

RESOLUTION NO. 2089-11

**A RESOLUTION OF THE CITY OF WINTER PARK,
FLORIDA REQUESTING THAT THE FLORIDA ELECTIONS
COMMISSION INVESTIGATE AN ALLEGED DELIBERATE
VIOLATION OF THE FLORIDA ELECTIONS CODE IN THE
MARCH 8, 2011 WINTER PARK COMMISSION ELECTION.**

WHEREAS, during the March 8, 2011 Winter Park City Commission Election there was an electioneering mailer sent to registered voters; and

WHEREAS, the Office of the State Attorney for the Ninth Judicial Circuit of Florida investigated a citizen complaint of alleged violations of Florida's Election Law arising out of the electioneering mailer, during the March 2011 election in the City of Winter Park; and

WHEREAS, the Detective Supervisor assigned by the State Attorney to investigate the citizen complaint conducted an investigation, and summarized his findings in a letter dated June 21, 2011, to Winter Park's Chief of Police; and

WHEREAS, the Detective stated in the aforesaid letter dated June 21, 2011, that the citizen's complaint "may have merit" with respect to a possible violation of statute 106.03, which requires a political committee to file a "statement of organization" if it receives or expends more than \$500 for any purpose included in the definition of a "political committee" in statute 106.011(1)(a); and

WHEREAS, based on several statements in the Detective's letter, including his statement that a person named in his letter told him, "that it was her desire for the people that paid for the mailer to remain anonymous," and because another person signed the mailer as the party financially responsible for the communication, it is possible that there was a "combination of two or more individuals" constituting an unregistered political committee as defined in statute 106.011(1)(a); and

WHEREAS, "the purpose of the FEC is to ensure transparency in Florida's elections;" and

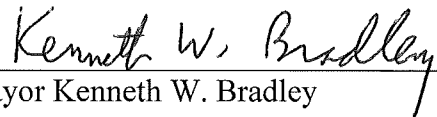
WHEREAS, we the current City Commission of Winter Park wish to assure our constituents and indeed all parties that we stand for transparency and against attempts to circumvent Florida Election Law

NOW, THEREFORE, be it resolved by the City Commission of Winter Park, Florida that:

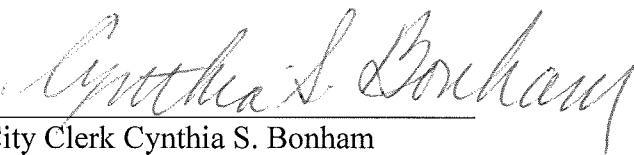
Section 1. The City Commission of the City of Winter Park hereby requests the Florida Elections Commission to investigate the matter and identify those who violate Florida Election Law and raise doubt as to the transparency of our system.

Section 2. Officers. The City Clerk is hereby directed to forward this Resolution to the Florida Elections Commission and to the Commission on Ethics.

Adopted at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida on the 11th day of July, 2011.



Mayor Kenneth W. Bradley

Attest: 

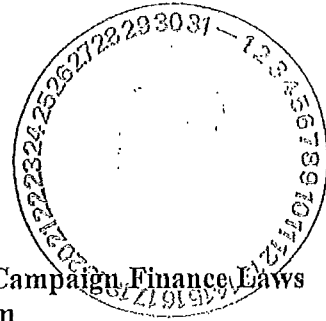
City Clerk Cynthia S. Bonham

Peter J. Weldon – 700 Via Lombardy – Winter Park, FL 32789

March 29, 2011

VIA HAND DELIVERY

Brett C. Railey
Chief of Police, City of Winter Park
500 North Virginia Avenue
Winter Park, FL 32789



**Re: Report of Suspected Criminal Violations of Florida Campaign Finance Laws
During Recent Winter Park City Commission Election**

Dear Chief Railey:

Please accept this correspondence as a written report of suspected criminal violations of Florida campaign finance laws during the City Commission races that were recently held in Winter Park.

Background

On Saturday, March 5, 2011 (the Saturday before the Tuesday, March 8 Winter Park City Commission elections), I received in the mail a political advertisement that leveled a number of vicious accusations against then Winter Park City Commission candidate (now Winter Park City Commissioner) Sarah Sprinkel, as well as other members of the Winter Park community. A copy of the political advertisement I received is enclosed for your review.

The political advertisement contained a disclaimer that stated the following:

"Paid political advertisement paid for by William Graves, 3048D George Mason Avenue, Winter Park, FL 32792, independently of any candidate or committee."

There is significant evidence that the above disclaimer was deceptively and intentionally inaccurate, and that the political advertisement was actually formulated, produced, and financed by an anonymous combination of individuals that together constitute an illegal unregistered political committee under Chapter 106, Florida Statutes.

On March 16, 2011, the Winter Park Maitland Observer published an article entitled "Developer says he was defamed". A copy of the article is enclosed for your review. According to the article, Mr. Graves, the person whose name was listed on the political advertisement, stated that he was not in fact behind the mailer, but that someone he explicitly trusted assembled the mailer and that he "quickly scanned it" before it went out under his name to thousands of Winter Park residents. The Observer article indicated that Mr. Graves declined to reveal the identity of the author of the mail piece bearing his name.

In addition, on the same date the Observer also published on its website a scanned copy of an eight page open letter written by Mr. Graves. On page 6 of the letter, Mr. Graves stated, "Since I didn't write those words and have yet to receive a copy of the mailer in question, I'll take your word for it that the words 'Carlisle Developer' appeared in the mailer and were used to describe you." In that same writing at page 2, Mr. Graves refers to the involvement of his "colleagues" and states to Mr. David Lamm, to whom the letter was nominally addressed, "Right now, you should be praying that my colleagues don't succeed in talking me into holding out for class action status, a countersuit, and a jury trial."

Suspected Criminal Violations of Campaign Finance Laws

The above-stated facts are clear indications that Mr. Graves' role in the scheme to formulate, produce, and finance the political advertisement referenced above was to serve as a false front to conceal the identities of those who were truly responsible for this political advertisement, in violation of Florida law.

Section 106.011, Fla. Stat., provides in pertinent part:

(1)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a calendar year:

...

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue....

Section 106.03, Fla. Stat., imposes an affirmative obligation on all combinations of two or more individuals or other persons who meet the statutory definition of "political committee" to file a statement of organization with the appropriate authority within a specified period of time. As the political advertisement at issue concerned a Winter Park City Commission election, pursuant to Section 106.03(3)(c), Fla. Stat., and the Winter Park Code of Ordinances, the appropriate authority was the Winter Park City Clerk.

Section 106.07, Fla. Stat., further imposes numerous requirements upon political committees to file with the City Clerk regular reports of all contributions received and expenditures made on behalf of the political committee, including the full name, address, and occupation of each person who has made contributions to the political committee.

The above-stated facts clearly indicate that William Graves acted as merely a false front to illegally protect the anonymity of a combination of individuals that operated together to act as an illicit and unregistered political committee.

Neither Mr. Graves, nor any group purportedly affiliated with him, has filed a statement of organization with the Winter Park City Clerk. Nor have they filed any reports revealing to the public the full name, address, and occupation of each person who made contributions to this political advertisement.

Section 106.19, Fla. Stat., imposes criminal penalties for the above-stated violations of law, and states in pertinent part:

106.19 Violations by candidates, persons connected with campaigns, and political committees.

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

(b) Fails to report any contribution required to be reported by this chapter;

(c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of s. 106.11(4) or any other expenditure prohibited by this chapter;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

The facts I have provided above lead me to believe that Mr. Graves, and those for whom he was seeking to act as a false front, have committed criminal violations of at least Sections 106.19(b) and 106.19(c), Fla. Stat., by failing to file the appropriate statement of organization, and by blatantly failing to report the identity of contributors and amount of contributions. As a result of their blatant failure to file, there is no way to know at this point whether they accepted a contribution in excess of the \$500 limitation prescribed by Section 106.08, Fla. Stat. (Section 106.19(a), Fla. Stat.), or whether any prohibited expenditure was made (Section 106.19(d), Fla. Stat.).

Further, Section 106.08(5)(a), Fla. Stat., explicitly prohibits the practice of false fronting in which it appears Mr. Graves and his anonymous associates engaged, stating in pertinent part:

106.08 Contributions; limitations on.

...
(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

Section 106.08(7), Fla. Stat. imposes criminal penalties for this prohibited practice (first degree misdemeanor for making or accepting a single contribution in violation of subsection (5)(a), a third degree felony for making or accepting two or more), stating in pertinent part:

(7)(a) Any person who knowingly and willfully makes or accepts no more than one contribution in violation of subsection (1) or subsection (5) ... commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083... Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084... Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, political party, or electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Why This Is Important

Let me stress that the apparent criminal violations of Florida's campaign finance laws described above do not bear the marks of mere technical slip-ups. This was not the work of some small group of ill-informed yokels. The political advertisement at issue was professionally designed, printed, and mailed to thousands of homes in Winter Park. The cost to finance the design, printing, and mailing of this political advertisement easily ran into the thousands of dollars. Mr. Graves has already admitted in multiple venues that others were behind this mailer, but that he would not reveal to the public who those persons were. The practice of using an individual as a false front for sending out anonymous political advertisements is little different than failing to disclose any source of the political advertisement whatsoever, a crime that has recently been prosecuted in the very context of Winter Park City Commission elections, and for which Doug Guetzloe was recently charged, tried, convicted, and sentenced.

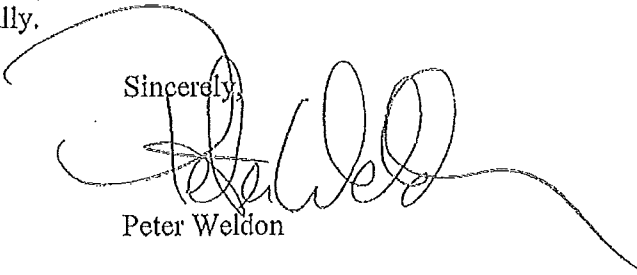
Allowing this criminal practice of using an individual as a false front to allow moneyed and powerful interests in Winter Park to send essentially anonymous mailers would make a mockery of Florida's campaign finance laws. It would also invite further and more blatant violations of these laws in future elections in Winter Park. If the moneyed and powerful interests

in Winter Park that desire to manipulate the electorate anonymously come to believe that there will be no repercussions for their violations of our laws, one can only imagine the criminal mischief that we will see in future Winter Park campaigns.

In addition, these matters are subject to relatively uncomplicated investigation. It appears possible that Mr. Graves has been merely used as a pawn by the anonymous persons that formulated, produced, and financed the political advertisement. Accordingly, an interview with him and a review of his banking records, if any, would indicate how and in what way others illegally and anonymously participated in the production and dissemination of the political advertisement. Investigation with respect to the professionals involved in the production and mailing of this expensive political advertisement could be easily implemented and fruitful as well. The political advertisement bears Bulk Mail Permit #1, Orlando, FL. I have come to understand that this bulk mail permit number is held by Action Mail Services, Inc. According to their website (actionmailservices.com), their telephone number is (407) 855-9277. This vendor should be able to point an investigator to the graphic designer or political consultant who designed the advertisement, and through whom payment for mailing services likely flowed. From there, further investigation with these individuals should be able to reveal the additional individuals who were truly behind this mail piece in violation of Florida law.

If you have any further questions, I would be glad to make myself available at any time. If the Winter Park Police Department determines that this matter is too politically sensitive to investigate internally, I completely understand, and I would be glad to make myself available to investigators with the Ninth Circuit State Attorney's Office if it is referred there for investigation. Thank you for your attention to this matter, and I sincerely hope that you will act to investigate this matter fully.

Sincerely,



Peter Weldon

**Tell the DEVELOPERS
that Winter Park is
NOT FOR SALE.**

**Tell them they can't
buy a commission
seat for lobbyist
SARAH SPRINKEL.**

**The campaign for county lobbyist
Sarah Sprinkel is funded by the
very same developers who tried
to build the giant Carlisle condo
building right next to Central Park.**

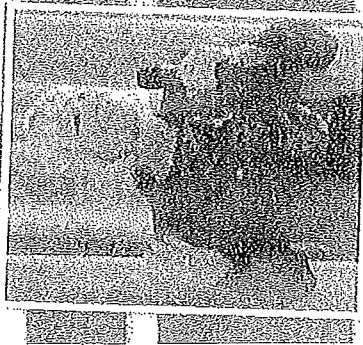
Sarah Sprinkel

Paid political advertisement
paid for by William Graves,
3045D George Mason
Avenue, Winter Park, FL
32792, independently of any
candidate or committee

ECRL070101A™ C017

The Aiken Family
750 Via Lombardy
Winter Park FL 32769-1527

Printed
in the
U.S.A.
Postage
Paid
Permit # 1
Orlando, FL



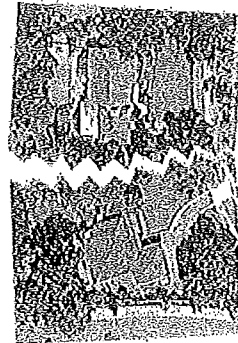
What are Sarah Sprinkel's plans for Winter Park?

Her campaign mailers don't tell voters, but her campaign finance records reveal the real story.



Sprinkel is funded by the most notorious developers in Winter Park. They need her on the Commission to change our development rules.

- Sprinkel's backers have given her nearly \$50,000. They include many of the developers who tried to build the giant Carlisle-condo complex next to Central Park, before residents stopped it.
- Sprinkel could revive the Carlisle project simply by eliminating protections of our Comprehensive Growth Plan. In a chilling Dec. 14, 2010 email to funders, developer David Lamm wrote: "Steve and Sarah have similar approaches and mindsets... as you know, we came close last year."



Sprinkel does not really believe in preserving Winter Park's character. She subdivided her own historic home site to the head Carlisle developer.

- Sprinkel split her Gamble Rogers home site in 1981, selling half of it to head Carlisle developer Allan Keen. He built a large house that blocks neighbors' lake views. This is not preserving history. Commissioners should stop developers seeking easements to build parking garages next to residences.
- Sprinkel has re-mortgaged her house ten times since 1977, at an astonishing average rate of once every 3.6 years. Commissioners cannot re-finance city property to balance the budget. The developers backing Sprinkel have already cost taxpayers \$3.7 million from our City reserves.



Sprinkel was a taxpayer-funded lobbyist, paid to influence other taxpayer-funded officials. She is a politician and a county operative.

- If Sprinkel became a commissioner, she would have to negotiate public employee pension contracts, while remaining eligible for her own public employee pension. She pushes for City funding of regional and county projects, and would lower our standards for making important decisions.
- Sprinkel's career in "public administration and government relations" includes a highly-paid county lobbyist position and seats on at least 66 regional boards, but none in Winter Park.

SPRINKEL DONOR ROLL

Carlisle Developers:
David Lamm, Allan Keen

Carlisle Attorneys:
Hal Kantor,
Michael Elsberry,
Michael Grindstaff

Carlisle Architect:
John Cunningham



Regional and County
Boards and Task Forces

66

Winter Park Citizens
Advisory Boards

0
(ZERO)

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PRIVILEGED COMMUNICATION

NOT TO BE USED IN LITIGATION

To: Mr. David Lamm and Fellow Citizens

From: Will Graves, Community Activist (407-673-7883)

Dear David:

Minutes after being served with a fabulous S.L.A.P.P. lawsuit from you, I immediately attempted to reach you by phone. Your very cordial assistant promised to call me right back after speaking with you. I'm still awaiting that call. As you know, we've never met. And you sued me without any warning and without any attempt to contact me first. Individuals seeking apologies and corrections don't sue first and then refuse to talk by phone. Your motives are highly suspect. An expert had assured me that the mailer was legal and accurate.

Had you simply contacted me with your request for an apology and a correction, I would have, without any hesitation, agreed to write an apology/corrections letter that would have been submitted for publication in the Winter Park-Maitland Observer and the Orlando Sentinel. I would have done that because of the type of person I am; not because of any lawsuit.

Unfortunately, due to the way you've handled this, I can even more closely empathize with what it's like to be defamed. Because that is what you've just done to me. But, I haven't sued you.

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As a recent Winter Park political candidate, you know all too well that literature goes back and forth without lawsuits being filed. I didn't sue the two individuals who attacked me in print and online last week. I'm not a politician; but that didn't matter. I know of Winter Park civic leaders who were recently attacked in mass mailings even though they weren't running for office. They haven't sued. You were a political candidate recently and cannot reasonably expect to be immune to the political process. Is your goal to stifle democracy, free speech, and the right of citizens to protect their property from outrageously out-of-scale development? Right now, you should be praying that my colleagues don't succeed in talking me into holding out for class action status, a countersuit, and a jury trial. You are threatening an innocent victim who helps people.

When a Mt. Markah Church Deacon in West Winter Park related how Kip Marchman had addressed his congregation in saying, "I'll do what I can to protect you from all of this development; but I'm only one vote" or words to that effect, Mr. Marchman then made a beeline to City Hall and voted for out-of-scale West Winter Park development. Mr. Marchman has not sued the Mt. Markah Deacon. Of course, an entire congregation would slow down a jury trial considerably. I am a personal witness to former Mayor

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Marchman's efforts to discredit the National Trust for Historic Preservation's inclusion of Winter Park's Central Park in its "threatened" list. Unfortunately, his developer brokers were more important than Winter Park property owners.

When a principal of Winter Park's Maher Law Firm (which backs developer Dan Bellows' efforts to pave a way of life with the continued gentrification of West Winter Park) learns of my Winter Park-Maitland Observer, Orlando Business Journal, and Orlando Sentinel op-eds on the gentrification of West Winter Park, he doesn't sue.

No one has been more vocal than I have in opposing Allen Keen's "500 foot long Post office" on Central Park. Not only did he not sue me or even warn that he might sue me, I very publicly praised the Carlisle developers for dropping the project, and Allen Keen is to be congratulated for donating well in excess of \$5,000 to a charity capital campaign I started as well as for receiving an honorary doctorate at the dinner we held in common. One of the Carlisle developers famously characterized the Carlisle demise as "a lesson learned."

When Winter Park debate questions on the Carlisle went unanswered at every event, Mayoral candidate Bradley literally raced across the Winter Park Public Library parking lot and yelled,

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PRIVILEGED COMMUNICATION

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"He doesn't live in Winter Park!!" causing the television news reporter to shut down our on-camera interview momentarily. Do I sue him because he is less than honest about where I live? All of this "civility" talk would be completely unnecessary had Ken Bradley simply gone on record that he wouldn't vote for the Carlisle project... past, present or future. He evaded my simple Carlisle question at every debate. He evaded every member of the media on the simple Carlisle question. No wonder people speak up. When an individual evades the public and the media, yet somehow gets elected, that's something to speak up about. If we end up with dozens of buses circulating daily in our historic, tranquil Central Park, you'll have Mayor Bradley's Florida Hospital mandate to thank. His company's project can't proceed as planned without dozens of buses wisely circulating in the private tranquillity of Central Park. That's why the National Trust granted a "threatened" listing for Central Park's protection. Mr. Lamm, with the standard yearning me to, people would be afraid to participate in future elections for fear they would be sued by a David Lamm.

The Spink and Leary campaigns could have gone on the honor system with written non-binding candidate pledges to ease citizen development fears, why not renounce any support in the future for the Carlisle? Why not pledge in

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5.

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NOT TO BE USED IN LITIGATION,

writing that you won't try to double deck the buildings lining Park Avenue? Why not pledge that you won't allow the ridiculously out-of-scale plans for a new City Hall? Why not renounce any efforts to undo a Supermajority that is the only protection for our Town's Comprehensive Plan? Why not agree to fight the gentrification of West Winter Park while there's still something left to save? Why not put in writing that you will not allow dozens of buses to circulate daily in Winter Park? I have a hard time with a campaign that diverts the public's attention to "civility" while African-Americans are fighting to save their homes and overdevelopers are planning to change our skyline at the expense of property values in our tranquil, historic village. Why did all of the overdevelopers plant Sprinkel and Leary signs on all of their properties? The scars of overdevelopment are all over historic Winter Park. The eyesores are partially filled. So, that means you build more? Mr. Lamm, Mayor Ken Bradley and Karen Diebel were on your "Host Committee." And you want people to believe that your defamation suit isn't really about you and your developers' buddies wanting to eliminate the opposition with a frivolous S.L.A.P.P. lawsuit? Nice try.

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PRIVILEGED COMMUNICATION,

NOT TO BE USED IN LITIGATION.

I would never knowingly be associated in any way with anything factually incorrect. You've taken great offense at being labeled a "Carlisle Developer." Allen Keen is proud of that label, but you consider it defamation. Obviously, that isn't true. I just hope that this isn't about semantics as you admit to being a Carlisle supporter. How is it that "Carlisle supporters" is okay with you, but "Carlisle Developer" is defamatory? YOU VOTED FOR THE CARLISLE! There was nothing wrong with the Carlisle project itself. THERE WAS EVERYTHING WRONG WITH THE LOCATION.

Your S.L.A.P.P. lawsuit is frivolous to such an extreme that it's entirely possible that a Judge will sanction your attorney for filing it.

Neither here nor there, and because I enjoy a reputation as a nice, classy community activist with Winter Park values and good taste, I voluntarily offer the following to you in front of your fellow citizens.

I wish to sincerely apologize for the offense you and your friends have taken at receiving a campaign mail piece labeling you as a "Carlisle Developer." Since I didn't write those words and have yet to receive a copy of the mailer in question, I'll take your word for it that the words "Carlisle Developer" appeared in the mailer and were used to describe you. Again, I profusely

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PRIVILEGED COMMUNICATION,

NOT TO BE USED IN LITIGATION,

apologize to you in front of your fellow citizens. And I implore everyone reading this to never describe Mr. David Lamm as a "Golf Course Developer."

Dating back to the Cypress Gardens feature in which I was labeled a "community activist" by the Winter Park-Maitland Observer, I've been instrumental in helping to save Cypress Gardens, Wintermere, and Winter Park from outrageously out-of-character development. I'm personally responsible for National Trust "threatened" listings in these locales as well as Winter Park's 38th listing among historic destinations worldwide. In 2005, I called for the need for a Winter Park Preservation Foundation as well as the need for a Winter Park historic district (National Register). I quietly worked behind the scenes to make certain Winter Park received that National Register designation. No one has been more vocal than I've been regarding the dire need to protect West Winter Park citizens from the gentrification that continues unabated.

At my request, Nat Reed, Chairman Emeritus of 1000 Friends of Florida, sent his president to tour East and, especially, West Winter Park in 2007. Nat Reed and Charles Pattison have written op-eds in support of my community activism in Winter Park. They have been monitoring the Winter Park overdevelopment news ever since.

In all of these years as a voluntary community activist

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8.

PRIVILEGED COMMUNICATION.

NOT TO BE USED IN LITIGATION.

(No, Mr. Lamm, I wasn't paid to attempt to defame you). I've spent much of my time helping people; expecting nothing in return, and receiving nothing in return. I can't stand palattes and would never run for paid public office.

I can't guarantee that the Observer and the Sentinel will allow my apology by the March 18, 2011 date you are demanding.

Please be forewarned that any funds you expend on this frivolous suit will be lost by you due to your inexcusable actions. No one will be reimbursing you.

Due to the fact that I have an extremely full plate right now, I want this case to disappear as quickly as possible. But, if you ever pull a stunt like this again, I won't stop coming after you until the jury reads you the verdict.

I deserve better than to be served with a frivolous S.L.A.P.P. lawsuit (for the first time ever) designed to halt my community activism, upend democratic elections in Winter Park, and leave East and West Winter Park vulnerable to overdevelopment.

You should be ashamed of yourself.

Sincerely,

Will

William McGroves, Jr.

Community Activist