

Biscayne Building  
19 West Flagler Street  
Suite 220  
Miami, Florida 33130  
Phone: (305) 579-2594  
Fax: (305) 579-2656

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

# Memo

**To:** File

**From:** Karl Ross, ethics investigator

**Date:** Aug. 28, 2012

**Re:** K11-086 Julio Robaina for Mayor Campaign (Part II, Liberty City)

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**Investigative Summary:** The investigation found evidence, based on witness statements, that operatives of the Julio Robaina mayoral campaign tampered with absentee ballots collected from voters in connection with the May 24, 2011, Special Election. Two workers employed by the Robaina campaign were alleged to have seen the operatives alter sealed voted absentee ballots, while a third worker stated that she merely saw one of the operatives open and view unsealed ballots entrusted to the campaign staff. The absentee ballot operation was based at a make-shift campaign office in Liberty City belonging to a Robaina supporter. No charges were filed, however, because of the inability of the two witnesses to positively identify the suspects from photo arrays consisting of driver license photos of the operatives in question and individuals of similar ethnicity and physical appearance.

**Background:** The case was initiated in response to a May 18 email to former Miami-Dade County Elections Supervisor Lester Sola from a Hialeah woman who worked briefly on the Robaina campaign, Jacqueline "Jackie" Morales. Ms. Morales stated in the email that, she reported to a Robaina campaign office on the 6400 block of NW 27<sup>th</sup> Avenue in Liberty City where she worked on a phone bank to call potential voters and solicit their absentee ballots. "When I get there I see a lady at a table filling in votes on absentee ballots, I ask her what she's doing and she said she's filling them out for friends who didn't know how to vote, I sat at her table and watched as she filled in the circles on the absentee ballots and stuffed them back into the envelope, sealed them, then stacked them next to her to be mailed."

Ms. Morales went on to state in her email that this was being done by two women – one named “Lacey” and a second woman whose name she did not know. She described the women as being “the ones in charge” of the absentee ballot operation. She said that the other workers – about six or seven, herself included – were given lists of absentee ballot voters to contact. She said they were told to offer to pick up their ballots and mail them out “as a courtesy.” Morales concluded her email by stating: “I knew this was not right so I quit the job after the first day.” The woman in question was later identified by investigators as Henrietta Lacey of Hollywood.

The May 18 email to Elections Supervisor Sola was forwarded to Assistant State Attorney Joseph Centorino that same day with the note: “For your review and immediate action.” The case was referred to the Miami-Dade Commission on Ethics and was worked jointly with the Florida Department of Law Enforcement.

**Findings:** Initial attempts to contact Ms. Morales by email were unsuccessful, as it was later learned that she had left Miami-Dade County to work on national political campaigns in other states. During that time, Morales did not respond to emails requesting assistance. An attempt to subpoena email account records from Microsoft led to a Lakeland, Florida, residence of another woman, but not Morales. Efforts to contact residents at the address in Lakeland did not lead to Morales.

On June 14, this writer visited the campaign office at 6401 NW 27<sup>th</sup> Avenue, located at the end of a strip mall anchored by Health First Medical Center. At the north end of the mall, adjacent to the health clinic was a room marked “activity center” at the entrance. Several “Robaina for Mayor” signs were located in the windows. The room did not appear to be in use, and a security guard directed the investigator to speak with the manager of the clinic. The manager stated she did not believe the office was being used for political activity, and she provided a phone number for the clinic’s owner, Jose Garcia. A message was left for Mr. Garcia that afternoon.

On June 17, Robert Fernandez, an attorney with the Robaina campaign, responded to the phone call to Mr. Garcia and left a voice mail offering to assist but requesting more information. That same day, attorney Jose “Pepe” Herrera contacted this writer and advised that he also was calling on behalf of the owner of the clinic, Jose “Pepe” Garcia. He advised that Garcia and Julio Robaina were close friends, and that Garcia had been allowing Robaina to use his vehicles and other resources in connection with the campaign. He said he did not know if the campaign was using the side office for political activity, but stated that the space had been made available to local politicians and activists such as former Miami City Comm. Richard Dunn and lobbyist Dewey Knight III. He said he had no knowledge of any operations relating to absentee ballots. He said he would check with Garcia and respond.

It was not until July 21, when investigators contacted a Miami-Dade County political activist to follow up on a seemingly unrelated lead that it was learned that Ms. Morales had worked on the recall campaign earlier that year and could be further

identified through campaign records. The activist, Hernan Santiesteban, agreed to contact Morales. She later contacted investigators and advised as follows:

Ms. Morales contacted this writer on July 27 at the urging of Santiesteban. Morales said she worked for the Robaina campaign on May 10 – from 10:30 a.m. to about 2 p.m. – when she reported to the office in Liberty City. She said she was offered the job by a mutual acquaintance named “Lacey,” describing her as an African American female, mid 40s, about 5’3” tall, “husky,” dark-skinned, dark hair. She said it was not long before she realized something illegal was very likely happening regarding absentee ballots.

Morales said that most of the campaign staff was making phone calls from long tables at the front of the room, but that in the back of the room was a round table. She said Lacey and another woman were sitting at that table filling out stacks of absentee ballots. She said she observed two stacks totaling about 50 absentee ballots that were in the envelopes and that had already been signed by voters. She said that during the course of the day, people would come and drop off more signed, sealed absentee ballots. She said that Lacey and another woman – who Morales believes was running the operation – would open the ballots, fill them out or make changes and then re-seal them. She said she was not close enough to tell if they were crossing out votes for other candidates and marking the ballots for Robaina because she didn’t want to get too close. She said that she did ask what they were doing and was told they were filling out one of the ballots for a man who was sitting at the table and who supposedly needed “help” with his absentee ballot.

Morales said she believes the man – later identified as Gary Johnson of Opa-locka – was a campaign worker, or “runner,” because he would come back with collected absentee ballots. Morales said she was told the other absentee ballots they were filling out were for “friends.” She said she recalled at one point, that the second woman (African-American, 40s, 5’6”, heavy set, dark-skinned) told Lacey as follows: “Don’t use tape. Makes sure you use glue when you re-seal them,” referring to the absentee ballots.

Morales said she then realized they were opening the sealed absentee ballots that had already been filled out by the voter. “It was just kind of blatant,” she said. “They weren’t even trying to hide it; it was so out in the open. I was shocked. I didn’t know what to do. I thought it can’t be legal ... I couldn’t imagine you could open absentee ballots and just fill them in.”

Morales said she was given a script for making phone calls and then given a phone and that she began to make calls on behalf of the campaign, targeting voters who had received absentee ballots. She said that she was given a list of voters who had requested absentee ballots and told to send somebody to the homes of those people if they had received their ballots in the mail. She said this part did not follow the “script” she had been given for calling prospective voters. “She gave me the list and just told me to ask them if they received [an absentee ballot]. If they had received it, I would write down their address and somebody would be sent over the next day.”

Morales said the absentee ballots, once collected, would be delivered to the back table to the two female campaign office supervisors (Lacey and the second woman, later identified as Stephanie Broomfield Warnell), who would then fill out the ballots. Morales said that she was supposed to get paid for the hours she put in on May 10 and was given a cell phone for campaign use. She said that when she left she was upset and called Santiesteban. She said he advised her to get as far away from what she had seen and not to return. She said that she brought back her cell phone the following day and turned it in. She said they asked for her social security number so they could pay her, but that she did not trust them and refused to provide it. She said she understood she was to be paid from the Robaina campaign and not through a third-party.

Morales said that the office was a make-shift office that was going to be used for a short period, perhaps two weeks, during the Special Election. She said it had Robaina campaign signs in the window, but that it had folding tables, not permanent furniture. She said that the office was part of a medical center, later confirming it was Health First. She said she recalled that some patients from the clinic would stop by. She said that the only reason she stayed as long as she did was because she felt what was happening was illegal and wanted to see as much as she could. She said that she did not reply to the e-mail from Elections Supervisor Sola because she had gone to Wisconsin to work on a political campaign and later to Washington State for more campaign work. She said she did not feel she could be of further assistance to authorities at that time since she was not in town. "I only stayed because I was curious. I wanted to see how far this was going," she said of the time she spent at the Liberty City campaign office.

During a September 7 sworn statement taken at the Miami-Dade County State Attorney's Office, Ms. Morales gave a similar account of her experience at the Liberty City office of the Julio Robaina mayoral campaign. It should be noted that at the conclusion of this statement, Morales was asked to identify Ms. Lacey from a photo lineup prepared in accordance with state guidelines by FDLE. Morales stated that she was unsure as to which of the six women was Lacey, but said she believed it was either the photo No. 2 or photo No. 4. She ultimately selected No. 4, which was incorrect. (Note: Photo No. 2 correctly corresponded to Lacey.) She was also shown a driver's license photo of the second suspect, Ms. Broomfield Warnell, and Morales advised that the woman looked familiar and could be the second woman at the back table of the campaign office.

On September 16, investigators served Gary Johnson, of 13118 Alexandria Drive #142 in Opa-locka, a subpoena to appear at SAO for a statement on September 19. He failed to appear on that date invoking his constitutional rights. It was then decided Mr. Johnson should be considered a suspect rather than a witness.

On September 19, investigators contacted Elsa Pardo of Opa-locka, who was identified as a possible worker at the Liberty City office. Ms. Pardo advised that she did work at this office and that she was hired through a woman she knew as

“Lacey.” She agreed to be interviewed at a later time, and subsequently provided the following information during an interview at her residence:

Ms. Pardo stated she worked for the Robaina campaign for about three weeks during the period leading up to the May 24 Special Election. She said she was hired by Henrietta Lacey, a woman she knew because Lacey would frequently visit her apartment complex and campaign on behalf of Opa-locka Mayor Myra Taylor. “She would always mention Mrs. Taylor, Mrs. Taylor,” Pardo said. She said Lacey would often collect absentee ballots in the building on behalf of Myra Taylor and other candidates.

Ms. Pardo stated that after her husband died in January 2011 she needed part-time work and asked Lacey if she might be able to offer her a job campaigning. She said Lacey hired her to work on the Robaina campaign at \$10 per hour and told her to report to an office on the 6400 block of NW 27<sup>th</sup> Avenue in Liberty City. She said she went to the location and that it was part of a small strip mall anchored by a health clinic, and that the campaign office was on the north end of the building. She said there was one other Hispanic campaign worker, a Cuban man named Eduardo.

Pardo said that Lacey supervised the phone banks and that she (Pardo) worked at two or three long folding tables in the front of the office and that Lacey worked at a round table in the back of the room along with another woman, who seemed to be in charge of the entire operation. She checked her notes (a yellow legal pad she obtained from the campaign office) and identified the woman as “Stephanie.” She described her as being tall, “elegant,” educated and well spoken. She said Stephanie was black, but lighter in skin tone than Lacey. She said that another of the workers was a man named “Gary” and that Gary would be the person to pick up the absentee ballots and was “in the field all the time.” She said another woman – “Sharon” – also picked up absentee ballots.

Ms. Pardo said the callers were told to identify themselves as being with the Robaina mayoral campaign and that they were, in her words, “forced” to ask the voters to give their absentee ballots to campaign workers. Pardo then provided examples of several “scripts” she was told to use by Lacey and the second woman. She said voters were instructed to sign the absentee ballot envelopes before they were picked up. She said they would be told, “We need you to sign them when you receive it,” she said.

Ms. Pardo stated that there was a lot of reluctance on the part of voters to turn over their completed absentee ballots to campaign workers, and that Spanish radio was warning voters not to do this. She stated that since most of the voters they were in contact with were African-American, many were unsure about whom they wanted to vote for and didn’t know much about the mostly Hispanic candidates. She said that, on average, she might get two or three voters a day who were willing to have their absentee ballots picked up. She said that Lacey was upset that more voters were unwilling to surrender their ballots, and was constantly pressuring her and Eduardo to get more “pick-ups.” Pardo stated that when a voter agreed to have their ballot picked up, they would write down the contact information on a piece of paper – along with a pick-up time – and the paper



would be left on the back table where Lacey and Stephanie were stationed. She said she knew absentee ballots were being collected, but did not recall seeing any of them opened or altered.

Ms. Pardo stated that “Stephanie” was also the person who would go to the Robaina campaign office in Hialeah on paydays and pick up their checks. She said that workers were treated well and provided with meals. She said that she did not recall seeing any officials from the Robaina campaign visit the office, but she said she did see former Miami City Comm. Richard Dunn stop by “a couple of times” and speak to Stephanie and Lacey. She said he did not stay long during those visits and would not sit down. She said that Stephanie sat at the back table and everybody reported to her, including Lacey and that Lacey would ask her for guidance, adding: “She was the main person.”

**Note:** The excerpts below are part of scripted calls that Pardo said she used to solicit absentee ballots from voters targeted by the Robaina campaign:

“An absentee ballot was mailed out to you for an election ... Did you receive your ballot? It’s a big white envelope.” If the answer was “Yes,” she said she would continue: “Can we send somebody there to help you fill it out – and make sure it is received by the Elections Department? For your convenience, we will come by and pick up your absentee ballot to deliver it to the Elections Department. What time would be convenient for us to come by and pick up your ballot?” She said that if the answer was “No,” then campaign workers were instructed to ask if they could call back in a couple of days.

Ms. Pardo stated that Lacey provided the scripts, including this one:

“I’m calling in reference to the Special Election. Have you received your absentee ballot? Good. We are picking them up today to make sure they are not lost in the mail and to help you with the amendment questions. What is the best time today to pick it up?”

On November 23, a formal statement was taken from Donna Palmer, another of the Liberty City campaign workers. She confirmed that the office was run by two women named “Lacey” and “Stephanie,” but stated that she did not observe them handling absentee ballots. She said that she worked on the phone bank. She also confirmed that a “Gary” worked there as a runner, and identified him as Gary Johnson in a photo array prepared by FDLE. Ms. Palmer also positively identified suspects “Lacey” as Henrietta B. Lacey and “Stephanie” as Stephanie Broomfield Warnell, picking them out of the photo arrays prepared by FDLE.

In addition, Palmer positively identified several other campaign workers based on the photo arrays, and stated that a Hispanic woman named Elsa worked on the campaign along with a Hispanic man, whose name she doesn’t know. She stated further that a white, non-Hispanic woman showed up to work one day but did not return. She said she heard the woman left to work on a campaign out of town – an apparent reference to Jackie Morales, the original complainant.

On November 23, another Liberty City campaign worker, Shaneka Jones, was scheduled to provide a statement at SAO but failed to appear. She similarly failed to appear for a statement on or about December 14, prompting investigators to visit her home on Northwest 65<sup>th</sup> Street along with Assistant State Attorney Breezye Telfair. She was interviewed at that time and advised as follows:

Ms. Jones said she was reluctant to appear as a witness in a criminal case, but agreed to talk to investigators about her knowledge of activities at the Liberty City office. Jones advised she worked as a “runner” and that her primary duties consisted of picking up absentee ballots from voters in the Liberty City area. She said other workers at the same office served as runners for different geographical areas – noting that “Gary” worked the area around Opa-locka. She identified other runners by their first names – a “Monique,” a “Sharon” and a “Chevy” who worked the southern end of the county. She said a Haitian man whose name she did not recall was a runner. Ms. Jones stated the operation routinely collected more than 100 absentee ballots per day, mostly from elderly voters.

Ms. Jones said that on at least one occasion, she heard “Lacey,” her supervisor, remark that as many as 150 absentee ballots had been collected in a single day. She said Lacey ran the office, but reported to another woman named Stephanie, who was not always present, but who came and left and often brought food for the campaign workers. She said that Stephanie was not very active as a supervisor, but that Lacey was constantly pressuring campaign workers to increase their numbers as far as collecting the absentee ballots. She said that on more than one occasion she witnessed Lacey open collected absentee ballots, examine the ballots and remark that she couldn’t believe a voter voted for Luther Campbell or mayoral candidates other than Robaian – i.e. “that old man,” a reference perhaps to Jose Cancio. Jones stated that, in those instances, she would observe Lacey cross an “x” through the vote, initial it and then darken the oval for Julio Robaina. Jones said, initially, that she witnessed this practice on two or three occasions, but later stated that in fact she had observed Lacey doing this on a regular basis.

Ms. Jones said she didn’t want to get anybody in trouble, but added that she did not feel comfortable with the practice and thought that people working for political campaigns should be fair. She said that she did not observe Stephanie engaging in this behavior but did see another campaign worker, “Mary,” tamper with sealed absentee ballots and, along with Lacey, change or alter votes. She said that runners and other campaign workers were told to encourage voters not to seal their absentee ballots. She said that ballots that were sealed were opened by Lacey and Mary and that she believed they used either clear tape or liquid glue to re-seal the ballots. She stated that Lacey would open the absentee ballot envelopes in such a way that they would not appear to have been corrupted.

Ms. Jones stated that she did observe a tall man named “Richard” visit the office on a regular basis – every two or three days – and that he would normally meet with Lacey. She said that this individual would say that the office needed to collect up to 350 absentee ballots per day and that she believed that this amount was unrealistic. She stated that she

believed the individual in question was former Miami City Comm. Richard Dunn. She said that others from the Robaina campaign would visit the office periodically, but said that she was unable to identify any of those individuals. She said that her uncle – Larry Jones – was a security guard at the clinic where the campaign office was located and that he was not paid by the campaign for services he provided after hours.

Based on the information provided by Ms. Jones, investigators went to the home of Mary Monroe in Opa-locka to interview her regarding the Liberty City office. On Jan. 20, 2012, Ms. Monroe provided the following information:

Ms. Monroe said that she was employed by the campaign during the May 2011 Special Election working on a phone bank calling voters to encourage them to support Robaina and also to offer to collect their voted absentee ballots. She said she always told voters to sign and seal their ballots prior to pick-up. She said that when a voter requested their ballot be picked-up, that she would prepare a slip of paper with the voters' address and other information and place it in a basket on the table in the back of the office. She said she usually worked from 10 a.m. to 2 p.m. and that the ballots were usually collected later in the day. She said that she did, however, observe piles of voted absentee ballots on the back table during her regular work hours and that Henrietta Lacey, a long-time friend of hers, would usually sit at that table with the ballots. She said that she had been informed by Lacey that the ballots were to be delivered to "the supervisor of elections."

Monroe confirmed that Lacey reported to another woman named Stephanie. She said she did not know her last name, but advised that she seemed to be very well known and that she had been told she worked at a local radio station. She said that another tall, heavyset man supervised the operation and regularly met with Stephanie and Lacey, usually outside the office or in the rear of the office out of earshot. She said that man was said to be the son of a prominent local figure, and said she believed that he was Dewey Knight III, the son of the county's first Africa-American county manager. She said that she did not recall seeing former Miami City Comm. Richard Dunn at the campaign office, but advised that Dunn's son worked next door in an adjoining office with a Hispanic man whom she described as a "manager." She said that Lacey and Stephanie would emphasize the need to collect absentee ballots, and that she and other staff were pressured to increase their productivity, though she could not recall any numbers or quotas or other targets they were supposed to meet – i.e. 100 or 200 absentee ballots per day.

Ms. Monroe initially stated she never observed anything unusual regarding the handling of the absentee ballots, but after being questioned by investigators she allowed that she did observe Lacey open absentee ballots and make remarks about voters who did not vote for Julio Robaina. She maintained that Lacey only opened unsealed absentee ballots, not sealed ballots. She further maintained that she never saw Lacey alter anybody's vote as described by other witnesses – at least not in her presence. She said that a cup of water was kept on the back table to seal the unsealed absentee ballots. She said she did not see tape or glue being used for this purpose.



She said that she saw Lacey open completed absentee ballots on perhaps three or four occasions. "I never saw her change it (a voted absentee ballot), at least not in my presence," Monroe said. She said Lacey was "very aggressive," and was working long hours and weekends because she had been promised a job by the Robaina campaign if he were to be elected. "They promised her a job like Ms. Taylor did. That's what she would tell me," Monroe said, referring to Opa-locka Mayor Myra Taylor. She said that she previously worked with Lacey on the Taylor Mayoral campaign.

While Monroe claimed never to have witnessed anybody tampering with or altering a voted absentee ballot, she did recall that "Stephanie" convened the campaign workers for a meeting one day and cautioned them against tampering with the ballots because somebody had been caught doing this. She said Stephanie did not identify who had done this, but did say it had happened. (Note: This could have occurred following the departure of Ms. Morales, who shared her experience with Mr. Santiesteban, who told investigators that he contacted somebody at the Robaina campaign regarding these allegations.)

Lastly, Monroe advised that Lacey lives in Miramar and that an address in the vicinity of NW 200<sup>th</sup> Street provided on the campaign finance report is for her mother's home. She said that Natalie Fernandez, who appears on the campaign report under the same address – is Lacey's daughter. Monroe positively identified Henrietta Lacey, Stephanie Broomfield Warnell and Gary Johnson, among others, from the photo arrays presented by FDLE Special Agent Jim Futch.

On Feb. 29, 2012, investigators interviewed Sharon Lumpkin, another campaign worker, at her residence at the Liberty Square housing complex in Miami. Ms. Lumpkin stated she worked at the Liberty City office during two to three weeks leading up to the May 2011 Special Election. She said she was invited to work there by a woman named "Stephanie," with whom she had worked previously during the 2008 presidential campaign. She said she was then introduced to a woman named "Lacey," who oversaw the absentee ballot operations. She said that many voters were reluctant to surrender their absentee ballots, though on two occasions she picked up absentee ballots and gave them to Lacey. She said that she did not observe Lacey tamper with any of the voted absentee ballots, but said she was rarely in the office. She examined photo arrays prepared by FDLE and positively identified a number of the campaign workers – including Henrietta Lacey, Shaneka Jones and Mary Monroe. She was unable, however, to identify Stephanie Broomfield Warnell, among others who worked out of the office.

Additional information led investigators to believe that Ms. Lacey participated illegally in Miami-Dade County elections because she voted while living in Broward County and that Lacey, who was found to be a convicted felon, voted without her civil rights having been restored. This information will be detailed in Part III of this investigation, along with information raising questions about her involvement in possible voter fraud involving an Opa-locka resident.

**Conclusion:** While investigators found the accounts of alleged absentee ballot tampering provided by witnesses to be credible. Concerns were raised by the inability of key witnesses to successfully identify the suspects – Henrietta Lacey and Stephanie Broomfield Warnell – though it was possible through other witnesses to establish they managed the Liberty City office and oversaw all campaign related activities there, including absentee ballots. Campaign finance records submitted by the Julio Robaina for Miami-Dade County Mayor campaign also link Ms. Lacey and Ms. Broomfield Warnell to the campaign through reported expenditures.

Interviews with Miami-Dade County Elections supervisors further established that no charges could be filed against the Robaina campaign operatives for improperly stockpiling voted absentee ballots because, as interpreted at that time, state law did not prevent campaign workers from possessing multiple absentee ballots from non-family members so long as the ballots were obtained voluntarily. That law has since been amended to prohibit this practice but was not in effect at the time.

While it was hoped that charges could be filed against Ms. Lacey relating to her apparent unlawful voting practices, the matter was referred to prosecutors in Ft. Meyers because Miami-Dade State Attorney Kathy Fernandez Rundle disclosed a potential conflict since her re-election campaign had met with Broomfield Warnell and discussed hiring her as a campaign consultant, investigators were told.

In a letter dated May 4, 2012, Ms. Fernandez Rundle asked Gov. Rick Scott to have the case reassigned for the following reasons:

“We have recently discovered that Ms. Warnell also known as Ms. Bromfield [Broomfield] is working with a political consultant whom the State Attorney has retained to advise her in campaign related matters. To avoid the appearance of impropriety, we are requesting that an Executive Assignment be issued,” the letter stated.

The letter from Ms. Fernandez Rundle further stated: “As these matters are currently in the investigative stage, we recommend that this assignment be handled confidentially at this time. An arrest involving Ms. Lacey may occur within the next seven to ten days.”

Since that time, FDLE and COE have provided copies of investigative reports and sworn statements to the investigator assigned by the Ft. Myers state attorney’s office, but now – almost four months later – no follow-up action has been taken by said office to our knowledge. Accordingly, the case has been closed pending any further direction from state prosecutors.

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