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

# Memo

**To:** File

**From:** Karl Ross, ethics investigator

**Date:** Sept. 6, 2012

**Re:** K11-086 Julio Robaina for Mayor Campaign (Part IV, H. Lacey)

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**Investigative Summary:** The above-captioned investigation is a spin-off of an investigation into alleged voter fraud being conducted by Henrietta B. Lacey, and other Julio Robaina for Miami-Dade County Mayor workers at a Liberty City campaign office during last year's Special Election. During the course of said investigation it was learned that Ms. Lacey is a convicted felon and that she has been voting in Miami-Dade County elections without having her civil rights restored, and that she has been doing so, moreover, while living in Broward County.

**Background:** Ms. Lacey was identified as the primary individual overseeing absentee ballot operations for the Julio Robaina campaign's Liberty City office prior to the May 2011 Special Election to elect a new county mayor. Several witnesses from that case told investigators they saw Ms. Lacey open and, in some cases, alter completed absentee ballots collected from elderly and low-income voters. With the assistance of elections officials, it was subsequently learned that Ms. Lacey had incurred in a pattern of illegal voting and charges against her are pending.

**Findings:** Information provided by the Miami-Dade County Elections Department shows that Ms. Lacey, as of April 2012, was listed as a registered voter, using the following as her home address: 20073 NW 36<sup>th</sup> Ct., Miami Gardens, FL 33056. The Elections Department also provided Voter Registration Applications for Ms. Lacey dating back to September 2000 in which she swears and affirms that she is qualified "to register as an elector under the Constitution and the State of Florida." She filed subsequent applications in March 2004 and September 2008, records show.

Further information provided by Elections officials shows that Ms. Lacey has been voting in countywide and municipal elections since at least September 2002. Since 2010 alone, Ms. Lacey was found to have voted on seven (7) occasions:

- 8/24/2010, Primary Election (early voting)
- 11/2/2010, General Election (early voting)
- 02/08/2011, Special Primary Election (early voting)
- 03/01/2011, Special General Election (absentee)
- 03/15/2011, Miami-Dade County Special Election (absentee)
- 05/24/2011, Miami-Dade County Special Election (absentee)
- 06/28/2011, Miami-Dade County Special Run-off (absentee)

In total, Elections records show that Ms. Lacey voted sixteen (16) times over a 10-year period, including the seven most recent times listed above.

A review of Ms. Lacey's criminal history conducted by the Florida Department of Law Enforcement revealed that Ms. Lacey has been convicted of at least three felonies dating back to 1999, not including a fourth case following a 1996 arrest for burglary and larceny in which adjudication was withheld. Since that time, Ms. Lacey was charged with cocaine possession in 1999 and found guilty later that year; she was charged with cocaine possession again in 2000 and found guilty in 2001; she was charged with grand theft in September 2011 and found guilty, January 2012. It was learned that Ms. Lacey is presently under state supervision in connection with the most recent case (F11-024176), according to the research by FDLE.

FDLE Special Agent Jim Futch subsequently verified with the State of Florida Office of Executive Clemency that at no time since her initial conviction has Ms. Lacey had her civil rights restored. "Staff has made a thorough search of the clemency records and there is no record of restoration of civil rights ... In addition, there is no pending application for clemency at this time for the above-named person." The letter was signed on April 20, 2012, by Julia McCall, custodian of records for the Office of Executive Clemency, and based on "a thorough search of clemency records."

COE investigator Ross was further able to establish that since on or about 2009, Ms. Lacey has resided at 5521 SW 33<sup>rd</sup> Street, Apt. #1, Pembroke Park, FL, in Broward County. Her present landlord, Timothy J. Hennessy was contacted, and he advised that Ms. Lacey had been residing there since prior to the time he purchased the property in July 2010 after the previous owner had allowed the property to go into foreclosure. He provided a copy of a Residential Lease signed by Ms. Lacey and dated Aug. 7, 2010, showing Ms. Lacey agreed to pay monthly rent of \$775 to

remain at said residence. He said Ms. Lacey has lived there since that time, and that he was not aware of any other permanent residents.

**Conclusions:** As a result of these findings, investigators from COE and FDLE met with prosecutors from the Miami-Dade County State Attorney's Office on April 30, 2012, and it was decided at that time that charges should be filed against Ms. Lacey for repeatedly voting in county elections when she was not a qualified elector. It was hoped that by charging Ms. Lacey, who was on probation for the 2011 grand theft case, that her probation could be violated and that this could be used as leverage to gain her cooperation in the other matters under investigation and relating to the political campaigns of Julio Robaina (May 2011 Special Election) and Myra Taylor (2010 Opa-locka General Election). Shortly after this meeting, however, a conflict memo was filed by the Miami-Dade State Attorney's Office requesting that the case be reassigned to another prosecutor and the matter was turned over to the State Attorney's Office in Ft. Myers. During the intervening months, no action has been taken and this agency has decided to close its investigation at this time.

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