



KURKIN • FOREHAND • BRANDES

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July 12, 2012

The Honorable Gary Aubuchon
Chair, House Rules Committee
422 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

**RE: Complaint against Representative Ana Rivas Logan
For violation of the House Rules**

Dear Chairman Aubuchon:

Attached to this letter, you will find a complaint pursuant to House Rules 18.1 and 18.2, along with an exhibit, containing a detailed description of a violation of the House Rules by Representative Ana Rivas Logan.

Should you or your staff require any additional information, please feel free to contact me directly.

Very truly yours,

KURKIN FOREHAND BRANDES LLP

A handwritten signature in blue ink, appearing to read 'Juan-Carlos Planas', written over a horizontal line.

Juan-Carlos Planas, Esq.

Violations of the House Rules committed
by Representative Ana Rivas Logan

Pursuant to the Rules of the Florida House of Representatives, and in specific, Rule 18, I hereby file this complaint alleging a violation of the House Rules by Representative Ana Rivas Logan.

The actions by State Representative Ana Rivas Logan, in soliciting and accepting contributions for her Committee of Continuous Existence (CCE), Vision 305, during the 2012 legislative session, have breached the integrity of the Florida House of Representatives. This action, done in blatant violation of the most basic rule enacted to ensure the integrity of the Florida House of Representatives, flies in the face of rules put in place to guard the integrity of not just the Florida House, but all State government.

Rule 15.3 of the Rules of the Florida House of Representatives states in pertinent part:

“(b) A member may neither solicit nor accept any campaign contribution during the 60-day regular legislative session or any extended or special session on the member’s own behalf, on behalf of a political party, on behalf of any organization with respect to which the member’s solicitation is regulated under s. 106.0701, Florida Statutes or on behalf of a candidate for the House of Representatives; however, a member may contribute to the member’s own campaign.”

The origins of Rule 15.3 rest entirely in the purposeful resolve of the Florida House of Representatives to provide Floridians with the assurance that there will be no undue influence exerted upon the members of the Legislature, while they are in Tallahassee making decisions that affect the lives of those they were entrusted to represent. By accepting donations (See Exhibit “A.”) from special interest groups for a committee controlled by her, and enacted to benefit her political campaigns, during the legislative session, Representative Rivas Logan erodes the confidence placed on the House by those



who elected its members. This violation can not stand if Florida is to prove to its citizens that their government is free of any improper and undue influence.

From the outset of the adoption of laws that govern the financing of elections, the House Rules have continued to be amended to provide concurrence with all changes to the law. The purpose for this is intricately intertwined with our legal requirement for open government and transparency. The purpose of Rule 15.3 is very clear. As part of the orientation process of new Members of the House, it is one of the first issues discussed. As a member in the second year of her term, it is impossible that Representative Rivas Logan was unaware of the prohibition of a Member accepting a contribution to her CCE during the 2012 Legislative Session. Additionally, because the law requires that contributions be deposited within days of their receipt, it is also impossible that she received the contributions before the January 9, 2012 start of the Session. It is also important to note that CCE's are not anonymous organizations in the same vane as Electioneering Communication Organizations or Federal 527's¹. CCE's that are affiliated with state elected officials in Florida require that any and all contributions be reported on a specific internet site created by the CCE within days. This makes the issue crystal clear. As evidenced by the finance report posted and updated periodically on the CCE's own website, www.vision305.org, three contributions were received between January 18, 2012 and January 20, 2012, several days after the start of the Legislative Session.

As I am sure that you are aware, CCE's involved with elected officials have other nuances besides the accelerated reporting requirement. They are intricately associated with the member and must abide by the fundraising restrictions imposed on the member unlike other CCE's unaffiliated with any elected official. Accordingly, Representative Rivas Logan can not state that she was unaware that contributions were accepted by the CCE during the Legislative Session. By affiliating with the CCE, she automatically takes responsibility for its actions including its acceptance of contributions during Session.

¹ Political Communication organization referred to as "527" based on the section of the Internal Revenue Service code that creates their tax exempt status.



By violating Rule 5.3, Representative Rivas Logan also violates two of the Rules most important to the integrity of the Florida House of Representatives. The very wording of these rules personify the importance of a Legislator's job as a good steward of the public trust. They essentially function as the "moral's clause" of the binding contract created between the House and the citizens of Florida by the Florida Constitution.

Rule 15.1 of the Rules of the Florida House of Representatives states:

"Legislative office is a trust to be performed with integrity in the public interest. A member is respectful of the confidence placed in the member by the other members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the member by the House. To this end, each member shall be accountable to the House for violations of this rule or any provision of the House Code of Conduct contained in Rules 15.1–15.7.."

Rule 15.2 of the Rules of the Florida House of Representatives states:

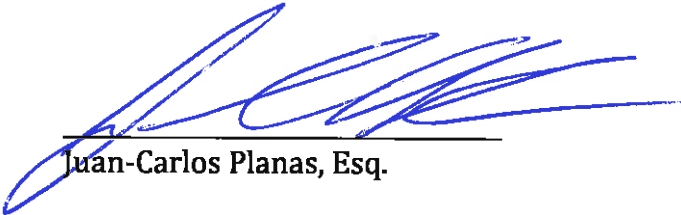
"A member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from unlawful employment discrimination."

The House Rules are not only put in place to explain to the Members how to pass legislation and provide them guidelines on how they are allowed to act when passing legislation but the entire document, and the totality of Rule 15 in particular, are also a guideline to ensure that each person who is so fortunate to represent the people of the State of Florida, do so in an honest and ethical manner. Representative Rivas Logan's conduct has done just the opposite. By accepting these contributions to her CCE during Session, she has violated her duty and breached the public trust and thus must be punished by the House for violating the very Rules that she voted to adopt and swore to uphold and defend.



AFFIDAVIT OF COMPLAINANT

I, Juan-Carlos Planas, Esq., hereby affirm that the contents of the Complaint contained herein above is the result of information obtained by and observed by myself through the website: www.vision305.org and the reporting information of the CCE through the Florida Division of Elections.



Juan-Carlos Planas, Esq.

SWORN to and subscribed before me on this 12th day of July, 2012.



NOTARY PUBLIC, STATE OF FLORIDA

 **STACY BAEZ**
MY COMMISSION # EE 004704
EXPIRES: June 28, 2014
Bonded Thru Budget Notary Services



EXHIBIT “A”

CAMPAIGN TREASURER'S REPORT - ITEMIZED CONTRIBUTIONS

(1) Name Vision 305 (2) I.D. Number 55562
 (3) Cover Period 01/01/2011 - 07/30/2012 (4) Page 1 of 1

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation				
12/07/2011	The Democracy Project Inc. 7525 SW 54th Ct Miami, FL 33143-0000	D	CCE	DUE			\$ 6000.00
1							
01/18/2012	Florida Fire-PAC 345 W Madison St Tallahassee, FL 32301-0000	F	PAC	DUE			\$ 5000.00
2							
01/19/2012	Panza, Thomas F 3600 N Federal Hwy Fort Lauderdale, FL 33308-0000	I	Lawyer	DUE			\$ 1500.00
3							
01/20/2012	Racing Corporation of West Virginia PO Box 7118 Cross Lanes, WV 25313-0000	B	Gaming	DUE			\$ 2500.00
4							
06/13/2012	Sotero, Albert 9553 SW 57th St Miami, FL 33173-0000	I	Aviation Exec	DUE			\$ 4000.00
5							
06/17/2012	Walgreen Co. 104 Wilmot Rd Deerfield, IL 60015-0000	B	Drug Store Chain	DUE			\$ 2500.00
6							
06/30/2012	Falcontrust Air LLC 14150 SW 129th St Miami, FL 33186-0000	B	Aviation Consultin g	DUE			\$ 4000.00
7							