

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709

COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: ALAN GEFFIN Telephone Number: 954-764-4445

Address: 101 NE 3RD AVENUE SUITE 1110

City: FORT LAUDERDALE County: BROWARD Zip Code: 33301

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: Mark Weithorn Telephone Number: (305)588-8313

Address: 1130 Stillwater Drive

City: Miami Beach County: Miami-Dade Zip Code: 33141

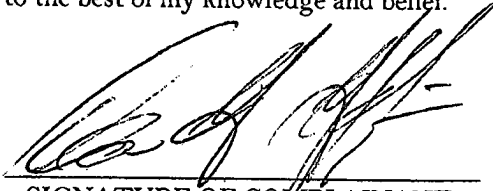
Title of office or position held or sought: State Representative, District 113

3. STATEMENT OF FACTS:

Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.



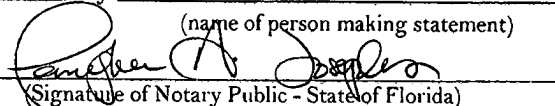
SIGNATURE OF COMPLAINANT

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 31ST day of JULY

20 12, by ALAN GEFFIN


(name of person making statement)



(Signature of Notary Public - State of Florida)

TAMYKA A. JOSEPHS
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification
Type of Identification Produced:

 **TAMYKA A. JOSEPHS**
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE086382
Expires 4/20/2015

3. Statement of Facts

I, Alan Geffin, am filing this complaint alleging that Mark Weithorn (“Weithorn”), a candidate for the Florida House of Representatives, District 113 has violated Article II, Section 8 of the Florida Constitution and Florida Statutes 112.3144 by intentionally omitting a final judgment of \$13,500 (plus accrued interest), from the list of liabilities in Part C of his 2011 Form 6 (“Full and Public Disclosure of Financial Interests”) which was filed as part of his qualifying documents on June 7, 2012 (Exhibit 1).

As background, my client secured a final judgment against Weithorn on October 13, 2009 in the case of Schmidt v. Weithorn, Case No: 03-18230 CA 05, 11th Judicial Circuit in and for Miami-Dade County. On October 22, 2009, the Amended Final Judgment in the amount of \$13,500 was filed and recorded (a copy is attached as Exhibit 2).

To this date, no amount of the judgment has been paid. My client has actively been seeking to collect the amount of the judgment from Weithorn.

My allegation that this was a willful omission is because:

1. On the date that the Form 6 was filed with the Secretary of State, Division of Elections, June 7, 2012, Weithorn was being deposed in aid of execution, under court order, by our office in this matter. It is impossible that he was unaware of the existence of this final judgment.
2. Despite the fact that he was under court order to appear for the above deposition, he refused to answer any questions. As a result my client filed a Motion to Compel and Motion for Sanctions against Weithorn on June 20, 2012, attaching a copy of his Form 6.
3. On July 12, 2012, Judge Schumacher heard the motions, sanctioned Weithorn for attorney fees and ordered him to appear at another deposition. (A copy is attached as Exhibit 3).

In addition, I would also point out that Weithorn did not list any bank account as part of his assets in Part B of the form. It is not possible that he did not have a bank account with more than \$1,000 in May 2012, because his financial disclosure shows that he contributed \$2,000 by check to his campaign on May 25, 2012. I believe that he intentionally omitted his bank account to hide it from my client and his other judgment creditors (I believe there may be others).

EXHIBIT 1

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS RECEIVED 2011

Please print or type your name, mailing address, agency name, and position below:

FINANCIAL INTERESTS

DEPARTMENT OF STATE

LAST NAME — FIRST NAME — MIDDLE NAME:

Weithorn Mark

FOR OFFICIAL USE ONLY: 2012 JUN -7 AM 10:48

MAILING ADDRESS:

1130 Stillwater Drive

DIVISION OF ELECTIONS

STATE OF FLORIDA TALLAHASSEE, FL

CITY:

Miami Beach

ZIP:

33141

COUNTY:

Miami-Dade

ID No.

NAME OF AGENCY:

Conf. Code

NAME OF OFFICE OR POSITION HELD OR SOUGHT:

State Representative, District 113

P. Req. Code

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A — NET WORTH

Please enter the value of your net worth as of December 31, 2011, or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of May, 20 12 was \$ 950,000

PART B — ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 15,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions page 4)	VALUE OF ASSET
1130 Stillwater Drive, Miami Beach, FL 33141 (50%)	625,000
0 Cortez, Brooksville, FL (50%)	200,000
17800 Atlantic Blvd, Apt 504, Sunny Isles Beach, FL 33160 (50%)	50,000
Showcase Web Sites, Inc.	500,000

PART C — LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See Instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Bank of America - Auto Loan - PO Box 45224, Jacksonville, FL 32232-5224	5,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Regions Bank - Mortgage - PO Box 11007, Birmingham, AL 35288	350,000
Leonard Shukofsky, Real Estate Loan - 6927 Green Tree Dr., Naples FL 34108	85,000

PART D – INCOME

You may **EITHER** (1) file a complete copy of your 2011 federal income tax return, including all W2's, schedules, and attachments, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my 2011 federal income tax return and all W2's, schedules, and attachments.
 [If you check this box and attach a copy of your 2011 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME (See instructions on page 5):

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
Showcase Web Sites, Inc	1130 Stillwater Drive, Miami Beach, FL 33141	90,000

SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5):

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E – INTERESTS IN SPECIFIED BUSINESSES (Instructions on page 5)

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	Showcase Web Sites		
ADDRESS OF BUSINESS ENTITY	1130 Stillwater Drive		
PRINCIPAL BUSINESS ACTIVITY	Websites		
POSITION HELD WITH ENTITY	President		
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	Yes		
NATURE OF MY OWNERSHIP INTEREST	Stock		

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

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 on this form and any attachments hereto is true, accurate, and complete.

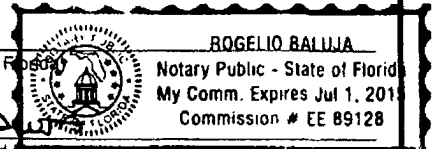
STATE OF FLORIDA
 COUNTY OF MIAMI-DADE

Sworn to (or affirmed) and subscribed before me this 04 day of

JUNE, 20 11 by MARK WEITHORN

(Signature of Notary Public--State of Florida)

ROGELIO BALUJA
 (Print, Type, or Stamp Commissioned Name of Notary Public)



SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

Personally Known _____ OR Produced Identification

Type of Identification Produced FLORIDA DRIVER'S LICENSE

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

EXHIBIT 2

CFN 2009R0765658 DR BK 27057 P9 0931F (1ps)
RECORDED 10/22/2009 10:28:37
HARVEY RUVIN, CLERK OF COURT, MIAMI-DADE COUNTY, FLORIDA
LAST PAGE

IN THE CIRCUIT COURT OF THE 11th
JUDICIAL CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION
CASE NO: 03-18230 CA 05

GLENN S. SCHMIDT, individually,
and LAURA SCHMIDT, individually,

Plaintiffs,

vs.

MARK WEITHORN, individually,
KEIRON NG, individually, DPI, DIGITAL
PRINTERS INTERNATIONAL, INC., a Florida
corporation, DPI-2 LLC, a Florida limited
liability company,

Defendants.

2009 OCT 22 AM 10:16
CIRCUIT & COUNTY
MIAMI-DADE COUNTY
CLERK OF COURT

AMENDED FINAL JUDGMENT

THIS ACTION was heard before the Court. Based upon the entry of a Final Summary Judgment against Defendants, Mark Weithorn, individually, Keiron NG, individually, DPI Digital INTERNATIONAL, INC., a Florida corporation and DPI-2-LLC, a Florida limited liability company,

IT IS ADJUDGED that Plaintiffs, Glenn S. Schmidt, individually, and Laura Schmidt, individually, with their address at 1295 SW Egret Way, Palm City, Florida 34990, shall recover from Defendants, Mark Weithorn, individually, Keiron NG, individually, DPI Digital INTERNATIONAL, INC., a Florida corporation and DPI-2-LLC, a Florida limited liability company, whose address is 16200 NE 13th Avenue, North Miami Beach, Florida 33162, the sum of \$13,500.00, which shall bear interest at the rate of 8% a year, for which let execution issue forthwith.

ORDERED and ADJUDGED at Miami-Dade County, Florida, on this 13 day of Oct, 2009.

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that this is a true copy of the original filed in this office on 22nd, A.D. 2009

[Signature]
CIRCUIT COURT JUDGE

Copies furnished to:
Alan G. Geffin, Esq.
Mark Weithorn
By *[Signature]* HARVEY RUVIN, CLERK of Circuit and County Courts

[Signature]
Marc Schumacher
Circuit Judge

STATE OF FLORIDA, COUNTY OF DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the original on file in this office. 09/22/09
HARVEY RUVIN, Clerk of Circuit and County Courts

Deputy Clerk *[Signature]*
3855



EXHIBIT 3

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION
CASE NO:

03-18230 CA 05

Schmidt

Plaintiff(s),

vs.

**ORDER
GRANTING/DENYING
PLAINTIFF'S/DEFENDANT'S**

Weikhorn

Defendant(s).

THIS CAUSE having come on to be heard on Plaintiff's Motion
on Plaintiff's/Defendant's Motion
to Compel & for Imposition of Sanctions

and the Court having heard argument of counsel, and being otherwise advised in the premises, it is hereupon

ORDERED AND ADJUDGED that said Motion be, and the same is hereby

Granted. Mr Weikhorn will transmit a check
in the amount of \$770 - to Hermeelee Epstein,
LLC on or before August 12, 2012. Mr
Weikhorn will also appear ~~for~~ for deposition &
ANSWER questions. Court defers ruling on the attorneys
fees of Alan G. Gellin for preparation of, and attendance at
the March 2, 2012 deposition

DONE AND ORDERED in Chambers at Miami-Dade County, Florida this 12th day of

July, 2012

Conformed Copy
JUL 12 2012
Marc Schumacher
Circuit Court Judge
CIRCUIT COURT JUDGE

Copies furnished to: Counsel of Record