

RE: COMPLAINT AGAINST CAMPAIGN OF MIAMI-DADE COUNTY MAYORAL CANDIDATE CARLOS GIMENEZ, “COMMITTEE FOR HONEST GOVERNMENT,” AND “COMMON SENSE NOW!”

As part of the Miami-Dade County Mayoral campaign, a series of “ROBO calls” were generated during the weekend prior to the election of May 24, 2011. The ROBO calls were designed and intended as an attack on Hialeah Mayor Julio Robaina, and to advance the Carlos Gimenez Mayoral campaign. One of the ROBO calls is particularly offensive, designed to appeal to and incite prejudice toward Hispanics, and advocates as follows:

We aren't Hialeah. Nor do we want to be. Hialeah mayor and millionaire developer Julio Robaina wants us to trust him. He wants to be mayor. We can't trust Hialeah's Robaina. Irresponsible development, traffic congestion and noise, backroom deals and illegal gambling -- is that what we want in our neighborhood? Of course not. We aren't Hialeah. Nor do we want to be. Let's stop Hialeah's Robaina from importing his brand of shady politics to our neighborhood. Let's stop career politician Robaina.

Miami-Dade County residents received this ROBO during the weekend of May 20th. As a resident, Zoo Miami director Ron Magill was so offended that he sent an unsolicited e-mail about this offensive ROBO call to the Julio Robaina Mayoral campaign. Mr. Magill's e-mail explains how he received two telephone calls, one immediately after the other. The Caller I.D. identified Carlos Gimenez as the source of the first call. When Mr. Magill picked up the phone, there was silence and the click hanging up the call. Immediately, after that first call, Mr. Magill received a second call, with an unrecognizable number and the substance of the ROBO call began.

Other individuals in the community also received the calls and heard a disclaimer, as required by law (Florida Statutes Section 106.1439(2)), to determine the provenance of the call. An individual managed to record a disclaimer that was heard 20 seconds after the call concluded and was captured by the voice mail stating it was paid for by Common Sense Now! Another report of a disclaimer came according to a [The Miami Herald](#) story which quoted an unnamed [The Miami Herald](#) reporter as claiming that the call had a disclaimer from the Committee for Honest Government, a recently filed committee (see below).

Mr. Gimenez has repeatedly denied originating or producing the offensive ROBO call. However, the information learned through efforts to locate and communicate with certain individuals or entities related to the Gimenez Mayoral campaign and the electioneering committees related to Mr. Gimenez not only conflict with Mr. Gimenez' denial, but raise more questions about the campaign practices of both Mr. Gimenez' Mayoral campaign and the electioneering committees. In sum, Mr. Gimenez's denial defies credulity, given that a review of available documentation leads directly back to Mr. Gimenez and his associates.

Campaign finance reports filed by Mr. Gimenez's Mayoral campaign indicate that his campaign paid “Cornerstone Management Partners, 17 Westminster Gate Bergenfield, NJ

07621" \$8,000.00 for ROBO calls just days prior to the election, \$5,000.00 on May 6, 2011, and \$3,000.00 on May 19, 2011. In addition, the finance reports list numerous other payments amounting to over \$60,000.00 made to this entity which are referenced as expenses for "consulting," "direct mail," and "palm cards."

Mr. Gimenez is the "Chairman of 'Common Sense Now!,' an electioneering committee which filed its documentation with the Miami Dade County Supervisor of Elections on December 1, 2010, and in addition to Mr. Gimenez, as "Chairman," lists Joaquin Urquiola, of 2121 Ponce de Leon Boulevard, as the "Treasurer" and "Custodian of Books and Records." According to the financial reports filed by Common Sense Now!, as of May 19, 2011, this committee had raised a total of \$434,566.67 and paid out \$333,596.23 in expenditures, including multiple payments amounting to over \$90,000.00 to the same "Cornerstone Management Partners" identified in the Gimenez Mayoral campaign reports.

Given that "Cornerstone Management Partners," with the Bergenfield, New Jersey address, was paid for "ROBO calls" during the relevant time period, and was also paid considerable fees for unspecified "consulting" and communication pieces by both the Gimenez Mayoral campaign and Common Sense Now!, efforts were undertaken to locate, identify, and communicate with Cornerstone Management Partners and its principals or any representative.

A multi-state corporate check was done to locate any corporate entity with the name of "Cornerstone Management Partners." "Cornerstone" appears to be a fairly common name used for corporate and business filings throughout the United States. A review of corporate filings in the various states (specifically, the States of Florida, where the entity is engaged in activities, and New Jersey, the address listed in the finance reports for the relevant entity) failed to disclose any legally registered corporate entity with the same name and the address referenced in the campaign finance reports filed by Gimenez' Mayoral campaign or the electioneering committees.

A written request was sent by Federal Express to Cornerstone Management Partners to the New Jersey address (a single family home) listed on the financial reports, asking the recipient to contact us. Despite repeated efforts, no one from Cornerstone Management Partners responded to inquiries about the ROBO calls and to the payer of such calls.

Election finance databases were researched, disclosing that "Cornerstone Management Partners," with a Teaneck, New Jersey address participated in other campaign activities in Florida during the past eighteen months, mainly through electioneering committees. Particularly interesting is that activities of an electioneering committee employing "Cornerstone Management Partners," were responsible for an attack piece (a publication) during last year's elections similar in kind to the offensive "ROBO call" referenced in this letter. The particular attack piece contained similar ethnic undertones and was directed against Dan Gelber, then Candidate for Attorney General of Florida, labeling him as "Toxic to Jewish Education."

Joaquin Urquiola is a CPA with the accounting firm of Goldstein, Schechter and Koch,

2121 Ponce de Leon Boulevard, Suite 1100, Coral Gables, Florida 33134, which is providing professional services to the Carlos Gimenez campaign. The Carlos Gimenez campaign made several payments to this firm, one of \$895.00 on December 15, 2010, \$460.00 on March 23, 2011, and \$1,081.00 on May 2, 2011. Common Sense Now! has also made similar payments to Mr. Urquiola's firm, one for \$895.00 on December 15, 2010, and others for \$1,885.00 on March 3, 2011, \$460.00 on March 23, 2011, \$1,081.00 on May 2, 2011, and \$1,650.00 on May 17, 2011. Several phone messages were left asking Mr. Urquiola to contact us and answer certain questions, but Mr. Urquiola has failed to respond as well.

Another electioneering committee identified as "Committee for Honest Government," lists CPA Joaquin Urquiola as "Treasurer" and "Custodian of Records." In addition to Mr. Urquiola, the documentation filed with the Miami Dade County Supervisor of Elections on May 3, 2011, lists Frank May of 122 Camilo Avenue, Coral Gables, Florida, as "Chairman." Mr. May is politically active and is the director of "Strategic Politics Corporation," located at the same Camilo Avenue address, which he incorporated in 2010. The financial report filed May 20, 2011, for the period of April 23, 2011 through May 19, 2011, by the Committee for Honest Government indicates that the committee raised a total of \$350.00, \$100.00 from Joaquin Urquiola and \$250.00 from Yoel Alfonso, and paid out \$61.00 as "reimbursement" to Frank May. No other contributions and no other expenditures were reported by this Committee.

If the reports of the unnamed The Miami Herald reporter are accurate and, in fact, the Committee for Honest Government paid for the calls, this raises serious questions. The call is either a violation of Florida Statutes Section 106.11(4) which requires that all expenditures or expenses by a political committee be done only when there are "sufficient funds on deposit" in the political committee's bank account (they showed approximately \$289 as of May 19th, insufficient for the calls they made); or a violation of Florida Statutes Section 106.08(4), which prohibits the use of any funds received by a political committee within five days of an election (such funds can only be used after the election). The latter section would have been violated if the Committee for Honest Government used funds donated after May 19th for the calls.

The audio of the "ROBO call" is further indication of the involvement of the Gimenez Mayoral campaign or the involvement of the committee he chairs. The voice of the speaker on the anti-Hialeah ROBO call is the same female voice heard on a subsequent ROBO call in the series, one touting Carlos Gimenez as a "straight shooter." The modulation on this call is also consistent in both calls. According to the recipients of these calls, the identified sponsor of these ROBO calls is Common Sense Now!, the political committee chaired by Carlos Gimenez.

Chapter 106 imposes an affirmative obligation on those running political campaigns to truthfully and accurately disclose all contributions and expenditures by requiring that "the candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee . . . certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report." Mr. Gimenez, as candidate and chair of the electioneering committee Common Sense

Now!, and Mr. Urquiola as treasurer of the electioneering committee, are responsible for the “accuracy” of the campaign financial reports. Given the circumstances, the convenient or willful blindness regarding those receiving payments and involving questionable campaign tactics is not a legal, ethical or moral defense.

Cornerstone Management Partners, the entity apparently hired and paid, listed in the financial reports, for consulting and for the offensive ROBO calls is a legal fiction, having no proper existence. This results in financial reports which contain material misrepresentations in violation of Chapter 106, Florida Statutes.

It is respectfully requested that the Miami Dade State Attorney’s Office, the Miami-Dade County Ethics and Public Trust Commission, and the Florida Elections Commission, conduct a full inquiry to determine who the committees paid for the campaign activities which resulted in the ROBO calls and the true identity of those receiving the payments, and pursue appropriate sanctions both under the provisions of Chapter 106, Florida Statutes, the relevant Code of Ethics, and other State and Federal laws. Further, a proper inquiry as to all individuals involved with payment, and receipt of payment, of expenditures to the apparently fictitious entity is indicated. The latter has greater implications, including possible violations of Federal law. If, after reviewing this correspondence the Miami-Dade County State Attorney’s Office finds confirmation of any violation of Federal laws, we request referral to the appropriate Federal authorities for further investigation (i.e. FBI, IRS, etc.).

cc: Miami-Dade County State Attorney’s Office
Miami-Dade Ethics and Public Trust Commission
Miami-Dade County Supervisor of Elections
State of Florida Elections Commission
State of Florida Department of Elections