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## Miami-Dade County Commission on Ethics and Public Trust

# Memo

**To:** File

**From:** Karl Ross, ethics investigator

**Date:** Sept. 4, 2012

**Re:** K11-086 Julio Robaina for Mayor Campaign (Part III, R. Roberts)

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**Investigative Summary:** The above-captioned investigation sought to determine whether Henrietta B. Lace, a voter fraud suspect in the Julio Robaina mayoral campaign (Miami-Dade County 2011 Special Election), was also involved in possible fraudulent activity relating to the Myra Taylor for Opa-locka Mayor campaign in November 2010. The alleged victim, Rudolph Roberts (200 Perviz Ave., Apt. #8), positively identified Ms. Lacey as the Myra Taylor campaign worker who talked him into surrendering his completed absentee ballot under the pretext the county's elections department had determined his ballot was somehow flawed or defective, implying that his vote would not count if he were to have submitted it. Investigation subsequently revealed that the Miami-Dade County elections office did not issue such an advisory to Opa-locka absentee voters, and that Mr. Roberts' absentee ballot was, in fact, turned into elections officials. Efforts were made to determine whether his ballot had been in any way altered to benefit the Taylor campaign. A review of absentee ballots in Mr. Roberts' precinct was conducted.

**Background:** Mr. Roberts first contacted authorities in October 2011, calling the Miami-Dade County State Attorney's Office voter fraud hotline following his encounter with a Myra Taylor campaign worker. Roberts alleged that on or about Oct. 19, 2011, a woman wearing a Myra Taylor campaign T-shirt visited his residence and asked to see his absentee ballot. "After she reviewed it, she told him that the ballot was not good and that he was going to have to receive another ballot in the mail, replacing the one that he had at that moment," SAO investigator Ulises Martinez wrote in an Oct. 21 email to the chief of the public corruption unit, Assistant

State Attorney Joseph Centorino. In August of 2011, ASA Centorino forwarded this email to COE Investigator Karl Ross and suggested that the Myra Taylor campaign worker might be Henrietta Lacey. At that time, Ms. Lacey was the target of an investigation surrounding the County's Special Election.

**Findings:** On Sept. 19, 2011, COE investigator Ross and FDLE Special Agent Jim Futch re-interviewed Mr. Roberts at his home, and he gave an account similar to the one initially recorded by SAO investigator Martinez. He stated that prior to the November 2011 Opa-locka election, he was visited by several female campaign workers for the Myra Taylor mayoral campaign, and that one of them inquired about his absentee ballot. He said that he had advised the woman that he had already filled out and completed his absentee ballot and was preparing to mail it. He said the woman – whom he described as medium height and build – advised him that many of the absentee ballots sent out by the County's elections office were flawed. He said the woman told him she would take his ballot to the elections office so that a new one could be sent to him that did not contain the alleged flaw. He said he gave the woman his completed absentee ballot and never received another one in the mail to replace the original one. He reiterated that he felt the encounter was unusual and that, after discussing it with his father, he decided to contact authorities.

Mr. Roberts was asked if he felt he could identify the campaign worker in question, to which he responded that he believed that he could. He agreed to meet with investigators the following day to review a series of photographic lineups. He further advised that he voted for then-incumbent Mayor Joseph L. Kelley.

On or about Sept. 20, 2011, investigators returned to Mr. Roberts' home, and he was asked to review a total of six (6) photo arrays prepared by FDLE in accordance with official guidelines. One of the arrays contained a driver's license photograph of Ms. Lacey and the other five contained photographs of other known campaign workers from the Julio Robaina campaign. Following the proscribed procedure, Mr. Roberts reviewed each of the six photo arrays. The only one in which he was able to identify one of the women in the array was the array containing the photo of Ms. Lacey, whom he selected (position No. 2) as the woman who asked him for his absentee ballot under the pretext that the ballot was somehow flawed or defective.

On Oct. 14, 2011, Michelle McClain, assistant deputy supervisor of elections for Miami-Dade County, advised in an email that the Elections Department did not issue an advisory about defective ballots in connection with the Opa-locka general election of November 2010. She further advised that the department did not receive a second request for an absentee ballot from or on behalf of Mr. Roberts. It had previously been determined that Mr. Roberts voted by absentee ballot in that election, and that his ballot was returned to elections on Oct. 22, 2010 – three days after Mr. Roberts said his home was visited by Lacey and other Taylor campaign workers.

A copy of his absentee ballot envelope was obtained by investigators. However, the signature portion was blocked out as required by law. It was not possible to trace the

corresponding absentee ballot because the envelope had been opened, and the completed absentee ballot was processed separately, officials advised.

On or about March 27, 2012, investigator Ross and Special Agent Futch visited Miami-Dade Elections headquarters in Doral to review the 673 absentee ballots cast by Opa-locka voters during the 2010 General Election. A total of five (5) ballots were found in which the votes for former Mayor Kelley had been crossed out and replaced with votes for now Mayor Taylor, including two (2) such votes from Precinct #296, which is Mr. Roberts' assigned precinct. At the request of investigators, those ballots were set aside by elections officials pending further notice. It had been discussed whether those ballots should be tested for fingerprints in the hopes of establishing whether they had been handled by Mr. Roberts or Ms. Lacey.

A total of 19 ballots were segregated from the 673 absentee ballots cast in Opa-locka, including those from five of the city's seven precincts. Investigators were advised that a court order would be required to conduct a forensic examination of those ballots, which were handled by two elections officials during the review.

The results of said election show that Mayor Taylor recorded a 203 vote advantage over Kelley among absentee voters (438 to 235). She also recorded more votes during early voting though the margin was slimmer (235 to 192). Kelley was the top vote-getter among residents going to the polls on Election Day (813 to 769). The total margin of victory for Taylor was 202 votes (1,442 to 1,240).

Additional possible evidence of Ms. Lacey's involvement with Mr. Roberts on behalf of the Myra Taylor campaign was discovered following the execution of a search warrant in February 2012 at the private offices of Mayor Taylor. Campaign related documents seized from her office included several items referencing Mr. Roberts. These included a copy of a "Walk Card" purchased from a campaign vendor that included the name of "Rudolph Jeffe Roberts, age 49, along with the names of two other voters. Of the three, only the name of Mr. Roberts was circled along with a notation: "Not there. Never at address." A photocopy of Mr. Roberts Oct. 2, 2010, absentee ballot request form was also found, along with the notation (dated 10/31/10) as follows: "Ballot picked up incomplete." Below that notation was a large question mark. Lastly, a handwritten list of voters on "Pervis Avenue" [sic] was found that included the name of Mr. Roberts.

Other documentation found at Mayor Taylor's office included time sheets, campaign worker lists and other information linking Ms. Lacey to the Taylor campaign. A handwriting analysis would be required to determine whether the notation on the items concerning Mr. Roberts could be linked to Ms. Lacey.

**Conclusions:** Information obtained pursuant to the investigation strongly suggests that Ms. Lacey was among the Myra Taylor campaign workers who visited the home of Mr. Roberts on or about Oct. 19, 2010, prior to the Opa-locka general election. Mr. Roberts successfully picked Lacey out of a photo array prepared by FDLE, identifying

her as the woman who convinced him to surrender his absentee ballot under the pretext that his ballot was somehow flawed or defective. Miami-Dade County elections officials advised that this pretext was false, and that no advisory was ever issued regarding the Opa-locka absentee ballots. Thus, on its surface, it would appear that Lacey knowingly employed deceitful tactics to induce Mr. Roberts to hand over something of value – his signed and completed absentee ballot.

It was further determined by the investigation that two absentee ballots from Mr. Roberts' precinct (#296) were altered, with votes for incumbent Mayor Kelley crossed out in favor of votes for his challenger, Mayor Myra Taylor. It could not be determined whether either of these ballots could be linked to Mr. Roberts or Ms. Lacey since no forensic examination was conducted. Elections officials agreed to segregate these and other absentee ballots, pending further direction.

Campaign records found during a search and seizure of Mayor Taylor's private office uncovered potential evidence of a large-scale absentee ballot operation in which Mr. Roberts was among those targeted by Taylor campaign workers. The records indicate, moreover, that Lacey was part of this mobilization. While circumstantial in nature, the above findings further support Mr. Roberts' account of events.

At this point, it is the position of the Commission on Ethics that the investigation should be closed, pending further action by state prosecutors.

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