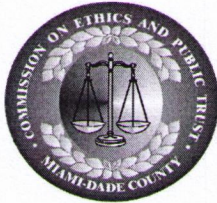


## MIAMI-DADE COUNTY COMMISSION ON ETHICS & PUBLIC TRUST



### REPORT OF INVESTIGATION

K #: K11-117

Date Opened: 9/8/11

Date Closed: 10/21/11

Name of Investigator: Manuel W. Diaz

---

#### **Historical:**

On Tuesday November 1, 2011, the City of Miami will hold an election for the Commission seat in District 2. Marc Sarnoff (Sarnoff), the incumbent, has qualified along with four others.

#### **Allegation:**

An unknown individual circulated a 4X6 palm card with a distorted photograph of Sarnoff throughout Coconut Grove. On the back of the palm card were printed several anti-Sarnoff statements (material). The material did not have a disclaimer as to who prepared and disseminated it.

The material, if considered campaign literature, is required to display a required disclaimer under Florida State Statute 106.

The material, if attributed buy on of Sarnoff's opponents may violate the Miami Dade-Dade County Ethical Campaign Practices Ordinance.

## **Applicable Legislation:**

### **Florida Statutes:**

106.143 Political advertisements circulated prior to election; requirements.

(1)(a) Any political advertisement that is paid for by a candidate, except a write-in candidate, and that is published, displayed, or circulated before, or on the day of, any election must prominently state:  
1. "Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought); or 2. "Paid by (name of candidate), (party affiliation), for (office sought).

### **Miami-Dade County Ethical Campaign Practices Ordinance:**

Sec. 2-11.1.1. Ethical Campaign Practices Ordinance.

"(D) Voluntary Fair Campaign Practices.(1) Statement of Fair Campaign Practices. The following voluntary Statement of Fair Campaign Practices shall guide candidates for public office in Miami-Dade County:

5. I shall not publish, display or circulate any anonymous campaign literature or political advertisement."

### **Investigation:**

1. Ms. Teresa Sarnoff, wife of Sarnoff submitted the material to the COE. In a letter to the Executive Director, she advised that the material had been "passed out throughout the 'Center Grove and Business District of the Grove.'"
2. Sarnoff filed his qualification papers on April 7, 2011.
3. Donna Milo, Michelle Melin Neimeyer, William Alfred Armbrister, and Kate Mary Callahan also qualified.
4. The City of Miami Clerk's web site was queried. After review it was determined that none of the five candidates for the District 2 seat had signed the Voluntary Fair Campaign Practices statement.
5. The Campaign Treasures Reports – Expenditures for the District 2 candidates were reviewed in an attempt to determine if one on Sarnoff's

opponents may have paid for the preparation and distribution of the material.

6. District 2 candidates were sent COE contact letters requesting interviews.

**Interviews:**

Donna Milo:

Milo was interviewed via telephone on September 17, 2011. She advised that she had seen the material. She advised that she did not know who prepared or who distributed the material.

Michelle Melin Niemeyer:

Niemeyer was interviewed via telephone on September 17, 2011. She advised that she had seen the material. She advised that she did not know who prepared or who distributed the material.

William Alfred Armbrister:

Armbrister was interviewed via telephone on October 17, 2011. He advised that he had seen the material. He advised that he did not know who prepared or who distributed the material.

Kate Mary Callahan:

Callahan was sent a COE contact letter but did not respond.

Marc Sarnoff:

Sarnoff was interviewed. He believed that that John El-Masrey (El-Masrey), a Coconut Grove business owner, may have had something to do with the preparation and distribution of the material. He, however, had no proof of El-Masrey's involvement.

John El-Masrey:

El-Marey was interviewed via telephone on September 14, 2011. He advised that he had seen the material. He advised that he was asked by an individual who he did not wish to identify, to allow the placement of about twenty five (25) copies in his business. He permitted it. He read the material and determined that all the citations in the material contained factual information concerning Sarnoff. He said that the material was prepared by individuals in Coconut Grove who

want Sarnoff out of office. He stated that he knew that the material was not produced or distributed by any of the candidates running against Sarnoff.

**Summary of Facts:**

1. Theresa Sarnoff, wife of Sarnoff, submitted a palm card to the COE.  
Because of the proximity of the election, and the content the palm card is considered campaign material.
2. Sarnoff suspected that E-Masrey may be involved in the preparation and distribution of the material, but had no evidence to substantiate an allegation.
3. El-Masrey advised that he was asked by an individual to assist in the distribution of the material. El-Masrey declined to name the individual.
4. Research determined that none of the 5 candidates for the District 2 seat had completed the County's Voluntary Fair Campaign Practices statement as part of their respective qualification packages.
5. The failure of the candidates to submit the Voluntary Fair Campaign Practices statement restricts the actions of the COE to respond to the Sarnoff allegation. There is no evidence to show that the material was distributed by any of the candidates opposing Sarnoff
6. Research determined that in 2010, Stephen M. Murray (Murray) El-Masrey and Al Crespo filed a COE complaint against Marc Sarnoff, the complaint was dismissed by the COE.
7. Murray was listed on Callahan's Campaign Treasurer's Report as receiving money from the campaign.

**Conclusion:**

The case is closed without further action. None of the five candidates in the District 2 race signed the Voluntary Campaign Practices Statement, limiting the COE's jurisdiction in the matter. With the exception of candidate Callahan all were contacted. Those contacted acknowledged that they knew of the Voluntary Fair Campaign Practices statement and had not completed it. In general, they

felt that it would unfairly limit their respective campaign activities. None knew who prepared or distributed the material.