

IN THE CIRCUIT COURT OF ELEVENTH
JUDICIAL CIRCUIT OF FLORIDA IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

JORGE GONZALEZ, Individually

Plaintiff,

GENERAL JURISDICTION DIVISION

vs.

CASE NO:

MARIO GARCIA, *Individually*;

MARIO GARCIA, *Candidate for North
Bay Village Commissioner at Large; and*

MARIO GARCIA CAMPAIGN FOR NORTH BAY
VILLAGE COMMISSIONER AT LARGE

Defendant(s).

COMPLAINT FOR DEFAMATION

COMES NOW, PLAINTIFF JORGE GONZALEZ, (hereinafter, "GONZALEZ") by and through undersigned counsel hereby sues DEFENDANTS, MARIO GARCIA (hereinafter, "GARCIA"); MARIO GARCIA, CANDIDATE FOR NORTH BAY VILLAGE COMMISSIONER AT LARGE; and the MARIO GARCIA CAMPAIGN FOR NORTH BAY VILLAGE COMMISSIONER AT LARGE (collectively referred to herein as, "GARCIA DEFENDANTS" or "GARCIA") for Defamation for making false damaging statements and alleges as follows:

A. PARTIES, JURISDICTION & VENUE

1. This is an Action for Defamation (Libel Per Se) and damages in excess of \$15,000.00, exclusive of interest, costs and attorneys fees.

2. PLAINTIFF JORGE GONZALEZ is an individual over the age of 18 who is sui juris and resides in Miami-Dade County.

3. DEFENDANT MARIO GARCIA is an individual over the age of 18 who is sui juris and resides in Miami-Dade County.

4. MARIO GARCIA, *Candidate for North Bay Village Commissioner at Large* is an individual over the age of 18 who is sui juris and resides in Miami-Dade County.

5. MARIO GARCIA CAMPAIGN FOR NORTH BAY VILLAGE COMMISSIONER AT LARGE is the organization which manages GARCIA's campaign for the North Bay Village Commission at Large Seat.

6. The events which gave rise to this Complaint have occurred in Miami-Dade County and as such Miami Dade County is the proper Venue for this Action.

B. GENERAL ALLEGATIONS COMMON TO ALL COUNTS

7. GONZALEZ is a resident of North Bay Village, Florida.

8. GONZALEZ is presently the Commissioner At Large for the City of North Bay Village.

9. GONZALEZ's position as a Commissioner of North Bay Village is a part-time position.

10. GONZALEZ is also in the business of Real Estate.

11. On Tuesday, November 4, 2014, GONZALEZ's Commission Seat is up for Election.

12. GONZALEZ is running for re-election.

13. GARCIA DEFENDANTS are running against GONZALEZ for the Commission Seat currently held by GONZALEZ.

Garcia Defendant's Published Flyers Which Contained Untrue Damaging Allegations of Gonzalez and Mailed Them to North Bay Village Voters.

14. On October 28, 2014, GONZALEZ learned that the GARCIA DEFENDANTS caused to be published a flyer which was mailed to the voters of North Bay Village. A copy of the Flyer is attached and marked as **EXHIBIT A.**

15. The Flyer mailed out by GARCIA DEFENDANTS contained a series of untrue Statements and misrepresentations.

16. The Untrue statements made by GARCIA DEFENDANTS through his flyers include but are not limited to:

- a) Gonzalez has a history of bankruptcy and Judgments of nearly \$ 1 million of unpaid debt.***
- b) Gonzalez dissolved the Business Board.***
- c) Gonzalez has raised your taxes by 35% but failed to pay his own taxes.***
- d) Gonzalez commented at a Budget Meeting, "If people don't like paying taxes in North Bay Village they can move."***
- e) Gonzalez went on an all-expense paid trip to Turkey...after being rebuked by the Commission on Ethics.***
- f) Gonzalez voted to hide gifts he accepts from people seeking to do business with the Village.***
- g) Gonzalez voted to cut youth services including the Police Athletic League.***

17. The Flyer is further inflammatory and defamatory as it refers to GONZALEZ as

" Another Sketchy North Bay Village Politician"

18. At the time GARCIA published these statements, GARCIA knew that these statements were not true.

19. GARCIA made these statements with reckless disregard and Malice.

20. GARCIA is obligated by the Fair Campaign Practices Ordinance of Miami-Dade County to run a clean campaign and not publish untrue statements.

21. On July 29, 2014, GARCIA signed an Ethics Declaration and filed it in the County, wherein GARCIA agreed to run a clean campaign and he specifically agreed to:

“ [I shall not] with actual malice publish or cause to be published, by writing, printing, picture, effigy, sign, or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff that exposes the person to hatred, contempt, or ridicule or causes the person to be shunned or avoided in his business or his occupation.

22. A Copy of GARCIA's Declaration is attached as **EXHIBIT B.**

23. On October 29, 2014, GONZALEZ sent a Cease and Desist letter to GARCIA. A copy of the letter is attached and marked as **EXHIBIT C.**

The Truth Behind Garcia's False Statements And Misrepresentations

A. Untruth # 1 -History of Bankruptcy/ \$ 1,000,000.00- Un-Paid Debt

24. GONZALEZ was a partner in a company/ business venture known as 1119 NW, LLC (The PARTHERNSHIP).

25. The PARTNERSHIP had other partners in addition to GONZALEZ.

26. The PARTNERSHIP owned a 12 unit building located at 1119 NW 6th Street, Miami, Florida 33136.

27. The PARTNERSHIP entered into a loan with Washington Mutual Bank which was secured by a first mortgage on the Building

28. Two of the partners, GONZALEZ and Joaquin Alvarez signed as personal Guarantors for the loan.

29. Beginning in 2008, the PARTNERSHIP went through tough times like most

Businesses involved in Real Estate and ultimately the loan went into default.

30. On May 5, 2010, the Lender filed a foreclosure Action against the PARTNERSHIP and named GONZALEZ because he was a guarantor to the loan.

31. On December, 2010, 1119 NW, LLC, (the PARTNERSHIP) filed Bankruptcy so that it could have the opportunity to resolve the business dispute.

32. On August 28, 2014, the PARTNERSHIP and the Bank entered into a settlement Agreement whereby the Bank received payment of the debt from the partnership and released any liability of the GUARANTORS including GONZALEZ.

33. During the pendency of the Bankruptcy (December, 2010 through August 28, 2014), the PARTNERSHIP made payments to the Lender.

**Garcia Intentionally Misquoted The Miami Herald Which Reported That
The Judgment Was Satisfied**

34. GARCIA cites the Miami Herald as a source for the information that GONZALEZ has “\$ 1,000,000.00 in un-paid debt and a history of bankruptcy”

35. On October 13, 2014, the Miami Herald published an Article on the North Bay Village Elections and contained information about some of the candidates including, GONZALEZ and GARCIA. A copy of the article is attached as **EXHIBIT D**.

36. Also note the link for the Miami Herald Article:

<http://www.miamiherald.com/news/local/community/miami-dade/miami-beach/article2705249.html#tabs-9046e320-tabPane-1>

37. The article specifically states:

Public records show Gonzalez has embarked on many other business ventures. One business he co-owned, 1119 LLC, filed for bankruptcy in 2010. Gonzalez, the company and others also were sued in connection with a loan, and a judge ordered them to pay close to \$1 million. The lender later stated in court papers that the judgment was satisfied, in part by selling the collateral property.

38. The Article clearly states that:

- a. A business co-owned by Gonzalez filed bankruptcy in 2010; and
- b. The lender later stated in court papers that the Judgment was satisfied.

39. Despite the clear language of the article, GARCIA intentionally and with malice published a flyer which provided entirely different information and cited the Miami Herald as a source.

40. The record is clear that GONZALEZ has never filed bankruptcy and the loan for which he was responsible was satisfied.

B. Untruth # 2- Misrepresenting Gonzalez Voting Record And Actions As Commissioner

41. The Flyer makes various references to GONZALEZ's voting records and Actions as Commissioner.

42. **GARCIA MISREPRESENTATION-**

GARCIA alleges that Gonzalez dissolved the Business Board.

FACT-

GONZALEZ cannot dissolve the Business Board, that action has to be voted on by the full commission. The vote to dissolve the Business Board was done at a public meeting which was noticed and had to be approved by a majority of the Commission. The Business Board was dissolved because there was a lack of participation of the Business Board members and many times the meetings of the Board did not have a quorum. A single Commissioner cannot dissolve the Business Board.

As such, GARCIA's allegation that GONZALEZ single handedly dissolved the Business Board is untrue.

43. **GARCIA MISREPRESENTATION-**

GARCIA alleges that GONZALEZ raised taxes by 35 %.

FACT-

GARCIA does not provide any support for this statement. A component of the calculation of property taxes is the millage rate. The effective millage rate consists of the ad valorem combined with debt servicing. In Tax year 2013-2014 the millage rate was 6.5145 in 2014-2015 the rate is 6.3313. *As such, Garcia's allegation that GONZALEZ raised taxes by 35% is untrue.*

Attached is a graph published in the North Bay Village Budget for 2015 which shows that Taxes actually went down. The graph is marked as **EXHIBIT E.**

44. **GARCIA FALSE STATEMENT-**

GARCIA alleges that Gonzalez commented at a Budget Meeting, "If people don't like paying taxes in North Bay Village they can move.

FACT-

The Record of the Budget Meeting is Public Record. GONZALEZ never made that comment. Attached is a copy of the Minutes of the Budget Hearing Marked as **EXHIBIT F.** The record is clear that GONZALEZ never made such a statement. *As such GARCIA's allegation that GONZALEZ said "If people don't like paying taxes in North Bay Village they can move" is untrue.*

45. **GARCIA FALSE STATEMENT-**

GARCIA alleges that Gonzalez voted to cut youth services including the Police Athletic League.

FACT-

The voting record of GONZALEZ is public record and GONZALEZ in fact voted to support youth services and the Police Athletic League. The record of the Budget meeting of September 30, 2014 actually shows the contrary. It shows that Commissioner GONZALEZ made a motion to amend the budget to re-appropriate \$ 20,000.00 which were designated for fireworks to the PAAL (Police Athletic League). *As such, GARCIA's allegation that that Gonzalez voted to cut youth services including the Police Athletic League is untrue.*

C. Untruth # 3-Gonzalez went on an all-expense paid trip to Turkey from Lobbyists...after being rebuked by the Commission on Ethics.

46. On or about May, 2014, GONZALEZ was part of a Florida Delegation which went to Turkey to participate in a cultural and educational program.

47. The Trip was sponsored by The Turkish American Federation of Southeast (TAFS).

48. TAFS paid a portion of GONZALEZ's travel expenses.

49. TAFS is an organization dedicated to education and cultural exchange.

50. The TAFS mission statement which is posted on its website states:

TAFS's Mission is promoting the cultural, educational, academic, business, social and arts relations and to organize events and activities to bring together the American and Turkish, Turkic and Eurasian communities within the US. Turkic American Federation of Southeast, TAFS was established in 2011 as an umbrella organization that brings Turkic associations in the Southeast of the United States. As an umbrella organization, TAFS represents 9 member organizations in 5 states: Georgia, Florida, Tennessee, South Carolina and Alabama.

Turkic American Federation of Southeast, TAFS, brings people together by hosting public programs and private events featuring leaders and experts with diverse views on a wide range of global and regional topics through task forces, executive forums, luncheons, conferences, studies, and leadership dialogue.

See: <http://turkicfederation.com/about-tafs.html>

51. GONZALEZ was invited as a result of his strong commitment to Education and promotion of Cultural exchange.

52. GONZALEZ was invited to the Turkey Trip as part of a delegation which included other elected officials, Educators, Judges and Attorneys.

53. All other members of the delegation also had a portion of their expenses paid.

54. The list of members who attended the Trip to Turkey include:

- a. Rene Garcia, State Senator Dist 38*
- b. Bettina Rodriguez-Aguilera, Councilwoman of Doral, FL*
- c. Thomas Masters, Mayor of Riviera Beach, FL*
- d. Dennis Gallon, President of West Palm Beach College*
- e. Jorge Willems, Professor of Marine Physics at University of Miami*

- f. Carlos Martinez, Miami-Dade County Public Defender*
- g. Ivonne Cuesta, Florida 11th Judicial Circuit County Judge*
- h. Victor Romano, Porfessor of Sociology, Barry University*
- i. Jose Regalado, Journalist & Exec Director of Airport Photography*

55. Prior to accepting the invitation to be a part of the Delegation, GONZALEZ consulted with the City Attorney, Mr. Christian Garcia (City Attorney) to inquire if there was any conflict of interest for GONZALEZ to accept this invitation and the expense subsidy by TAFS.

56. The CITY ATTORNEY contacted the State of Florida Commission on Ethics and requested an opinion as to whether GONZALEZ could accept the benefits offered by the TAFS.

57. On May 12, 2014, the Commission on Ethics responded to the CITY ATTORNEY in a letter which stated that GONZALEZ could accept the gift from TAFS so long as GONZALEZ submitted a Quarterly Gift Disclosure Form 9. *Attached is a copy of the letter from the Commission on Ethics marked as EXHIBIT G.*

58. On July 1, 2014, GONZALEZ filed the required disclosure form 9. *Attached is a copy of the form 9 filed by Gonzalez marked as EXHIBIT H.*

Garcia's False Statement On Trip To Turkey

59. GARCIA FALSE STATEMENT-

GARCIA alleges that “ Gonzalez was rebuked by the Commission on Ethics” because he accepted an all expense paid trip to Turkey by lobbyists.

FACT

Prior to accepting the invitation to go to the Cultural and Educational event in Turkey, GONZALEZ cleared the trip with the City Attorney and The State of Florida Ethics Commission. Upon GONZALEZ's return from Turkey he timely submitted the proper disclosure statement.

GARCIA's allegation that GONZALEZ was rebuked by the ethics committee for his trip to Turkey is a complete falsehood.

60. At the time GARCIA made this untrue statement, he knew the statement was false or

should have known it was false at the time he made the statement.

COUNT I

LIBEL PER SE AGAINST GARCIA AND THE GARCIA DEFENDANTS

61. Plaintiffs incorporate paragraphs 1 through 60 as if fully set forth herein.

62. On or about October 28, 2014 GARCIA and the GARCIA DEFENDANTS published the following false statement about GONZALEZ:

- a) Gonzalez has a history of bankruptcy and Judgments of nearly \$ 1 million of unpaid debt.*
- b) Gonzalez dissolved the Business Board.*
- c) Gonzalez has raised your taxes by 35% but failed to pay his own taxes.*
- d) Gonzalez commented at a Budget Meeting, "If people don't like paying taxes in North Bay Village they can move."*
- e) Gonzalez went on an all-expense paid trip to Turkey...after being rebuked by the Commission on Ethics.*
- f) Gonzalez voted to hide gifts he accepts from people seeking to do business with the Village.*
- g) Gonzalez voted to cut youth services including the Police Athletic League.*

63. These false statements were published on a flyer which was mailed out to voters in North Bay Village. The Flyer is attached to this Complaint and marked as Exhibit A.

64. These false statements were published with malice.

65. GARCIA and the GARCIA DEFENDANTS acted with malice because they are seeking to win an election for GONZALEZ's Commission seat.

66. GARCIA and the GARCIA DEFENDANTS sought to gain an unfair advantage in the campaign by publishing untrue statements about GONZALEZ.

67. GONZALEZ has been damaged by these false statements because the statements subject GONZALEZ to hatred, distrust, ridicule, contempt, and disgrace.

68. GONZALEZ has been damaged by these false statements because the statements injured GONZALEZ in his profession and business.

69. GONZALEZ has been damaged by these false statements because the statements attribute conduct, characteristics, and conditions incompatible with the proper exercise of GONZALES's lawful business and duties as an elected official.

Prayer For Relief

WHEREFORE, GONZALEZ prays for a judgment against GARCIA and the GARCIA DEFENDANTS as follows:

- i. Awarding GONZALEZ all compensatory damages including consequential and incidental damages as a result of GARCIA and the GARCIA DEFENDANTS wrongdoing in an amount to be determined at Trial.
- ii. Awarding GONZALEZ attorney's fees and costs
- iii. Requiring GARCIA and the GARCIA DEFENDANTS to make a public retraction of the false statements.
- iv. Granting preliminary and permanent injunctive relief to prevent GARCIA and the GARCIA DEFENDANTS from making further defamatory remarks.
- v. Such further relief this court deems just and proper.

PRAYER FOR JURY TRIAL

GONZALEZ prays for a Jury Trial on all issues so triable.

DATE: October 31, 2014

Respectfully Submitted:

JOHN PAUL ARCIA, P.A.

Attorney For Jorge Gonzalez

8700 West Flagler Street, Suite 355

Miami, Florida 33174

786-429-0410/786-429-0411 (fax)

service@arcialaw.com

By: 

John Paul Arcia, Esq. / FL-Bar #73723

EXHIBIT A

JORGE GONZALEZ

ANOTHER SKETCHY NORTH BAY VILLAGE POLITICIAN



BANKRUPTCY & BAD BUSINESS

Gonzalez has a history of bankruptcy and judgments of nearly \$1 Million of unpaid debt. While North Bay Village businesses continue to shut their doors, Gonzalez dissolved the Business Board and never reinstated it. Now he wants 4 more years to manage your money.



RAISED YOUR TAXES BY 35%

Gonzalez has raised your taxes by 35% but failed to pay his own. At the budget meeting Gonzalez commented, "If people don't like paying taxes in North Bay Village they can move!" Businesses are doing just that while Gonzalez has left residents to shoulder the costs.



QUESTIONABLE ETHICS

Gonzalez went on an all-expense paid trip to Turkey from lobbyists this May, after being rebuked by the Commission on Ethics. Meanwhile he voted to hide gifts he accepts from people seeking to do business with the Village.



FAILING OUR SCHOOL & YOUTH

Stood against performance measures at TIES as the school fell from an "A" to a "D" for fear grading the bureaucrats would be "an insult" but never worried about failing parents and children. Gonzalez voted to cut youth services including our Police Athletic League.



SOURCES

(Miami Herald, 10/13/14), (Florida Department of Revenue),
(Form 9 Quarterly Gift Disclosure, Jorge Gonzalez, June 2014),
(North Bay Village Final Budget Hearing Sept 24, 2013)

7540 Cutlass Ave
North Bay Village, FL

EXHIBIT B

DECLARATION FOR CANDIDATES NOT AUTOMATICALLY COVERED

by the Mandatory Provisions of the
Miami-Dade Ethical Campaign Practices Ordinance
Miami-Dade County Code at 2-11.1.1(C) (1)

The Mandatory Fair Campaign Practices Ordinance at Sec. 2-11.1.1(C) of the Miami-Dade County Code extends to—

- Candidates, and their respective campaign staffs, for Miami-Dade Co. Commissioners or Mayor;
- Candidates, and their respective campaign staffs, for Miami-Dade Co. Community Councils;
- Candidates, and their respective campaign staffs, for any municipal elective office within Miami-Dade County;
- Candidates, and their respective campaign staffs, for the Co. Property Appraiser.

Other candidates for elective office with a constituency in whole or in part in Miami-Dade Co. who are *not* required to comply with the Mandatory Fair Campaign Practices Ordinance *may* at any time declare that they agree to abide by the Mandatory Fair Campaign Practices Ordinance.

JUL 29 '14 2:07PM

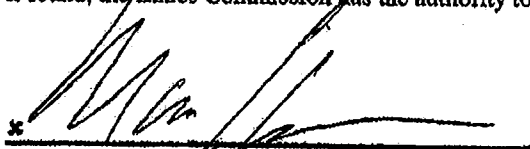
The Mandatory Fair Campaign Practices Ordinance states that a candidate shall not—

- (a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his or her family or staff that exposes the person to hatred, contempt, or ridicule or causes the person to be shunned or avoided or injured in his or her business or occupation;
- (b) With actual malice publish, or cause to be published, by writing, printing, picture, effigy, sign, or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff that exposes the person to hatred, contempt, or ridicule or causes the person to be shunned or avoided or injured in his or her business or occupation;
- (c) Willfully injure, deface, or damage or cause to be injured, defaced, or damaged, by any means, any campaign poster, sign, leaflet, handbill, literature, or other campaign material of another candidate;
- (d) Knowingly obtain, or cause to be obtained, the campaign property of another candidate with the intent to temporarily or permanently deprive the candidate of a right to the property or its benefit; or
- (e) Knowingly file with the Ethics Commission a groundless or frivolous complaint against another candidate.

If you are not automatically covered by the Mandatory Fair Campaign Practices Ordinance, but you have a constituency in whole or in part in Miami-Dade County and you would like to abide by the Mandatory Fair Campaign Practices Ordinance, please sign and date below. Once signed, the Declaration is deemed irrevocable for the duration of the campaign.

I, MARIO GARCIA, a candidate for the office of
please print your name
Commissioner At Large in North Bay Village
elective office sought county, municipality, or other jurisdiction

understand that I am not automatically bound by the Mandatory Fair Campaign Practices Ordinance of Miami-Dade Co. Nevertheless, I choose to abide by the Mandatory Fair Campaign Practices Ordinance and recognize the compulsory jurisdiction of the Ethics Commission and its authority to decide whether I have violated the ordinance at Sec. 2-11.1.1(C) of the County Code. I further understand that if a violation is found, the Ethics Commission has the authority to impose the appropriate penalty, if any.

* 
Signature

7/29/14
Date

EXHIBIT 9

JOHN PAUL ARCIA, PA.

8700 West Flagler Street, Suite 355 | Miami, Florida 33174 | T 786.429.0410 | F 786.429.0411

parcia@arcialaw.com

CEASE AND DESIST

October 29, 2014

Mario Garcia, Individually and
Mario Garcia, Candidate for North Bay Village
Commissioner at Large
Mario Garcia Campaign for North Bay Village
Commissioner at Large
7540 Cutlass Ave
North Bay Village, Florida 33142

Hand Delivered By
Process Server

REFERENCE: Notice To Cease And Desist All False And Defamatory
Statements Made By The Mario Garcia Campaign Regarding
Commissioner Jorge Gonzalez

Dear Mr. Garcia,

This law firm represents Commissioner Jorge Gonzalez in the above referenced matter. If you are represented by legal counsel, please direct this letter to your attorney immediately and have your attorney notify us of such representation. You are hereby directed to:

CEASE AND DESIST ALL DEFAMATION OF JORGE GONZALEZ'S CHARACTER AND REPUTATION.

Mr. Gonzalez is an educated, respected professional in the community. He has spent years serving the community in his profession and building a positive reputation. Jorge Gonzalez has learned that you and/or your campaign staff have engaged in spreading false, destructive, and defamatory statements about him.

Mr. Gonzalez has learned that your defamatory acts include but are not limited to passing out the attached flyer which contains Mr. Gonzalez's picture. (*A copy of the Flyer is attached as Exhibit A*). The untrue statements on your flyer include but are not limited to:

1. *Gonzalez has a history of bankruptcy and Judgments of nearly \$ 1 million of unpaid debt.*
2. *Gonzalez dissolved the Business Board.*
3. *Gonzalez has raised your taxes by 35% but failed to pay his own taxes.*

4. *Gonzalez commented at a Budget Meeting, "If people don't like paying taxes in North Bay Village they can move.*
5. *Gonzalez went on an all-expense paid trip to Turkey...after being rebuked by the Commission on Ethics.*
6. *Gonzalez voted to hide gifts.*
7. *Gonzalez voted to cut youth services including the Police Athletic League.*

The statements on the attached flyer are false and defamatory, and as such, are actionable under Florida law. These false statements are made by you with "actual malice" in that you have knowledge that these statements are false or you are acting with reckless disregard as to whether these statements are true or not.

Also note, these false statements are a violation of the Fair Campaign Practices Ordinance of Miami-Dade County. A Copy your Ethics Declaration as required by the Ordinance signed by you on July 29, 2014 *is attached to this letter and marked as Exhibit B*. In the Declaration, you swore the following:

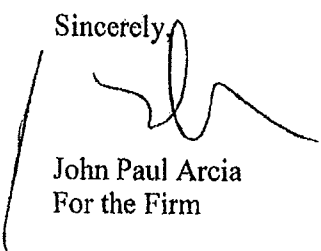
" [I shall not] with actual malice publish or cause to be published, by writing, printing, picture, effigy, sign, or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff that exposes the person to hatred, contempt, or ridicule or causes the person to be shunned or avoided in his business or his occupation.

Accordingly, we demand that you (A) immediately cease and desist your unlawful defamation of Jorge Gonzalez and (B) cause to be printed a retraction of your false statements within two (2) days and (c) provide us with prompt written assurance within two (2) days that you will cease and desist from further defamation of Jorge Gonzalez's character and reputation.

If our client is forced to commence a lawsuit against you in order to stop continued false and defamatory statements, be advised that we will seek recovery of all attorneys' fees and costs incurred herein as a result. While we certainly hope this is not necessary, we are prepared to pursue whatever avenues are necessary on behalf of our client to stop the continued false and defamatory statements made against Jorge Gonzalez by you and your campaign.

GOVERN YOURSELF ACCORDINGLY

Sincerely,



John Paul Arcia
For the Firm

JORGE GONZALEZ

ANOTHER SKETCHY NORTH BAY VILLAGE POLITICIAN

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- Candidates, and their respective campaign staffs, for the Co. Property Appraiser.

Other candidates for elective office with a constituency in whole or in part in Miami-Dade Co. who are not required to comply with the Mandatory Fair Campaign Practices Ordinance may at any time declare that they agree to abide by the Mandatory Fair Campaign Practices Ordinance.

JUL 29 '14 2:07 PM

The Mandatory Fair Campaign Practices Ordinance states that a candidate shall not—

- (a) With actual malice make or cause to be made any untrue oral statement about another candidate or a member of his or her family or staff that exposes the person to hatred, contempt, or ridicule or causes the person to be shunned or avoided or injured in his or her business or occupation;
- (b) With actual malice publish, or cause to be published, by writing, printing, picture, effigy, sign, or otherwise than by mere speech any untrue statement about another candidate or a member of his or her family or staff that exposes the person to hatred, contempt, or ridicule or causes the person to be shunned or avoided or injured in his or her business or occupation;
- (c) Willfully injure, deface, or damage or cause to be injured, defaced, or damaged, by any means, any campaign poster, sign, leaflet, handbill, literature, or other campaign material of another candidate;
- (d) Knowingly obtain, or cause to be obtained, the campaign property of another candidate with the intent to temporarily or permanently deprive the candidate of a right to the property or its benefit; or
- (e) Knowingly file with the Ethics Commission a groundless or frivolous complaint against another candidate.

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understand that I am not automatically bound by the Mandatory Fair Campaign Practices Ordinance of Miami-Dade Co. Nevertheless, I choose to abide by the Mandatory Fair Campaign Practices Ordinance and recognize the compulsory jurisdiction of the Ethics Commission and its authority to decide whether I have violated the ordinance at Sec. 2-11.1.1(C) of the County Code. I further understand that if a violation is found, the Ethics Commission has the authority to impose the appropriate penalty, if any.

* [Signature]
Signature

7/29/14
Date

EXHIBIT D

NEWS (H...://WWW.MIAMIHERALD.COM/NEWS/)

> SOUTH FLORIDA (H...://WWW.MIAMIHERALD.COM/NEWS/LOCAL/)

> COMMUNITY (H...://WWW.MIAMIHERALD.COM/NEWS/LOCAL/COMMUNITY/)

> MIAMI-DADE COUNTY

(H...://WWW.MIAMIHERALD.COM/NEWS/LOCAL/COMMUNITY/MIAMI-DADE/)

> MIAMI BEACH (H...://WWW.MIAMIHERALD.COM/NEWS/LOCAL/COMMUNITY/MIAMI-DADE/MIAMI-BEACH/)

North Bay Village residents to choose mayor, one council member

BY MELHOR MARIE LEONOR - MLEONOR@MIAMIHERALD.COM

10/13/2014 4:54 PM | Updated: 10/13/2014 6:16 PM

North Bay Village voters will fill two of the five seats on the Village Commission this fall.

Two years ago the commission races were uncontested, but this time the mayor and commissioner-at-large are busy touting their accomplishments because both face challengers highly critical of the state of the village's affairs. On the radar: the city's crumbling water infrastructure, residents' access to Biscayne Bay and the Intracoastal Waterway, street cleanliness, the state of the village's parks and the need to attract new businesses.

In North Bay Village, the mayor and commissioner-at-large serve two-year terms. Harbor Island Commissioner Eddie Lim, who served a four-year term and was up for reelection, failed to draw challengers and was automatically reelected.

North Bay Village is a three-island cluster on the Kennedy Causeway with roughly 7,000 residents and a \$6 million budget.

Early voting starts Monday, and Election Day is Nov. 4.

MAYOR

Connie Leon-Kreps stepped into the role of mayor in 2011 after former mayor Corina Esquijarosa resigned. For the first time since she was elected to the Village Commission in 2010, Leon-Kreps is being challenged for her seat.

The mayor is a registered nurse and has lived in the village since 1997. She owns a business called Medical Insights Inc. that coordinates medical services.

EXHIBIT P

She said in an interview that she is most proud of helping save the village's firetruck, which the county threatened to remove last year, and of lobbying the state for a \$600,000 grant for the city's sewer and drinking-water infrastructure. She said she is also proud of getting village residents limited access to the Normandy Isle swimming pool, which is otherwise open only to Miami Beach residents.

If she were reelected, Leon-Kreps said, she would focus on increasing funding for security in the village's parks, pushing for speedy updates to the water infrastructure and revising the village code to promote "green" development.

One of the issues facing the village is the lack of public access to Biscayne Bay and the Intracoastal — an interesting issue to have in a village surrounded by water.

Leon-Kreps has supported the construction of a boardwalk on the village's east end — a bridge that would take pedestrians under the Kennedy Causeway and connect the north and south sides of Treasure Island. She said this is the most feasible way to provide residents public access to the water, but that it could take time.

"To think that you can have water access without the boardwalk is unrealistic," Leon-Kreps said of the project, which is still in the design phase. "We're talking about years from now. Sometimes a project takes 20, 30 years."

Her opponent is Jorge Brito, a retired Miami-Dade County police detective and former sergeant-at-arms for the county. Brito's duties included investigating complaints of public corruption — among them, the Hialeah ballot fraud case of 2004.

"I was exposed to bad government," he said, and promised he would work to bring more transparency to the village. "At the same time, I was exposed to local politics and how government is run. I learned how to navigate the holes of politics."

Brito, a constant presence at Village Commission meetings, has lived in the village since 2004 and said he decided to run because "I want people to know they have other options."

His focus, he said, would be on the village's water and electrical infrastructure, as well as promoting foot traffic in the village by making sure the street-cleaning contracts are enforced and that the public has access to the water.

On the boardwalk project, he said, "it will never take place."

"You can't have a boardwalk that goes in the Intracoastal under the bridge," Brito said.

He serves on the board of the Kennedy House Condominium Association, whose property manager, Rachel Badilla, was arrested in August on grand theft and forgery charges.

Other members of the board told the condo's lawyer to send Brito a letter asking him to stop investigating into the association. Brito says his queries contributed to Badilla's arrest.

Both Brito and Leon-Kreps have vowed to stay away from negative campaigning, but have enlisted campaign managers with experience in negative races.

Leon-Kreps' campaign is being run by Randy Hilliard, who has been called "The Prince of Darkness" for his work in Miami-Dade politics running negative, but often successful, campaigns for local politicians. In 2010, the village hired Hilliard for a six-month stint as a public-relations consultant.

Jeremy Kozyak is Brito's campaign manager, and his most recent work includes Joe Geller's bid for a seat in the Florida House. Geller is a former mayor of North Bay Village. Both Hilliard and Kozyak also worked on campaigns for Miami Beach City Commission races last year.

In the first and so far only negative mailer of the race — paid for by "Floridians for a Strong Future" — Brito is accused of threatening and intimidating the Kennedy House Condo Association.

"If he does unlawful investigations in his condo, will he also investigate residents or intimidate residents who do not agree with him?" the mailer asks.

Floridians for a Strong Future is an electioneering communications organization being funded mostly by contributions from real estate firms, including some with projects underway in the village.

COMMISSIONER-AT-LARGE

Jorge Gonzalez became commissioner-at-large in 2012, when his only opponent dropped out of the race four weeks before ballots were cast.

Now, that same opponent — Mario Garcia — is back and running for Gonzalez's seat.

Gonzalez has lived in the village since 2007 and is the president of the 360 Condominium Association, where he lives. Before he was elected to the commission, Gonzalez served on the Planning and Zoning and Charter Review boards.

So far, Gonzalez has received the endorsement of the North Bay Village Fraternal Order of Police.

He says his focus will be on getting the city low-interest loans and grants to fix its water infrastructure and, like Leon-Kreps, he lobbied state legislators for the \$600,000 grant the city obtained for the project.

"We'll borrow money the cheapest way we can find," Gonzalez said.

He also hopes to establish a community board to serve residents with special needs, such as the elderly and the disabled.

Gonzalez's building faces the water, but in violation of the village code it does not provide public access to the water. He says that although it was in the original plan, right now there are security concerns.

"The practicality of opening up a secure area is an issue," Gonzalez said. "What impact would that have to the security of the property needs to be assessed. At this point, I don't really have solutions."

He added that the new waterfront developments have been designed to provide public access.

"We need to make sure that we monitor that so that we don't have the same situation that we are seeing now," Gonzalez said.

The commissioner owns and manages Solex International, a Doral business that exports electronics such as iPads, iPhones and computers to Latin America.

Public records show Gonzalez has embarked on many other business ventures. One business he co-owned, 1119 LLC, filed for bankruptcy in 2010. Gonzalez, the company and others also were sued in connection with a loan, and a judge ordered them to pay close to \$1 million. The lender later stated in court papers that the judgment was satisfied, in part by selling the collateral property.

In an email, Gonzalez told the Miami Herald: "It has nothing to do with North Bay Village or my service as commissioner of North Bay Village."

Gonzalez and his Blue Stone Holdings Corp. also owe the county roughly \$1,300 in unpaid business taxes — an accumulation of bills from 2012 to the present.

Garcia, Gonzalez's opponent, is a newcomer to local politics.

A family nurse-practitioner at the Community Health Delivery System at the University of Miami, Garcia has lived in the village since he moved from New York City in 2011. He is a constant presence at Village Commission meetings, and served on the village's Business Development board before it was disbanded.

Garcia said that if he is elected, he will focus on improving the look of the village's streets, fixing the village's parks and creating a plan that focuses on recreational uses for the village's few green spaces.

"Taxes have gone up in the last two years, our streets are dirty and the causeway looks awful," Garcia said.

The candidate also wants to increase the police presence on the streets, and to expand the village's business base by meeting with local business owners.

In 2012, Garcia received 52 percent of the vote to Gonzalez's 48 percent, but that was after Garcia had dropped out of the race. By the time Garcia had withdrawn, ballots already had been printed.

Gonzalez said that was because voters are more likely to vote for the candidate that appears first on the list and, by alphabetical order, Garcia's name lands on top of Gonzalez's.

"I can tell you that in November it will be a completely different story," Gonzalez said. "People know who I am now. This will be the real campaign."

NORTH BAY VILLAGE COMMISSION CANDIDATES

Mayor

Connie Leon-Kreps

Age: 60

Occupation: Registered nurse; owner of Medical Insights Inc.

Education: Associate's degree from Miami Dade College; bachelor's degree in nursing from the University of Miami.

Years lived in North Bay Village: 18

Public service: North Bay Village mayor; former commissioner and member of the Planning and Zoning and Community Enhancement advisory boards. Volunteer for the Red Cross and Guardian Ad Litem.

Jorge Brito

Age: 57

Occupation: Retired Miami-Dade Police Department officer.

Education: Associate's degree, Miami Dade College.

Years lived in North Bay Village: 10

Public service: Secretary of the Kiwanis Club of Little Havana; volunteer for the Children and Youth Foundation at Jackson Memorial Hospital.

Commissioner-at-Large

Jorge Gonzalez

Age: 52

Occupation: Business owner.

Education: Bachelor's degree in electrical engineering from the University of Florida, master's in business administration and management from Nova Southeastern University.

Years lived in North Bay Village: 7

Public service: North Bay Village commissioner; volunteer for the Big Brothers Big Sisters Program; member of the Optimist Club of North Bay Village; former member for the Planning and Zoning and Charter Review advisory boards.

Marlo Garcia

Age: 63

Occupation: Family nurse-practitioner for the Community Health Delivery System at the University of Miami.

Education: Associate's degree, Kingsborough Community College in New York City; bachelor's and master's degrees in nursing from the State University of New York.

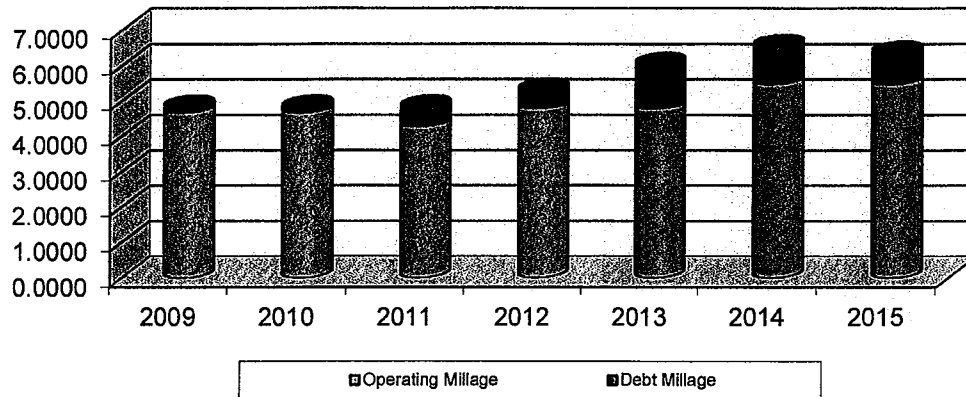
Years lived in North Bay Village: 3

Public service: Former vice chair of the North Bay Village Business Development Board and treasurer of the Fifth Avenue Merchants Association in New York City.

EXHIBIT F

AD VALOREM TAX GRAPHS

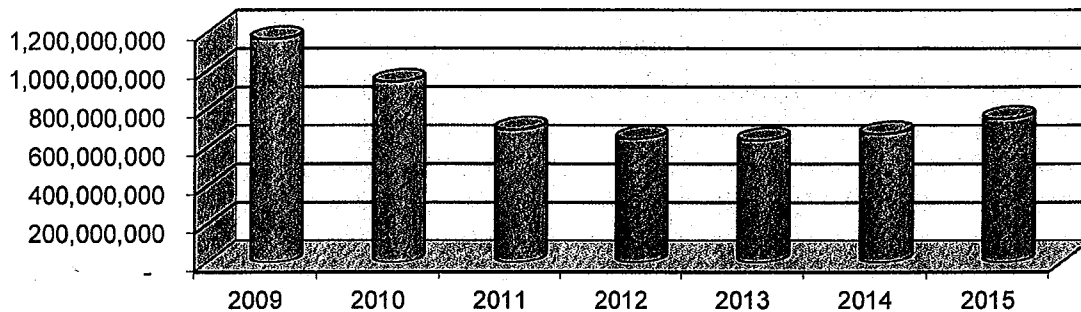
7 Year Tax Rates



	2009	2010	2011	2012	2013	2014	2015
Operating Millage	4.6697	4.2772	4.7772	4.7772	4.7772	5.4740	5.4740
Debt Millage	0.1290	0.5215	0.5008	1.2355	1.2355	1.0405	0.8573
Total Millage	4.7987	4.7987	5.2780	6.0127	6.0127	6.5145	6.3313

7 Year Property Assessments

Assessment



Tax Year	2009	2010	2011	2012	2013	2014	2015
Assessment	1,162,487,427	939,526,353	691,801,219	644,791,383	636,142,982	669,073,746	747,944,185

EXHIBIT F

EXHIBIT F



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

OFFICIAL MINUTES

TENTATIVE BUDGET PUBLIC HEARING

TUESDAY, SEPTEMBER 11, 2014

**VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141**

7:00 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The Mayor called the Budget Hearing to order at 7:08 p.m., and she read the rules of conduct into the record. The Pledge of Allegiance was recited. Present were the following:

Commissioner Richard Chervony
Vice Mayor Eddie Lim
Mayor Connie Leon-Kreps
Commissioner Wendy Duvall

Commissioner Jorge Gonzalez arrived at the meeting at 7:14 p.m.

Also Present:

Village Manager Frank K. Rollason
Deputy Village Manager/HR Director Jenice Rosado
Finance Director Bert Wrains
Police Chief Robert Daniels
Director of Public Works Rodney Santana-Carrero
Deputy Village Clerk Jenorgen Guillen
Village Clerk Yvonne P. Hamilton

EXHIBIT F

2. PUBLIC HEARING ON THE TENTATIVE MILLAGE AND TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR 2014-2015.

The Village Commission held the tentative budget hearing pursuant to State law.

Village Attorney Robert L. Switkes explained the process for the Budget Hearing pursuant to State law.

Village Clerk Yvonne P. Hamilton read the Resolutions into the record.

Mayor Connie Leon-Kreps opened the public hearing.

The Village Manager read the instructions for adopting the Resolutions pursuant to the TRIM guidelines. He announced the 5.4740 millage rate, which is more than the rolled back rate of 4.8204 mills by .6536 or 13.56%.

The Finance Director made a presentation regarding the proposed budget for Fiscal Year 2014-2015 and discussed the following general subjects:

- History and ranking of millage rate
- Ad Valorem Calculation
- Fund Balances
- Millage Rate Formula
- General Fund Detail of Increase
- General Fund Detail of Decrease
- Special Revenue Fund Detail of Increase
- Utility Fund Detail of Increase
- Utility Fund Detail of Decrease
- Parks Improvement Trust Fund
- Police Improvement Trust Fund
- Revenues and Expenses
- PAAL Program Expenses
- Forfeiture Fund Detail of Increases
- Forfeiture Fund Detail of Decreases

For the record, Commissioner Richard Chervony requested that the utilities be included as part of the budget during the next presentation at the Final Budget Hearing.

The Mayor received comments from the public.

Kevin Vericker, of 7520 Hispanola Avenue, Ana Watson, of 7945 East Drive, and Doris Acosta, of 1880 S. Treasure Drive, on behalf of the Optimist Club, addressed the Commission.

The Mayor closed the Public Hearing.

3. RESOLUTIONS

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE LEVYING OF AD VALOREM TAXES FOR NORTH BAY VILLAGE FOR FISCAL YEAR 2014-2015; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

Commissioner Jorge Gonzalez made a motion to approve the proposed Millage Rate of 5.4740 mills. Commissioner Wendy Duvall seconded the motion, which was adopted by a 4-1 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes. Commissioner Richard Chervony voted No.

Vice Mayor Eddie Lim made a motion to approve the Voted Debt Service Millage of 0.8573. Commissioner Richard Chervony seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Richard Chervony, Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes.

B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE TENTATIVE ANNUAL BUDGET FOR FISCAL YEAR COMMENCING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

Commissioner Wendy Duvall made a motion to approve the Tentative Annual Budget for Fiscal Year October 1, 2014 and ending September 30, 2014. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 4-1 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Wendy Duvall, and Vice Mayor Eddie Lim all voted Yes. Commissioner Richard Chervony voted No.

4. ADJOURNMENT

The meeting adjourned at 9:33 p.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

this 14th day of October 2014.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)



North Bay Village

Administrative Offices

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O F F I C I A L M I N U T E S

FINAL BUDGET PUBLIC HEARING

TUESDAY, SEPTEMBER 30, 2014

**VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141**

7:30 P.M.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL

The Mayor called the Budget Hearing to order at 7:34 p.m., and she read the rules of conduct into the record. The Pledge of Allegiance was recited. Present were the following:

Commissioner Richard Chervony
Vice Mayor Eddie Lim
Mayor Connie Leon-Kreps
Commissioner Jorge Gonzalez

Commissioner Wendy Duvall was absent.

Also Present:

Village Manager Frank K. Rollason
Deputy Village Manager/HR Director Jenice Rosado
Village Attorney Robert L. Switkes
Finance Director Bert Wrains
Police Chief Robert Daniels
Director of Public Works Rodney Santana-Carrero
Deputy Village Clerk Jenorgen Guillen
Village Clerk Yvonne P. Hamilton

2. PUBLIC HEARING ON THE FINAL MILLAGE AND FINAL ANNUAL BUDGET FOR FISCAL YEAR 2014-2015.

The Village Commission held the final budget hearing pursuant to State law.

Village Attorney Robert L. Switkes explained the process for the Budget Hearing pursuant to State law.

Village Clerk Yvonne P. Hamilton read the Resolutions into the record.

Mayor Connie Leon-Kreps opened the public hearing.

Finance Director Bert Wrains read the instructions for adopting the Resolutions pursuant to the TRIM guidelines. He announced the 5.4740 millage rate, which is more than the rolled back rate of 4.8204 mills by .6536 or 13.56%.

The Finance Director made a presentation regarding the proposed budget for Fiscal Year 2014-2015.

Village Manager Frank K. Rollason discussed the utilities emergency procurement.

The Mayor received comments from the public.

Alvin Blake, of 7631 Coquina Drive, Reinaldo Trujillo, of 7601 E. Treasure Drive, and Kevin Vericker, of 7520 Hispanola Avenue, Stuart Blumberg, of 7532 Cutlass Avenue, Gudrin Volker, of 7517 Cutlass Avenue, and Ann Bakst, of 1865 Kennedy Causeway addressed the Commission.

The Village Manager reiterated the 5.4740 millage rate, which is more than the rolled back rate of 4.8204 mills by .6536 or 13.56%.

The Mayor closed the Public Hearing.

Commissioner Jorge Gonzalez made a motion to amend the budget to re-appropriate the \$20,000 for fireworks towards the PAAL Program. Mayor Connie Leon-Kreps seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

3. RESOLUTIONS

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR NORTH BAY VILLAGE FOR FISCAL YEAR 2014-2015; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

Commissioner Richard Chervony made a motion to approve the Final Millage Rate of 5.4740 mills and the Debt Service Millage of 0.8573. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, OF MIAMI-DADE COUNTY, FLORIDA, ADOPTING THE FINAL ANNUAL BUDGET FOR FISCAL YEAR COMMENCING OCTOBER 1, 2014 AND ENDING SEPTEMBER 30, 2015; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

Commissioner Richard Chervony made a motion to approve the Final Annual Budget for the Fiscal Year commencing October 1, 2014 and ending September 30, 2015. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 4-0 roll call vote. The vote was as follows: Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Jorge Gonzalez all voting Yes.

4. ADJOURNMENT

The meeting adjourned at 9:43 p.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

this 14th day of October 2014.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)

EXHIBIT 6

Morgan R. Bentley
Chair
Linda McKee Robison
Vice Chair
Michelle Anchors
Matthew F. Carlucci
I. Martin Ford
Tom Freeman
Susan Horovitz Maurer
Stanley M. Weston



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

Virindia Doss
Executive Director

C. Christopher Anderson, III
*General Counsel/
Deputy Executive Director*

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

May 12, 2014

Christian Garcia, Esq.
cgarcia@switkeslaw.com

RE: Commissioner Jorge Gonzalez

DELIVERED BY ELECTRONIC MAIL

Dear Mr. Garcia:

I write this letter in response to your May 6, 2014 phone call to the Florida Commission on Ethics, during which you requested a written response on behalf of Commissioner Jorge Gonzalez.

You informed me that the Turkish-American Federation (TAF) has invited Commissioner Gonzalez to the country of Turkey to meet with Turkish government officials and officials of educational institutions. The TAF has offered to cover Commissioner Gonzalez's airfare, transportation, food, and lodging for the trip, which will last from May 21, 2014 through June 1, 2014. You reported that Commissioner Gonzalez will be responsible for his visa fee, travel insurance, and personal spending. You stated that the purpose of the trip would be "to discuss local governance," but you were unsure when we spoke as to whether Commissioner Gonzalez would be participating on any discussion panels or speaking engagements. You confirmed that the TAF does not lobby Commissioner Gonzalez or his agency, is not a vendor to his agency, is not a political committee, and conducts no business with his agency.

Commissioner Gonzalez's responsibilities under the Code of Ethics vary depending upon whether the airfare, transportation, food, and lodging are considered gifts or expenses related to honoraria events.

Section 112.3149, Florida Statutes, defines an honorarium as

"payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee . . . as consideration for (1) a speech,

address, oration, or other oral presentation by the reporting individual or procurement employee . . . [or] a writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published."

An honorarium does not include "the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event," typically referred to in the collective as "expenses related to the honorarium event."

A "reporting individual" is any person required by law, pursuant to Section 8, Article II, of the State Constitution or Section 112.3145, Florida Statutes, to file a full or limited financial disclosure. Section 112.3149 (1) (c), Florida Statutes. There are several requirements that affect a reporting individual's ability to accept an honorarium. A reporting individual may not solicit an honorarium from any source. Section 112.3149 (2). A reporting individual may not knowingly accept an honorarium from a political committee, a vendor doing business with the reporting individual's agency, from a lobbyist of the agency, or the employer, principal, partner, or firm of such a lobbyist. Section 112.3149 (3). A reporting individual may accept expenses related to the honorarium event – the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses – but must report those on a CE Form 10, *Annual Disclosure of Gifts from Governmental Entities and Direct-Support Organizations and Honorarium Event Related Expenses*, only when those are provided by a political committee¹, a vendor doing business with the reporting individual's agency, from a lobbyist of the agency, or the employer, principal, partner, or firm of such a lobbyist. The CE Form 10 is available at the website of the Florida Commission on Ethics (www.ethics.state.fl.us).

Commissioner Gonzalez would be considered a reporting individual under Section 112.3149 because he is required to file a limited financial disclosure. It is unclear, however, whether the provision of transportation, lodging, and food and beverage expenses by the TAF would be considered expenses related to an honorarium event because, as you reported to me on the phone, you were uncertain whether Commissioner Gonzalez would be participating in any speaking engagements (honorarium events), which would be necessary to meet the definition.

Without knowing whether the airfare, transportation, lodging, and food would be considered as expenses related to the honorarium event, an analysis under Florida's gifts law is appropriate. A gift is defined in the Code of Ethics as anything accepted by a donee or on his or her behalf, or that which is paid or given to another on the donee's behalf, directly or indirectly, for which equal or greater consideration is not given within 90 days. Section 112.312 (12) (a). The definition includes a list of examples of gifts, including "the use of real property," "transportation," and "food and beverage." Of particular note, a gift does not include "an honorarium or an expense related to an honorarium event paid to a person or the person's spouse." Section 112.312 (b) (3).

Under Section 112.3148, Florida Statutes, there are several proscriptions and restrictions for reporting individuals who are offered a gift. Reporting individuals are prohibited from soliciting a gift from a political committee, a vendor doing business with the reporting individual's agency, a lobbyist of the agency, or the employer, principal, partner, or firm of such a lobbyist², Section 112.3148 (3), and may not knowingly accept gifts from such donors, directly or indirectly, if he

¹ In addition, regarding political committees, see Section 112.31485, Florida Statutes.

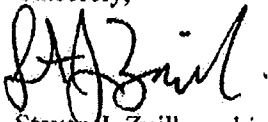
² "Lobbyist" is defined in Section 112.3148 (2) (b), Florida Statutes.

or she knows or reasonably believes that the gift has a value in excess of \$100, Section 112.3148 (4). In the case where a political committee is the donor, a reporting individual and his or her immediate family may not solicit or knowingly accept any gift. Section 112.31485 (2) (a). Each reporting individual is required to file a disclosure on a quarterly basis that describes (1) all gifts valued in excess of \$100, after having accounted for any compensation exchanged within 90 days of the donation, received in the previous quarter; (2) their value; (3) the name and address of their donors; and (4) the dates they were donated. Section 112.3148 (8) (a). The disclosure is made on a CE Form 9, *Quarterly Gift Disclosure*, and that form can be found on the website of the Commission on Ethics.

It appears that Commissioner Gonzalez may accept the gift from the TAF, provided he submits a quarterly disclosure describing the gift. As discussed above, Commissioner Gonzalez is considered a reporting individual and the requirements of Section 112.3148, therefore, apply to him. Assuming for the purposes of this analysis that the airfare, transportation, lodging, and food would not be considered expenses related to an honorarium event, they would be considered gifts because they have value and Commissioner Gonzalez is not paying equal or greater consideration for them. According to you, the TAF, the entity making the gift, is not a political committee, a vendor doing business with Commissioner Gonzalez's agency, a lobbyist of the agency, or the employer, principal, partner, or firm of such a lobbyist. Thus, Commissioner Gonzalez may accept the gift. If he accepts the gift, Commissioner Gonzalez will be required to report the gift on a CE Form 9 before September 30, 2014, the last day of the third quarter, because its total value clearly exceeds \$100.

The analysis I have provided is based only upon the facts relayed to me in phone conversations with you on May 6, 2014. I have not independently verified any of the facts you relayed to me. If you become aware of any material change in the facts or if you become aware of other relevant circumstances that might change the analysis, you or Commissioner Gonzalez are welcome to contact the Commission on Ethics for further guidance. If you contact us, please reference this letter. Also, it is important to remember that the Commission on Ethics does not interpret or account for in its opinions local laws or the internal policies of local agencies.

Sincerely,



Steven J. Zuilkowski
Staff Attorney
Florida Commission on Ethics

EXHIBIT H

Form 9				QUARTERLY GIFT DISCLOSURE	
(GIFTS OVER \$100)					
LAST NAME -- FIRST NAME -- MIDDLE NAME: Gonzalez Jorge				NAME OF AGENCY: North Bay Village	
MAILING ADDRESS: 7800 Harbor Island Drive, PH5				OFFICE OR POSITION HELD: Commissioner	
CITY: North Bay Village	ZIP: 33141	COUNTY: Miami-Dade	FOR QUARTER ENDING (CHECK ONE): MARCH JUNE SEPTEMBER DECEMBER		
				YEAR 2014	

PART A -- STATEMENT OF GIFTS

Please list below each gift, the value of which you believe to exceed \$100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on this form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.

DATE RECEIVED	DESCRIPTION OF GIFT	MONETARY VALUE	NAME OF PERSON MAKING THE GIFT	ADDRESS OF PERSON MAKING THE GIFT
May 29, 2014	Travel & Hotel Accommodations to Turkey	\$9,024.00	Fatih Beyhan-Turkic American Fed. of S.E.	2888 N.W. 73rd Avenue Doral, FL 33122
	(Guest)			

☐ CHECK HERE IF CONTINUED ON SEPARATE SHEET

PART B -- RECEIPT PROVIDED BY PERSON MAKING THE GIFT

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

☐ CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

PART C -- OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true accurate and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.

SIGNATURE OF REPORTING OFFICIAL: [Signature]

STATE OF FLORIDA
COUNTY OF Miami-Dade
Subscribed and sworn to before me this 1st day of July, 2014
by Jorge Gonzalez
[Signature]
Notary Public - State of Florida
[Signature]
Type and print name of Notary Public: [Signature]

PART D -- FILING INSTRUCTIONS

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 10708, Tallahassee, Florida 92317-0708; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida 92303. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed (For example, if a gift is received in March, it should be disclosed by June 30).

CE FORM 9 - EFF. 1/2007 (Refer to Rule 34-7.010(1)(9), F.A.C. (Rev. 9/2013))

(See reverse side for instructions) 12

EXHIBIT H