

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

Investigator: Nilda Olmo

<b>Case:</b> PI18-37	<b>Case Name:</b> Arrocha/Singer-PRR	<b>Date Opened:</b> 08/06/18	<b>CASE CLOSED</b>  Date: <u>10/27/18</u>
<b>Complainant(s):</b> Gary Pastorella	<b>Subject(s):</b> Missy Arrocha, City Clerk Village of Palmetto Bay David Singer, Councilman Village of Palmetto Bay		

**Allegation(s):**

Gary Pastorella (Pastorella), a Palmetto Bay resident, contacted the COE regarding a public records (PRR) complaint. He alleged that the Village of Palmetto Bay partially complied with his request but failed to provide Councilman David Singer's (Singer) e-mail list on which Singer sent a document entitled "David Singer Speaks."

**Relevant Law:**

Miami-Dade County Home Rule Charter, Citizens' Bill of Rights, Section (A)(3) *Public Records*. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, department and authorities shall be open for inspection at reasonable times and places convenient to the public.

## Investigation:

Missy Arrocha (Arrocha), Village Clerk, Village of Palmetto Bay  
9705 East Hibiscus Street  
Palmetto Bay, FL 33157

Arrocha was contacted regarding the above mentioned allegation. During the initial interview, Arrocha stated that the Village had provided partial records and was in the process of producing the remaining records. She indicated that on 08/17/18, the Village complied. When Pastorella responded to the Village to obtain the final additional documents on 08/21/18, he refused to accept the record as provided to him by Arrocha in the available format. He indicated the record, i.e. Singer's e-mail list, was unacceptable.<sup>1</sup>

## Gary Pastorella

During the initial interview, Pastorella stated he was in the process of obtaining PRR from Village Clerk Arrocha and had been in contact with her regarding his request and the Village's failure to comply. He mentioned that due to the lack of compliance, he decided to contact the COE.

On or about 08/23/18, this investigator received a call from Pastorella indicating that the final documents provided by the Clerk were not what he requested. The document appeared to be altered or redacted, was illegible and in the wrong format, "selectively edited."

Pastorella indicated that 3-4 years ago, he was sued by Singer and as part of the settlement agreement he provided Singer with a package including an e-mail list that appears to be the same list provided to him by the Village, due to the size, font and layout. The difference, Pastorella said, is that the document appears to have been overlaid by placing a grid over the list. He indicated he was in the process of contacting the attorney that handled the settlement agreement to obtain a copy of the original e-mail list provided to Singer.

Furthermore, he indicated the e-mail list was not accurate/complete, since several e-mails sent to the "entire Council", in which he was copied, did not appear to be included in the list provided. In addition, e-mail addresses to Council members acting in their official capacity and sent to their personal e-mail addresses weren't included in the list, noting that pursuant to Chapter 119, his request included any e-mail sent to Council members related to Village business, regardless of whether it was sent or received on government or personal e-mail.

Therefore, upon responding to the Clerk's office on 08/21/18, he did not accept the Village's response to his request and thus, he claims the Village has not complied.

## Document Review:

- Request For Public Records by Pastorella, 05/03/18.
- Invoice # 2018-131 (Cost Estimate), Village of Palmetto Bay, 05/15/18.
- E-mail correspondence between Pastorella and Arrocha regarding the PRR.
- E-mail from Arrocha to Olmo, 08/23/18, containing attachments.<sup>2</sup>

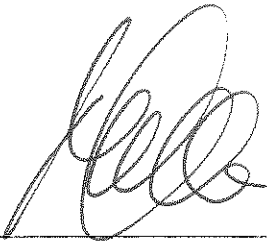
<sup>1</sup> Village of Palmetto Bay Final Invoice to Pastorella dated 08/17/18, noting 08/21/18-Requestor Pastorella did not accept the response to item No.1 (paper copies) in its current format. He quoted the format is unacceptable.

<sup>2</sup> Final Invoice dated 08/17/18, response to PRR (Singer's Email list).

- E-mail with attachment from Pastorella to Arrocha, Cc: Olmo, 08/24/18.<sup>3</sup>
- 2 flash drives provided by Pastorella.<sup>4</sup>
- E-mail from Shelley Stanczyk to Martha Perez, 09/25/18.

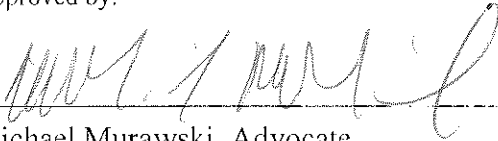
**Conclusion:**

The Village responded to Pastorella's public record request but Pastorella refuses to accept the response provided. Based on the available evidence, it appears that the Village responded to the public record request and accordingly this matter should be closed with no further action.

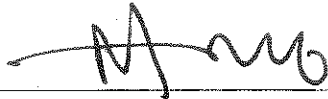


Nilda Olmo, COE Investigator

Approved by:



Michael Murawski, Advocate



José Arrojo, Executive Director

Date:

10/23/18

<sup>3</sup> Letter to Arrocha as follow up response to the PRR picked up on 08/21/18.

<sup>4</sup> Village's response to PRR.