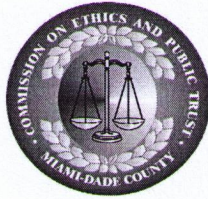


MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



REPORT OF INVESTIGATION

K #: K11-137

Date Opened: 11/8/11

Date Closed: 12/20/11

Name of Investigator: Manuel W. Diaz

Allegation:

William Armbrister (Armbrister), a candidate for the City of Miami District 2 seat in the November 2011 general election, emailed the COE advising that he had information concerning possible absentee ballot fraud. (Email made part of the case file)

Applicable Legislation:

2011 Florida Statutes, Title IX, Electors and Elections, Ch.97-107.

Investigation:

Interviews:

William Armbrister:

Armbrister was interviewed. During the interview he advised the following: Lottie Pearson (Pearson) was employed by the Marc Sarnoff election campaign to distribute and collect preprinted absentee ballots. Pearson worked at a retirement home in Coconut Grove where she would staff a table where should would distribute Sarnoff election materials.

Mary Smith (Smith) visited the home of Cornelius Shriver (Shriver) a District 2 resident home. While at the home she attempted to get the resident's mother to sign a preprinted absentee ballot.

Lottie Pearson:

Pearson was interviewed via telephone. Pearson advised that she worked for the Sarnoff campaign. She advised that she distributed Sarnoff campaign material outside polling places in District 2 and held up signs supporting Sarnoff's election. Pearson denied that she had distributed any preprinted absentee ballots. Pearson said that she recalled distributing palm cards with Sarnoff photos. She also recalled mailers paid for by the Sarnoff campaign where registered voters could request an absentee ballot from Miami-Dade Elections (Elections). She said that she have some cards remaining, but would not provide them to the COE. She declined to provide any additional information and advised that her attorney would be contacting the COE. As of this writing, Pearson's attorney has not contacted the COE.

Cornelius Shiver:

Shiver was interviewed via telephone. He described Armbrister as not being reliable and as being upset because he had lost an election. Shriver conceded that the he and Armbrister discussed Smith approaching his (Shiver's) mother encouraging her to request an absentee ballot and to vote for Sarnoff. Shiver told his mother that she did not need an absentee ballot because he (Shiver) would take her to the polling place. Shiver saw the card that Smith attempted to give his mother. Shiver described the card as being printed on one side with Sarnoff's photo and the other side with Sarnoff's name and a place for the voters name and address. Shiver thought that the card could have been used to request absentee ballots. He did not think the card was an absentee ballot.

Armbrister also provided the name of Gwendolyn E. Smart (Smart). He advised that her absentee ballot turned up missing. Smart did not respond to several telephone calls.

Armbrister further provided the name of Richard Pasley (Pasley). Pasley was contacted he advised that Elections had stopped sending him absentee ballots. He advised that for the last several years Elections had sent him ballots automatically, without him having to request a ballot. In 2011, Elections stopped sending him the ballots. Pasley was advised to contact Elections directly for an explanation.

Summary of Facts

1. Armbrister contacted the COE and advised that two District 2 residents (Pearson and Smith) had distributed preprinted absentee ballots during the November 2011 City of Miami General election cycle.
2. Armbrister advised that he did not have any of the preprinted absentee ballots.
3. Pearson was contacted. She advised that she did not distribute any preprinted absentee ballots. She did advise that she did have candidate sponsored mailers that could be used by residents to request absentee ballots.
4. Shriver, the son of a District 2 resident was contacted. He advised that he was present when Smith attempted to give his mother a candidate sponsored absentee ballot request form.

Conclusion:

Absentee ballot fraud is outside of the COE's jurisdiction and therefore, the allegations are being referred to FDLE for review.