

## Statement of Facts for Steven C. Bateman 2011 Mayoral Campaign

Your affiant, Robert Fielder, is an investigator with the Miami-Dade County State Attorney's Office (hereinafter "SAO"). Investigator Fielder is assigned to conduct public corruption investigations. Investigator Fielder has held this position since April 2003. Prior to that time, he was a police officer with the Miami Police Department for 29 years. From 1986 through 2003, Investigator Fielder was detached to Federal authorities, including the United States Attorney's Office and the Drug Enforcement Administration. Investigator Fielder was responsible for conducting complex criminal investigations involving police corruption, public corruption and narcotic trafficking.

This investigation was conducted jointly by SAO and the Miami-Dade County Commission on Ethics and Public Trust (hereinafter "COE").

The subject, Steven C. Bateman, was re-elected as Mayor of Homestead, Florida, on November 1, 2011, after raising and spending \$77,151 in connection with said political campaign. The subject used his home as a base of operations.

A review of campaign expenditures by former COE auditor Christina Seymour found that \$29,378 was spent after the November 1 election date. The review identified numerous expenditures made in apparent violation of Florida Statute 106.141 regarding disposition of surplus funds. These included purchases of about \$1,616 at Sailfish Landing, a Florida City liquor store, and purchases of about \$664 at BJ's Wholesale Club, located at 650 SE 8<sup>th</sup> Street in Homestead.

Florida Statute 106.011(10)(a) defines a campaign expenditure as "a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer ... made for the purpose of influencing the results of an election." Once a candidate is elected to office, Florida Statute 106.141 takes effect regarding disposition of surplus funds by candidates.

Florida Statute 106.11 (5) (a) states in pertinent part that a candidate who is elected may expend funds from the campaign to

- (a) Purchase "thank you" advertising for up to 75 days after he is elected,
- (b) Pay for items which were obligated before he was elected,
- (c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports,
- (d) Dispose of surplus funds as provided in 106.141.

Florida Statute 106.141 provides that a candidate, once elected, has 90 days to dispose of surplus funds in his or her campaign account as follows: 1.) return funds to contributors on a pro-rated basis, 2.) donate funds to a charity or tax-exempt organization, 3.) donate funds to an affiliated political party or committee, or 4.) donate funds to the general fund of a candidate's municipality or political subdivision. The prevailing candidate may dispose of surplus funds using one of the above means or a combination thereof and must submit a report detailing their disposition.

The subject filed a Statement of Candidate on May 12, 2011, in connection with his 2011 re-election campaign in which he affirmed he has read and understands the requirement of Chapter 106, Florida Statutes, regarding campaign finance.

Also on May 12, 2011, the subject filed a disclosure with the Homestead City Clerk's Office identifying Steven M. Ackerman as his campaign treasurer. The disclosure further identified BB&T bank of Homestead as the official campaign depository.

On August 29, 2011, the subject filed a disclosure with the Homestead City Clerk's Office advising he would be serving as deputy treasure for his re-election campaign, thereby authorizing the subject to expend funds from his official campaign account at BB&T, provided the expenditures were consistent with Chapter 106.

Unlawful expenditures drawn on the Steven C. Bateman Campaign Account after the November 1, 2011, Homestead municipal election included the following:

<b>Date</b>	<b>Amount</b>	<b>Payee</b>	<b>Type</b>
6-Nov-11	\$463.93	Sailfish Landing Fine Wine & Spirits	Liquor
6-Nov-11	\$134.81	Sailfish Landing Fine Wine & Spirits	Liquor
14-Nov-11	\$1,017.45	Sailfish Landing Fine Wine & Spirits	Liquor
22-Dec-11	\$401.68	BJ's Wholesale	Grocery
23-Dec-11	\$149.81	BJ's Wholesale Club	Grocery
23-Dec-11	\$85.17	BJ's Wholesale Club	Grocery
23-Dec-11	\$27.72	BJ's Wholesale Club	Grocery
Total =	\$2,280.57		

Copies of records for the Bateman campaign account, obtained from BB&T pursuant to a subpoena, indicate the subject used a debit card to effect the transactions at Sailfish Landing Fine Wine & Spirits LLC on November 6 and November 14. The business, which closed in late 2011, was located at 35202 S. Dixie Highway.

The subject did not provide investigators with copies of receipts for said transactions as required under Florida Statute 106.11(2)(a).

On April 30, 2013, the former owner of Sailfish Landing, Brian de Wolfe, provided a sworn statement at the office of the Miami-Dade County State Attorney. He advised that he owned the store at all times material to the investigation and that the subject was personally known to him as an occasional customer.

Mr. De Wolfe was asked to examine the BB&T bank records for the Steven C. Bateman Campaign Account and verified that the charges in question for \$463.93 and \$134.81 on or about November 6, 2011, and for \$1,017.45 on or about November 14, 2011, were transacted at his former business. He said that the sales would have been for alcoholic beverages and/or related accessories.

Mr. De Wolfe stated it was not his policy to extend credit to customers, and any sales reflected on the campaign's bank records would have been for the purchase of merchandise delivered at or about the time of the sales. He further stated that he did not rent his location to the Bateman campaign or any other political campaign.

Copies of the Campaign Treasurer's Report (hereinafter "CTR") for the Bateman mayoral campaign for the period in question identifies the expenditures at Sailfish Landing as being related to an alleged "campaign event." The subject signed the report to certify he had examined the report and found it "true, correct and complete."

The subject provided investigators with copies of receipts for three of the four above-listed expenditures at BJ's Wholesale Club, located at 650 SE 8<sup>th</sup> Street in Homestead. The receipts detail the purchase of party supplies and snacks, including wine and cheese, as well as the purchase of \$149 in hard liquor.

On each of the receipts, a handwritten notation identified the alleged purpose of the expenditures as "campaign appreciation party" or "appreciation campaign party." The CTR for the Bateman mayoral campaign listed the purpose of the December 2011 expenditures at BJ's as "campaign event." The subject signed the report to certify he had examined the report and found it "true, correct and complete."

On August 27, 2013, investigators took a sworn statement from Frank May at the office of the Miami-Dade County State Attorney. Mr. May described himself as the subject's "campaign manager" for the 2011 re-election campaign, but explained that he mainly focused on campaign strategy and media while the subject focused on "the

ground game” involving the mobilization of supporters and paid staff. He said the subject operated out of his home or held meetings at local restaurants.

Mr. May stated that, as the subject’s top campaign advisor, he was invited to an Election Night party held at a restaurant on the ground floor of the Keys Gate Golf & Country Club, located at 2300 Palm Drive in Homestead. He said approximately 100 to 150 people attended the event. He said he was not invited to or in any way aware of any other campaign events or parties relating to the Bateman campaign.

Mr. May stated that local political campaigns are typically shut down very quickly, usually within a week’s time. He said he was not aware of any transition meetings or other campaign-related events since the subject was the incumbent mayor.

As further evidence that the Bateman campaign was quickly dismantled, the City of Homestead issued a \$500 check to the campaign on November 10, 2011, refunding a bond posted by the campaign to ensure the removal of campaign signs.

On August 2, 2013, investigators took a sworn statement from Steven M. Ackerman, treasurer for the subject’s 2011 mayoral campaign. Mr. Ackerman advised that, acting in such capacity, he did review and certify CTRs submitted on behalf of the subject’s campaign. He stated he compared reported campaign expenditures to bank statements, but advised that all receipts were kept by the subject. He said he did not review any receipts relating to expenditures on the subject’s campaign.

Mr. Ackerman advised that he had previously served as treasurer on several other political campaigns for the subject prior to 2011, but stated the 2011 campaign was different in that it was the first time the subject was issued a debit card. He said previously all expenditures were made by checks drawn on the campaign account.

Mr. Ackerman further advised he had questioned the subject about the frequency and amount of expenditures on meals and entertainment in connection with the 2011 campaign, but stated the subject assured him the charges were related to legitimate campaign business, including meals for campaign workers. He said he did not review receipts or take any measures to independently verify these claims.

Mr. Ackerman stated he had no knowledge whether the expenditures made at the Sailfish Landing or BJ’s Wholesale Club related to the campaign or not.

Based on the foregoing, there is reason to believe probable cause exists that the subject violated Florida Statute 106.141, a first-degree misdemeanor, as it relates to the expenditures at Sailfish Landing and BJ's Wholesale Club. Funds contributed to political campaigns are entrusted to candidates for public office and must be spent in conformity with Chapter 106, Florida Statutes, regarding campaign finance.

Accordingly, your Affiant requests that an arrest warrant for Steven C. Bateman be issued for violating Florida Statute 106.141.