

REPORT OF INVESTIGATION

K #: K07-038

Date Opened: March 8, 2007

Name of investigators: Art Skinner and Breno Penichet

Allegation:

This Investigation is predicated upon information received in the form of an E-mail addressed to COE director Robert Meyers, stating that Councilwoman Terry Holzberg allowed a campaign flyer to be printed and mailed with false or misleading information.

Investigation:

In an E-mail addressed to Mr. Robert Meyers, Executive Director Commission on Ethics and Public Trust, Mr. Gustavo Blachman Candidate for Aventura Commissioner, Seat 1 complained that the Teri Holzberg for Aventura Commission Campaign, used an acknowledged error contained within a quote from a Miami Herald article, in a direct mail piece that his neighbor received on Saturday, March 3, 2007.

In the E-mail Mr. Blachman goes on to state that on February 14, 2007 an article was written by Ms. Carli Teproff for the Aventura Neighbors section of the Miami Herald, incorrectly stating that Mr. Blanchman was a two-year resident of the City rather than an eleven year resident. Mr. Blanchman further advised in his E-mail, that he immediately contacted the reporter Ms. Teproff and pointed out the error, and a retraction was printed on the February 22, 2007 edition.

- COE Investigators; Art Skinner and B. Penichet contacted Ms. Sydney Faye-Davis, Ms. Faye-Davis was Mr. Blachman's campaign director, and she was in charge of his ads and flyers during the campaign. Ms. Faye-Davis advised that all the literature sent out by the Blanchman camp always mentioned the fact that

he (Blanchman) was an eleven (11) year resident. Ms. Faye-Davis advised that originally there were only two seats in contention, seat 1 (south side) and the at large seat, during an elections work shop it was decided that the City would save money if early voting was suspended. In the next commission meeting the commissioners decided to suspend early voting, Ms. Faye-Davis advised this put Mr. Blanchman at a disadvantage and helped the imbueement and in so doing it would also help Ms. Holzberg because her husband was on the council for many years and they were well known. Ms. Faye-Davis provided copies of all the campaign literature send out by Mr. Blanchman along with the ones sent by the Holzberg campaign. Ms. Faye-Davis advised Mr. Blanchman was out of the country for several weeks but would be available to speak to us upon his return. Ms. Faye-Davis was very critical of the process and felt that the council members that were affected or helped by the decision to suspend early voting should not have voted. COE Investigator Skinner advised that was an issue for the Elections dept to review.

- COE Investigators Skinner and Penichet reviewed the paper work provided by Ms. Faye-Davis and found that in fact all the flyers and post cards did state that Blanchman was an 11 year resident.
- COE Investigators also contacted the Aventura City Clerk Ms. Teresa Soroka, and obtained copies of Ms. Holzber's and Mr. Blanchman's "Declaration for Candidates not automatically covered by the Miami-Dade Ethical Campaign Practices Ordinance". Other forms pertaining to both campaigns were also obtained and reviewed. The City clerk also provided a copy of the DVD of the meeting when the vote was taken to suspend the early voting, that was also reviewed and no unusual pattern was observed. Note: (Mr. Blachman lists his address as 21200 Point Place #2401 Aventura, Fl. 33180.)

- A review of all the campaign treasurers' report for both candidates did not uncover any unusual pattern*.
- COE Investigators Skinner and Penichet interviewed Ms. Teri Holzberg candidate for adventure commissioner, seat 1 regarding the allegations. Ms. Holzberg advised that she decided to run for the commission seat after her husband was termed out, she advised that she did not know Mr. Blachman prior to the election and had no idea where he lived. Ms. Holzberg further stated that she contracted Ms. Flink to assist her with her campaign, and that Ms. Flink was responsible for the signs and the campaign literature that was sent out. Ms. Holzberg advised that she reviewed all the ads and approved all before they were sent out. Ms. Holzberg advised she did not read the news article in question, or had no prior information as to her opponent's home address.
- COE Investigator Penichet interviewed Mr. Gustavo Blachman candidate for aventura commissioner, seat 1 regarding his complaint. Mr. Blachman advised that he filed to run for seat 1 that was being vacated by Commissioner Holzberg due to term limits, Mr. Blachman advised that he has lived in the City of Aventura for eleven (11) years and he personally sent an email to all the voters in his district including the Holzberg's announcing his cadency and his qualifications. Mr. Blachman provided a copy of the email along with several other flyers all of which stated that he was an eleven year resident of the City. Mr. Blachman advised he did not know Ms. Holzberg personally but was somewhat acquainted with her husband. Mr. Blachman advised that the news paper printed a retraction to the story several days later, but it was too late the damage was done.
- COE Investigator Penichet contacted Ms. Laurie Flink via telephone in order to set up a meeting. Ms. Flink requested we contact her Attorney Mr. Joseph Geller in order for a mutual convenient day is set for Ms. Flink to provide her statement.

- After numerous attempts to set the date with negative results a Subpoena was issued by the Commission on Ethics and served on Ms. Flink via her Father and Mr. Geller.
- COE Investigators Skinner and Penichet Interviewed Ms. Laurie Flink, also present was her attorney Mr. Joseph Geller. Ms. Flink advised that she was retained by Ms. Teri Holzberg as a consultant to her campaign to assist in preparing campaign literature and mail outs. Ms. Flink further stated that she was not hired to run the campaign as a manager or to do any of the scheduling simply to prepare the mail outs and the signs. Ms. Flink was questioned reference her knowledge of Mr. Blachman's residence or the news paper article. Ms. Flink advised that she was aware of the controversy surrounding the news article, but when she conducted he research for the ads she (Flink) verified Mr. Blachman's home address via the property appraiser's office web site. **According to Folio # 28-1235-087-0320/ 21200 Point Pl. #2401 Aventura, Fl 33180. Was purchased by Mr. Blachman in June 2004.** Ms. Flink advised that she used that date and no other for the flyer. Ms. Flink also advised that Ms. Holzberg authorized all the campaign literature she mailed out.
- Note: all Documents obtained during this Investigation are made part of this file and are included in the file.

CONCLUSION:

After all the facts of this Investigation were reviewed by the Advocate it was determined that no violation of our Ordinance had occurred. Investigation Closed.