

**STATEMENT OF FACTS IN SUPPORT OF ARREST WARRANT**

Your Affiant is Detective Luis Rodriguez of the Miami-Dade Police Department (MDPD). Your Affiant has been a member of MDPD for twenty-eight (28) years, and is currently assigned to the Public Corruption Investigations Bureau (PCIB). Your Affiant has been a member of PCIB for the preceding eight years, and has led or assisted in over 200 investigations involving public corruption during that time. This affidavit is based upon information known personally to your Affiant, Detective Luis Rodriguez., a sworn Deputy Sheriff of the Miami-Dade Police Department (MDPD), and information obtained from others who have investigated this matter and/or have personal knowledge of the facts herein. Your Affiant has participated in this investigation, spoken with other law enforcement agents and investigators from Miami-Dade Commission on Ethics, and has reviewed documents and transcripts related to this investigation.

On Tuesday, May 25, 2011, your Affiant was assigned the investigation under Miami-Dade Police Department Case Number PD 110705269962 and Public Corruption Investigations Bureau (PCIB) Case Number PCIB 11-039, into the Unlawful compensation or reward for official behavior matter and violation of election laws within the jurisdiction of Miami-Dade County and the State of Florida.

On Tuesday, May 25, 2011, your Affiant was summoned to a meeting at the State Attorney's Office by Miami-Dade Commission on Ethics Investigators Kennedy Rosario and Breno Penichet for the purpose of discussing an ongoing Miami-Dade Commission on Ethics investigation.

Investigator Rosario revealed that on April 11, 2011, his office received a complaint from the State Attorney's Office regarding numerous violations alleged to have been committed by former North Miami Beach Mayor Myron Joel Rosner. Based

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Judge [Signature]



on the information provided by Investigator Rosario, the Public Corruption Investigations Bureau of the Miami-Dade Police Department initiated the following investigation:

Myron Joel Rosner (Caucasian/male, DOB 04-20-60), is a resident and owner of a residential property, located at 1121 N.E. 178 Terrace, North Miami Beach, Florida 33162. Myron Joel Rosner is a general contractor and officer of SIZ Construction, Development, & Project Management Corporation. SIZ Construction, Development & Project Management Corporation is operated from an office that is located on the west side of Myron Joel Rosner's residence at 1121 N.E. 178 Terrace, North Miami Beach, Florida 33162.

Myron Joel Rosner became mayor of North Miami Beach in 2009. He ran for reelection on May 3, 2011, and was defeated in a run-off election on May 17, 2011. Your Affiant has learned through sworn statements provided during the investigation, and through the campaign finance reports filed by Myron Joel Rosner, that the Myron Rosner 2011 Mayoral Campaign was operated from the office space occupied by SIZ Construction, Development, & Project Management Corporation, located on the west side of Myron Joel Rosner's residence at 1121 N.E. 178 Terrace, North Miami Beach, Florida 33162.

Based on this investigation, your Affiant has learned that on October 27, 2010, Myron Joel Rosner opened Bank of America Bank Account number 063000047898037415126 under the name Myron Rosner Campaign Account, and the address related to the account is 1121 N.E. 178<sup>th</sup> Terrace, North Miami Beach, Florida 33162.

Furthermore, your Affiant has learned that Martin Outdoor Media, Incorporated, (MOM) is registered in Florida as a for-profit corporation. MOM was formerly owned through the partnership of David Aelion, Thomas Comeau, and Scott Martin. Scott Martin is listed as corporate "officer/director." The company was formerly located at 151



N.E. 166 Street, Miami, Florida 33162. According to corporate advertising, MOM, has been in existence in South Florida for over 10 years. The company specializes in management of transit passenger convenience services. The company operates in numerous Miami-Dade and Broward County municipalities. MOM constructs and operates bus benches and bus shelters for display in various municipalities, including North Miami Beach. Besides constructing the bus benches and bus shelters, MOM sells advertisement on the bus benches and bus shelters. As part of its contract with North Miami Beach, MOM pays the city for the exclusive use of the land to construct the bus benches and shelters and in essence generates revenue for the City of North Miami Beach. All maintenance of the bus benches and bus shelters, including trash on the ground and graffiti on the benches, is conducted by MOM maintenance crews. The award of the public bus bench contract is determined by a vote by the mayor and council of North Miami Beach.

In 2000, the owners of MOM bought out a company known as New Age Media and acquired a pre-existing media contract for public bus benches with the City of North Miami Beach. In 2003, MOM submitted a request for proposal (RFP#2003-25) to the City of North Miami Beach and was awarded the public bus bench contract on August 18, 2004. On June 29, 2009, the existing contract (RFP# 2003-25) was extended until 2014 by the City of North Miami Beach. According to corporate advertising, MOM operates a total of 132 public bus benches in the City of North Miami Beach.

Your Affiant has learned that MOM has a business relationship with R&D Printing & Design, LLC, (R&D), and utilizes said company for production of the graphics and art work for advertisement that is placed on the bus benches that are owned by MOM. R&D is registered in Florida as a for-profit corporation. The principal address for R&D is 5751 Isle Circle, Tamarac, Florida 33321. The company specializes in graphics and printing. Roxana E. Ponce is listed in corporate records as "registered agent." David A. Davila is recognized as a company manager. David A. Davila is



simultaneously employed as a salesman by MOM. His immediate supervisor at MOM is Thomas Comeau.

On May 24, 2011, your Affiant, Investigators Kennedy Rosario, Breno Penichet and Assistant State Attorney Breezye Telfair, met with Scott Martin at the Miami-Dade State Attorney's Office. Scott Martin was accompanied by his attorneys, David Rothman and Michael McCrossen. Scott Martin provided a sworn statement concerning the business transactions between MOM, R&D Printing, and Myron Joel Rosner. During the sworn statement, your Affiant learned that on November 18, 2010, Myron Joel Rosner negotiated a contract with MOM and R&D, for an advertisement campaign that became known as "Happy Holidays." The length of the MOM contract extended from December 15, 2010 through January 15, 2011. According to the contracted terms, MOM agreed to install Myron Joel Rosner's non-political advertisement on a total of 20 MOM-owned bus benches, located in North Miami Beach. The advertisement read "Happy Holidays from Mayor Myron Rosner."

On June 2, 2011, your Affiant, Investigators Kennedy Rosario, Breno Penichet, and Assistant State Attorney Breezye Telfair spoke with David Davila at the Miami-Dade State Attorney's Office. Mr. Davila was accompanied by his attorney, William Aaron. Through the sworn statement of Mr. Davila, your Affiant learned that on November 18, 2010, Myron Joel Rosner paid \$1,000 via Union Planters check # 7786 (Bank account # 0670084140824004116) to MOM for the privilege of displaying the "Happy Holidays" ad campaign on bus benches that are owned by MOM. In addition, on November 18, 2010, Bank of America check # 1001 (Account # 063000047898037415126) for the amount of \$450.00 was issued by Myron Rosner to R&D Design, LLC, for the artwork and graphics for the "Happy Holidays" ad campaign. The aforementioned Bank of America check is printed as "Myron Rosner Campaign Account" and lists 1121 NE 178 Terrace, North Miami Beach 33162 as the account mailing address. Mr. Davila provided invoices which show his company charged Myron Joel Rosner for the printing cost of seventeen (17) bench advertisements which included the statement "Mayor Myron

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Judge [Signature]



Rosner Wishes you Happy Holidays,” and on the bottom of the advertisement were the words, “Independent Expenditures not paid with City Funds.”

Based on the analysis of MOM’s bank records with Sabadell Bank, and Myron Rosner Campaign Account bank records with Bank of America, your Affiant has learned that Myron Joel Rosner paid MOM with a check from a personal account; however, he paid R&D for the “Happy Holidays” artwork and graphics via a \$450 check drawn from Bank of America’s Myron Rosner Campaign Account (Check #1001). Myron Joel Rosner, as campaign treasurer to the Myron Rosner Campaign Account, certified in public records on November 18, 2010, he expended \$450 to R&D for campaign advertisements. The utilization of campaign funds by Myron Joel Rosner, to pay for personal advertisement, constitutes Grand Theft from the Myron Rosner Campaign Account in violation of Florida State Statute 812.014 (2)(c), a third degree Felony; and Illegal Expenditures/Campaign in violation of Florida State Statute 106.19 (1)(d), a first degree misdemeanor.

On January 25, 2011, Myron Joel Rosner once again contracted with MOM and R&D for the purpose of displaying his 2011 reelection campaign advertisement on MOM-owned benches. According to the terms of the contract that has been reviewed by your Affiant, the reelection campaign advertisement was to be displayed on a total of 30 MOM-owned benches that are located throughout North Miami Beach; including high traffic areas. MOM agreed to display “Re Elect Mayor Myron Rosner” campaign advertisement on its bus benches from February 15, 2011, through March 15, 2011. MOM charged Myron Joel Rosner a standard political rate that totaled \$4,500 for the privilege to advertise for the span of one month on its bus benches. At the time of the signing of the contract, Myron Joel Rosner presented David A. Davila with temporary Bank of America Check, check # 0991, drawn from account # 063000047898037415126, as payment for the privilege to advertise on 30 MOM-owned bus benches. The Myron Rosner Campaign Account number with Bank of America is # 063000047898037415126.



Based on sworn statements provided by Scott Martin and David A. Davila, your Affiant has learned that on January 25, 2011, Myron Joel Rosner instructed MOM Salesman David A. Davila to inform Scott Martin to contact him via telephone line prior to depositing the aforementioned \$4,500 temporary check. During his May 24, 2011, sworn statement, Scott Martin stated he contacted Myron Joel Rosner on his cellular telephone prior to depositing the check and Myron Joel Rosner explained a desire to "swap checks." Scott Martin further revealed that Myron Joel Rosner, requested him to issue a \$4,500 dollar check from MOM made payable to a Political Action Committee (PAC) named "Citizen's United."

In addition, Scott Martin explained that during the same phone call, Myron Joel Rosner made it clear he wanted the "Happy Holidays" advertisement signs to be displayed until the "Re-Elect Mayor Myron Rosner" signs came in from the printer. Furthermore, Myron Joel Rosner advised Scott Martin to ensure that the "Re-Elect Mayor Myron Rosner" advertisement signs were displayed on bus benches on the first day they were permitted and to remain in place until the May Election Day. Scott Martin further explained that Mayor Myron Rosner did not want the "new" agreement in writing.

According to Scott Martin, the new agreement demanded by Myron Joel Rosner forced MOM to display the "Happy Holidays" advertisement on MOM-owned benches from November 24, 2011, until February 1, 2011. An analysis of the number of benches and the cost-per-day for the period of time the "Happy Holidays" advertisement was exhibited revealed that Myron Joel Rosner accepted a benefit not authorized by law in the amount of \$1,398.39 from MOM. By receiving a benefit not authorized by law valued at \$1,398.39 from MOM based on his official position, Myron Joel Rosner violation constitutes an Unlawful Compensation or Reward for Official Behavior in violation of Florida State Statute 838.016(2), a second degree felony.

According to a sworn statement provided by Scott Martin on May 24, 2011, he agreed to Myron Joel Rosner's contract terms based on the fact he was "scared of losing"

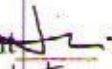



MOM's city-owned bus contract. Scott Martin further stated he has never been "shaken down like this" and he feared Myron Joel Rosner's Mayoral position and the fact that Myron Joel Rosner is married to a judge<sup>1</sup>. Scott Martin further stated that Myron Joel Rosner never intended to pay for the \$4,500 expense and that he repeatedly insisted on "swapping checks." Scott Martin explained that Myron Joel Rosner wanted him to deposit the \$4,500 check and to write a MOM check for \$4,500 to the Citizens United PAC. According to Scott Martin, Myron Joel Rosner's request was a clear suggestion to defraud MOM. Scott Martin explained that during the course of one of his telephone conversations with Myron Joel Rosner, he was told by Myron Joel Rosner "he was running for higher office." Scott Martin stated he understood the statement as a threat to submit to Myron Joel Rosner's demands or suffer future business financial losses.

According to Scott Martin, based on Rosner's demand, the "Re-Elect Mayor Myron Rosner," advertisement was displayed on MOM-owned bus benches from February 1, 2011, until May 5, 2011. An analysis of the number of benches and the cost-per-day for the period of time the "Re-Elect Mayor Myron Rosner" advertisement was exhibited revealed that the Myron Rosner Campaign accepted a \$11,352.48 in-kind campaign contribution in services from MOM. The campaign finance reports filed by Myron Joel Rosner as the campaign treasurer to Mayor Myron Rosner reported a \$500 in-kind contribution from MOM. In an abundance of caution, Your Affiant has subtracted the \$500 in-kind contribution from the total \$11,352.48 amount which was illegally contributed, and Your Affiant has discovered Myron Joel Rosner still benefited from \$10,832.48 in illegal contributions. As such, Myron Joel Rosner actions constitute an Unlawful Compensation or Reward for Official Behavior in violation of Florida State Statute 838.016 (2), a second degree felony; Accepting Excess Contributions in violation of Florida State Statute 106.19 (1) (a) and Failure to Report Contribution in violation of Florida State Statute 106.19(1)(b).

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<sup>1</sup> It should be noted that this investigation has not focused on the acts of any former or current sitting Judge and there is absolutely no allegation that any former or current sitting Judge committed any wrongdoing whatsoever as it relates to this investigation.

Affiant   
ASA 

Judge 



As a result of this investigation, your Affiant has learned that as of April 12, 2011, MOM had not deposited the \$4,500 dollar check from Myron Joel Rosner. On April 12, 2011, Investigator Kennedy Rosario served MOM with a subpoena to take the sworn testimony of Scott Martin. On April 13, 2011, MOM deposited the \$4,500 check, and on April 15, 2011, Myron Joel Rosner filed an addendum with the City of North Miami Beach clerk, amending his campaign finances to include the \$4,500 check written on January 25, 2011, as well as a loan of the same amount from his personal account to cover the \$4,500 check. According to Scott Martin, the aforementioned check was deposited in a hurried attempt to conceal various campaign violations that were committed by Myron Joel Rosner. Scott Martin further admitted that Myron Joel Rosner amended his campaign finances once he was informed of the ongoing investigation by the Miami-Dade Commission on Ethics office.

Based on a review of the Myron Rosner Bank of America Campaign Account records, your Affiant has learned that on January 25, 2011, at the time of the signing of the contract and issuing a check for the "Re-Elect Mayor Myron Rosner" advertisement, the Myron Rosner Campaign bank account lacked the sufficient funds to cover the \$4,500 campaign check. As such, Myron Joel Rosner extended a worthless check and he violated the standards established under F.S.S 832.05 (4), a third degree felony. In addition, he extended a campaign check with Insufficient Funds in violation of Florida State Statute 106.11(4), a first degree misdemeanor.

On Wednesday, January 25, 2012 Julissa Ketty Atencia-Baldeon provided a sworn statement at the State Attorney's Office. Ms. Atencia-Baldeon and her husband Julio Francisco Muguira worked as campaign volunteers for the Myron Rosner reelection campaign. According to Ms. Atencia-Baldeon, on February 22, 2011, she was paid a sum of \$ 756.00 via Myron Rosner Campaign check # 1060 by the Myron Rosner Campaign Account for manual work performed during the course of the campaign by both Ms. Atencia-Baldeon and her husband, Julio Francisco Muguira. According to the statement provided by Ms. Atencia-Baldeon, Myron Joel Rosner issued one campaign check as



payment for both campaign employees. A review of Myron Joel Rosner's campaign Treasurer's report corroborated Ms. Atencia-Baldeon's sworn statement. As such, by comingling payments for campaign employees, Myron Joel Rosner Knowingly Falsified a Campaign Expenditure in violation of Florida State Statute 106.19(1)(c)

As a result of this investigation, it has been determined by your Affiant that Myron Joel Rosner has violated numerous Florida State Statutes. Your Affiant opines that there is probable cause to believe that Myron Joel Rosner exploited his position as mayor of North Miami Beach in order to commit Unlawful Compensation or Reward for Official Behavior (2 counts) in violation of Florida State Statute § 838.016 (2); Furthermore, Myron Joel Rosner also violated Grand theft in violation of Florida State Statute § 812.014(2)(C) (1 count); Illegal Expenditures/Campaign in violation of Florida State Statute § 106.19 (1)(d), (1 count); False Report of Expenditure in violation of Florida State Statute § 106.19 (1)(c) (1 count); Accepting Illegal Contributions § 106.19(1)(a) (1 count); Failure to Report Contribution in violation of Florida State Statute § 106.19(1)(b), (1 count); Worthless Check in violation of Florida State Statute § 832.05 (4); and Insufficient Funds/Campaign Expense in violation of Florida State Statute § 106.11 (4).

#### OATH

I SWEAR, under penalty of perjury, that the above information is true and correct.



Affiant


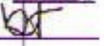
STATE OF FLORIDA, COUNTY OF MIAMI-DADE:

Sworn to and subscribed before me this 19th day of SEPT., 2012.



CIRCUIT COURT JUDGE 11<sup>TH</sup> JUDICIAL CIRCUIT

per order of the SUPREME COURT.

Affiant   
ASA 

Judge 



WARRANT TYPE: ARREST WARRANT  
AWPS#: 12000697  
COURT CASE NUMBER:

CASE TYPE: FELONY  
REFILE INDICATOR:  
DIVISION:

TO ALL AND SINGULAR SHERIFFS OF THE STATE OF FLORIDA, GREETINGS:  
YOU ARE HEREBY COMMANDED TO IMMEDIATELY ARREST THE DEFENDANT AND BRING HIM OR  
HER BEFORE ME, A JUDGE IN THE 11TH JUDICIAL CIRCUIT OF FLORIDA, TO BE DEALT  
WITH ACCORDING TO LAW:

DEFENDANT'S NAME: ROSNER  
LAST

MYRON  
FIRST

JOEL  
MIDDLE

TTL

AKA(S):

STR/APT/CITY/ST/ZIP: 1121 NE 178 TERRACE / / N MIAMI BEACH / FL/ 33162  
DOB: 04/20/1960 RACE: W SEX: M HEIGHT: WEIGHT: HAIR: EYES:  
SOC SEC #: 593-23-1918 CIN #: SID #: FBI #: IDS #: 2715684  
SCARS, MARKS, TATTOOS:  
DRIVERS LICENSE #: R256-550-60-140-0 STATE: FL  
VEH TAG #: STATE: MAKE: MODEL: YEAR: COLOR:  
COMMENTS: DEFENDANT IS WHEELCHAIR DEPENDENT

PROBATION:

\*\*\*\*\*

BEFORE ME PERSONALLY CAME RODRIGUEZ, LUIS O (AFFIANT) WHO, BEING DULY  
SWORN, STATES THAT THE DEFENDANT \*\* ROSNER, MYRON JOEL \*\*, DID COMMIT THE  
ACTS STATED IN THE ATTACHED STATEMENT OF FACTS. BASED UPON THIS SWORN STATEMENT  
OF FACTS, I FIND PROBABLE CAUSE THAT \*\* ROSNER, MYRON JOEL \*\* DID COMMIT  
THE CRIME(S) OF:

F 2	838.016(2)	COMPENSATION/REWARD FOR OFFICIAL BEHAV/INFLUENCE	2500
F 3	832.05(4)	WORTHLESS CHECK/OBTAIN PROPERTY/\$150 OR MORE	500
M 1	106.19(1)(A)	CAMPAIGN/ACCEPTANCE OF ILLEGAL CONTRIBUTIONS	500
M 1	106.19(1)(B)	CAMPAIGN/FAILURE TO REPORT CONTRIBUTION	500

SEE NEXT PAGE FOR ADDITIONAL CHARGES

IN DADE COUNTY, FLORIDA, CONTRARY TO FLORIDA STATUTES AND AGAINST THE PEACE AND  
DIGNITY OF THE STATE OF FLORIDA.

POLICE CASE #: PD110705269962 AGENCY: MIAMI DADE POLICE

ASSISTANT STATE ATTORNEY: TELFAIR, BREEZY

UNIT: 064

EXTRADITE INFORMATION

EXTRADITION CODE: 1 - FELONY - FULL EXTRADITION UNLESS OTHERWISE NOTED IN MIS FIEL  
EXTRADITION MAY BE CONFIRMED WITH THE METRO-DADE POLICE DEPARTMENT, DADE COUNTY  
\*\* IN ANY EVENT, DEFENDANT WILL BE ARRESTED IF FOUND IN THE STATE OF FLORIDA \*\*

SWORN TO BY AFFIANT RODRIGUEZ, LUIS O COURT ID 030-019 4080

SO ORDERED THIS DAY OF SEP, 2012

Peter M. Wember

\$9500

JUDGE IN THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY FLA PER SUPREME COURT ORDER.

( ) FIRST APPEARANCE JUDGE MAY NOT MODIFY CONDITION OF RELEASE

(RULE 3.131(D)(1)(D))

\*\*\*\*\*

( ) TO ANSWER UNTO THE STATE OF FLORIDA ON AN INFORMATION OR INDICTMENT  
FILED AGAINST HIM OR HER BY THE STATE ATTORNEY FOR THE CHARGE(S) OF:  
( ) UPON ORDER OF A JUDGE IN THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR  
FAILURE TO APPEAR IN COURT TO ANSWER THE PENDING CHARGE(S) FOR THE  
CHARGE(S) OF:

HARVEY RUVIN, CLERK OF THE COURT

BY

DEPUTY CLERK

DATE



AWPS#: 12000697  
COURT CASE NUMBER:  
DEFENDANT'S NAME: ROSNER

PAGE: 2  
REFILE INDICATOR:  
DIVISION:  
MYRON JOEL

M	1	106.11(4)	CAMPAIGN ACCOUNT/INSUFFICIENT FUNDS	500
F	2	838.016(2)	COMPENSATION/REWARD FOR OFFICIAL BEHAV/INFLUENCE	2500
M	1	106.19(1)(D)	CAMPAIGN/ILLEGAL EXPENDITURES	500
M	1	106.19(1)(C)	CAMPAIGN/FAIL TO REPORT EXPENDITURES/FALSE REPORTS	500
F	3	812.014(2)(C)	GRAND THEFT 3RD DEGREE	500