER CAR. A SHORT TIME LATER I MADE A SECOND DRIVE BY AND OBSERVED MAYOR EDMONSON, COUNCIL MEMBER DICKMAN AND CANDIDATE PERERA STANDING OUTSIDE THE RESIDENCE. I TOOK A PHOTOGRAPH OF MAYOR EDMONSON AND COUNCIL MEMBER DICKMAN'S CARS PARKED ALONG THE ROADSIDE.		
COUNCIL MEMBER DICKMAN ASKED IF THERE WAS A PROBLEM TO WHICH I ADVISED THAT AN ANONYMOUS RESIDENT HAD CONTACTED ME ABOUT A POSSIBLE SUNSHINE VIOLATION AT HIS HOME. COUNCIL MEMBER DICKMAN SAID HE WAS HAVING A BARBECUE WITH SOME FRIENDS AND DIDN'T KNOW IT WAS A VIOLATION TO DO SO. MAYOR EDMONSON THEN WALKED UP AND TOLD ME I HAD SPENT ENOUGH TIME ON THAT STREET AND TOLD ME LEAVE AND TO PATROL SOMEPLACE ELSE AND GO DO YOUR JOB. CHIEF MORALES WAS CONTACTED AND ADVISED OF INCIDENT.		
Person/Unit Notified Title Related Report Number(s)		
Officer(s) Reporting <b>D. Adlet</b>		
ID. Number(s)/Locator Code <b>02-1752</b>		
Unit <b>EP11-18 1 2 - 0 7 - 0 2</b>		
Officer Reviewing (If Applicable) ID. Number Routed To Released To Assigned To By Date		
Case Status Clearance Type 1. Arrest 2. Exceptional 3. Unfounded 4. Open Pend A-Adult J-Juvenile Date Cleared Jail Number Number Arrested		
Exception Type 1. Extradition Declined 2. Arrest on Primary Offense Secondary Offense Without Prosecution 3. Death of Offender 4. VVW Refused to Cooperate 5. Prosecution Declined 6. Juvenile / No Custody OBTS Number Page		





## **EXHIBIT "D"**

### **ATTORNEY GENERAL WEBSITE (FAQ):**

Q. Can two members of a public board attend social functions together?

A. Members of a public board are not prohibited under the Sunshine law from meeting together socially, provided that matters which may come before the board are not discussed at such gatherings.

### **FLORIDA SUNSHINE LAW MANUAL 2002, PART ONE (E) (7):**

"Members of a public board or commission are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the board or commission are not discussed at such gatherings. Thus, when two or more members of a public board are attending or participating in meetings or other functions unconnected with their board they must refrain from discussing matters on which foreseeable action may be taken by the board but are not otherwise restricted in their actions. AGO 92-79."

"A luncheon meeting held by a private organization for members of a public board or commission at which there is no discussion among such officials on matters relating to public business would not be subject to the Sunshine Law merely because of the presence of two or more members of a covered board or commission. AGO 72-158. Accord, Inf. Op. to Batchelor, May 27, 1982 (Sunshine Law inapplicable when the gathering of two or more members of a board or commission is entirely for social purposes and no public business is discussed)."

112 Northeast 88 Street  
Village of El Portal, FL 33138  
Tel: 305.758.3621  
Fax: 305.758.0508  
dickmana@bellsouth.net

Vice Mayor  
**ANDREW DICKMAN**  
Village of El Portal

# Fax

**To:** Robert Meyers **From:** Andrew Dickman, Vice Mayor  
**Fax:** 305.579.0273 **Pages:** 9 including cover  
**Phone:** **Date:** 25-Dec-02  
**Re:** Opinion request **CC:**

**Urgent**     **For Review**     **Please Comment**     **Please Reply**     **Please Recycle**

● **Comments:**

You may contact me via cell phone at 305.335.1303 between Dec. 26-31.

Other Relevant Facts:

- 1). I did not support Councilwoman Black's reelection campaign; and
- 2). The PBA endorsed the four candidates I did not support; and
- 3). Officer Adlet is the PBA Rep. for the El Portal Police Dept.; and
- 4). Officer Adlet was at Councilwoman Black's residence prior to his investigation at my home on Dec. 7th.

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