



**Miami-Dade Commission on Ethics & Public Trust**

**Investigative Report**

**Investigator:** Sylvia Batista

<b>Case No.:</b> K13-065	<b>Case Name:</b> Stanczyk website	<b>Date Open:</b>	<b>Date Closed:</b>
<b>Complainant(s):</b>  Dave Zisman	<b>Subject(s):</b>  Website anonymously created and funded by Palmetto Bay Mayor Shelley Stanczyk.	05/01/13	05/29/13

**Allegation(s):**

Dave Zisman (Zisman), a resident/activist from Palmetto Bay, contacted the COE and advised that he has proof that Mayor Shelley Stanczyk (Stanczyk) anonymously funded and supplied the written content of a website in which she endorsed candidates Tim Schaffer (Schaffer) and Brian Pariser (Pariser) and slandered their opponents during last year's election.

Zisman said that a week or so before election day, the Mayor sent out a massive e-mail blast in which she tells residents that she found a good website with candidate information and asks them to check it out. The link provided by Stanczyk goes to a website which disseminates negative information on three candidates John E. Dubois, Karyn Cunningham and Howard Tendrich, and supports candidates Pariser and Schaffer.

Zisman provided the COE with copies of the e-mail from Stanczyk dated October 27, 2012 and of the PayPal receipt revealing that Stanczyk paid for the website and charged the amount to her Visa credit card.



### **Relevant Law:**

Sec. 104.31, F. S. – Stanczyk paid for, created and controlled the content of the website and signed her name as *Mayor* to an endorsement of Schaffer and Pariser;  
Sec. 106.071(1), F.S. for making an unreported in-kind campaign contribution; and  
Sec. 106.071(2) and Sec. 106.071(4) for not including the required disclaimer, “Paid political advertisement paid for by Shelley Stanczyk independently of any candidate or committee.”

### **Investigation:**

#### ***Interviews***

##### **05/01/13 – Dave Zisman, Evening’s Delight -**

Zisman said that he lives in Palmetto Bay. Zisman explained that he found something disturbing regarding Stanczyk. Zisman said that he has proof that the Mayor funded a website that acts like a PAC. During last year’s election there was a website created that slandered several candidates and endorsed others. Specifically, the website promoted Pariser, who was an incumbent, and Schaffer, a newcomer. During the campaign, the Mayor sent out a massive e-mail blast in which she tells everyone that she found a good website with election information and asks recipients to check it out. In the website, the Mayor smears 3 candidates and promotes the two.

J. B. Harris, an attorney, subpoenaed *Go Daddy* in order to find out who paid for the website. Records provided revealed that the owner of the website is Stanczyk which means that she lied in her e-mail by stating that she had found a great website and recommending that recipients view it.

##### **05/29/13 – Tim Schaffer, Councilmember, Village of Palmetto Bay –**

Schaffer was elected to the council of the Village of Palmetto Bay in November of 2012. Schaffer was asked about the website allegedly created and paid for by Stanczyk for the purposes of circulating information about the candidates and Village Charter Amendments.

Schaffer said that he was not asked for his approval of the website. The Mayor created the website on her own. Schaffer explained that when he decided to run for office, he did not go to the Mayor or any of the councilmembers to ask for their endorsement. He did not want to give the impression of being aligned with anyone other than the voters.

Schaffer explained that he found out about the website when he was handed a complaint where he was named as a defendant. The complaint was filed by a campaign worker who claimed that he called him a “boletero” during early voting. Schaffer explained that the Mayor was also named in the complaint.

Schaffer explained that they took his deposition in the lawsuit on 04/18/13. Schaffer said that although the allegation against him was about his use of the term “boletero,” almost all of the



questions directed to him were about the website. Plaintiff's counsel showed him print-outs of postings from the website while trying to find the identity of the owner of the website, which he did not know at the time. Schaffer said that he was dropped from the lawsuit, with prejudice.

Schaffer said that he was not connected to the website in any way. He never went to look at the website, but saw and was displeased by some of the information posted about him and others by the Mayor. Schaffer said that he never would have approved it. Schaffer said that he does this as volunteer work—he is not a big politician.

Schaffer said that he had no involvement with Stanczyk before he decided to run for office. He believes that to some degree the reason the Mayor wanted him on the council involved his views against CRAs in Palmetto Bay. Schaffer explained that back in 2010, he got involved in the Mayoral race from the standpoint that one of the candidates wanted a CRA in the area and he opposed it. The incumbent mayor at the time supported CRAs, something which hurt his chances of being re-elected and helped his opponents. Stanczyk beat the incumbent and became Mayor.

Schaffer said that he is now hated by Stanczyk because he voted for something that she was against. This is why he did not want anyone to support him. Schaffer said that Stanczyk went and campaigned for him by putting information out without his approval. He would not have ever approved anything like that. He would not have approved the information. Schaffer said that some important information on him was inaccurate and could have gotten him into trouble. An example of that is the information stating that he is a Certified Financial Planner (CFP), something which he is not. He is a Financial Adviser. He cannot call himself a CFP and could be penalized for it. If you use the CFP title without paying dues and taking a test, they can come after you.

Schaffer said that he has not seen the e-mail that Stanczyk sent to him and others informing of the website. He did see a print-out of it at his deposition. Schaffer said that he was told that he was on the list of recipients, but he did not receive it. Schaffer said that he may have been on the list of recipients of the e-mail, but had changed his e-mail address in August of 2012. The Mayor still does not have his current e-mail address.

Schaffer explained that his deposition was mainly focused on finding out who owns the website. Schaffer said that he was dropped from the case after his deposition, something which has created bad blood with some of the other plaintiffs because they thought he made a deal.

Schaffer said that he has learned much since being in office. Stanczyk can easily now say that he knew about the website because she is mad at him, but he is willing to give a sworn statement that he had no knowledge of it.

**05/29/13 – Brian Pariser, former Vice Mayor, Village of Palmetto Bay –**

Pariser was defeated by DuBois during the November 2012 election for Vice Mayor of the Village of Palmetto Bay. Pariser was asked about the website allegedly created and paid for



by Stanczyk for the purposes of circulating information about the candidates and Village Charter Amendments.

Pariser said that he has no knowledge of the website, but has heard that the Mayor created and paid for it. Pariser said that he does not look at blogs, but he may have looked at it once. Pariser said that he knew that Stanczyk supported him and endorsed him in the campaign, but he knew that.

Pariser said that he may have looked at “something” once, but is not sure if it was the subject website because he looked at hundreds of e-mails. Pariser said that he had no knowledge that the website was coming out or who the author was. After hearing the news that the website was hers, he discussed it with her and asked, “it’s you?” She said that she did it.

Pariser said that he does not know anything about election law. There is lots of slanderous information aimed at himself and his family. Pariser said that he had no independent recollection of what was said in the website. The website was just one of hundreds of e-mails that he read.

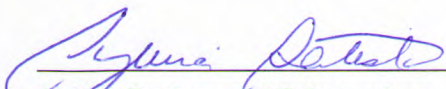
***Document/Audio/Video Review:***

Reviewed the following documents:

- Stanczyk’s e-mail dated 10/27/12 allegedly delivered to a large number of constituents in Palmetto Bay. The e-mail includes a link to the website which she claims was created by a resident and contains helpful information on the candidates.
- Website ([pbchecktherecord](#)) which, at the time, contained information supporting her slate of candidates and defaming others. The website does not contain the required disclaimer.
- PayPal account information for Stanczyk which lists the subject website as paid for by Stanczyk with her Visa credit card. The information also reveals that the website was created on 10/19/12.
- Court docket for law suit brought against Stanczyk, et al. by Louis Medina regarding Stanczyk’s deposition and answers to interrogatories.
- Stanczyk’s Answers and Objections to Plaintiff’s First Set of Interrogatories – Stanczyk states that it was her idea to establish the subject website, and that she was the writer and contributor to the website which began on or before June 2012, and some form of which is still accessible on-line.

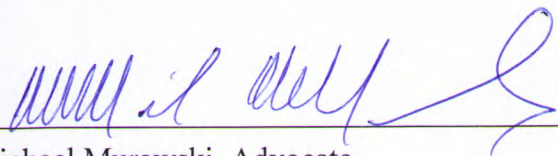
**Conclusion(s):**

The COE was informed that complaints regarding these issues have been filed against Stanczyk with the Florida Elections Commission and the Florida Ethics Commission. The information from this investigation will be forwarded to the investigators handling those matters. The COE will monitor those complaints until a decision is reached.

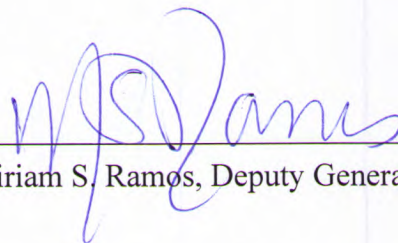


Sylvia Batista, COE Investigator

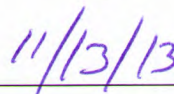
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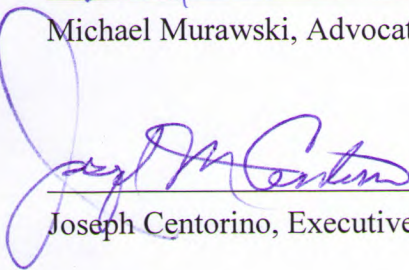
Michael Murawski, Advocate



Miriam S. Ramos, Deputy General Counsel



Date



Joseph Centorino, Executive Director