

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: **Deborah Sheffield Irby**

Case No.: **FEC 12-321**

TO: Deborah Sheffield Irby
14202 NW 17th Avenue
Opa-Locka, FL 33054

Rose Tydus
1101 Dunad Avenue
Opa-Locka, FL 33054

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on **February 25, 2014, at 10:30 am, or as soon thereafter as the parties can be heard**, at the following location: **Senate Office Building, Room S-110, 404 South Monroe Street, Tallahassee, FL 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
February 4, 2014

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

FILED

13 DEC -4 AM 9:27

STATE OF FLORIDA
ELECTIONS COMMISSION

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby

Case No.: FEC 12-321

ORDER CONTINUING CASE

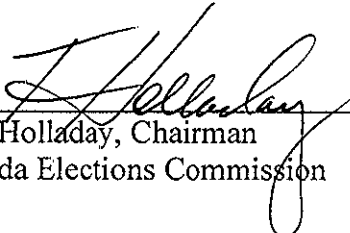
THIS MATTER was scheduled to be heard before the Florida Elections Commission at its regularly scheduled meeting held on November 13, 2013, in Tallahassee, Florida.

The Commission was unable to complete this case at its meeting.

Therefore, it is

ORDERED that the case is continued until the next available meeting of the Florida Elections Commission

DONE AND ORDERED by the Florida Elections Commission on November 13, 2013.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams, Assistant General Counsel
Deborah Sheffield Irby, Respondent
Rose Tydus, Complainant

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby

Case No.: FEC 12-321

TO: Deborah Sheffield Irby
14202 NW 17th Avenue
Opa-Locka, FL 33054

Rose Tydus
1101 Dunad Avenue
Opa-Locka, FL 33054

NOTICE OF HEARING

A hearing will be held in this case before the Florida Elections Commission on **November 13, 2013, at 11:00 am**, or as soon thereafter as the parties can be heard, at the following location: **Senate Office Building, Room 110-S, 404 South Monroe Street, Tallahassee, FL 32399.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing

If you require an accommodation due to a disability, contact Donna Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
October 24, 2013

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld. Pursuant to Rule 2B-1.005 F.A.C., you may file supplemental documents related to your appeal up to five business days before the hearing for consideration by the Commission.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

FILED

13 MAY 31 PM 3:50

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby

Case No.: FEC 12-321

ORDER OF PROBABLE CAUSE

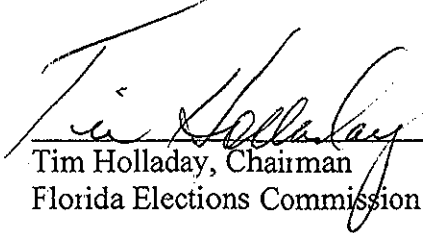
THIS CAUSE came on to be heard before the Florida Elections Commission at its meeting held on May 14, 2013, in Tallahassee, Florida.

The Commission has reviewed the complaint, Report of Investigation, Staff Recommendation, all documents submitted by the Respondent, any relevant documents, and considered all oral statements made at the probable cause hearing. Based on the facts set forth in the Staff Recommendation, which is incorporated herein and attached to this order, the Commission finds that there is probable cause that Respondent committed one count of violating Chapter 106, Florida Statutes:

Count 1

Section 106.143(3), Florida Statutes: Deborah Sheffield Irby, candidate for the Opa-Locka City Commission, stated her political party affiliation on a political advertisement while running for nonpartisan office.

DONE AND ORDERED by the Florida Elections Commission on May 14, 2013.



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Jaakan Williams, Assistant General Counsel
Deborah Sheffield Irby, Respondent
Rose Tydus, Complainant
Ms. Joanna Flores, Interim City Clerk
Attachment: Staff Recommendation

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violations and agree to the amount of the fine. The agreed to consent order is then presented to the Commission for its approval. To discuss a consent order, contact the attorney who signed the Staff Recommendation attached to the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date of the Order of Probable Cause to request such a hearing. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violations and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date of the Order of Probable Cause to request such a hearing. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date of this Order of Probable Cause, the case will be sent to the Commission and you will be entitled to a formal or informal hearing.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby

Case No.: FEC 12-321

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **no probable cause** to charge Respondent with violating **Section 106.143(3), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on January 23, 2013, the following facts and law support this staff recommendation:

1. On October 18, 2012, the Florida Elections Commission ("Commission") received a sworn complaint alleging that Deborah Sheffield Irby ("Respondent") violated Chapter 106, Florida Statutes

2 Respondent was a candidate for the Opa-Locka City, Commission in the 2012 election cycle

3 By letter dated November 27, 2012, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.143(3), Florida Statutes: Deborah Sheffield Irby, candidate for the Opa-Locka City Commission, stated her political party affiliation on a political advertisement while running for nonpartisan office, as alleged in the complaint

4 Respondent filed her State of Florida Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (DS-DE 9) on July 16, 2012, and designated herself as treasurer for the campaign. (Exhibit "A" attached hereto)

5 Before the November 6, 2012, General Election, Respondent distributed several pieces of campaign literature, one of which included a statement regarding Respondent's political party affiliation. One of her advertisements states "Bubble #15," and also states, "A Proud Democrat" in a section listing her "Personal and Community Service" (ROI Exhibits 1 & 2)

6 There are no other references to Respondent's political party affiliation in either the disclaimer section or in the body of Respondent's other political advertisements¹ (ROI Exhibit 2)

¹ The Report of Investigation is referred to herein as "ROI"

7 In a telephone interview with Investigator Tracie Aulet on November 30, 2012, Respondent explained that she was responsible for writing the content of the advertisement, and that the statement "A Proud Democrat" was meant to be viewed as part of her personal and community service. Furthermore, Respondent stated that she had written about her experience with volunteering for the President and making phone calls on behalf of the campaign as part of her community service but, after discussion with the printing company, she decided to summarize her re-election campaign experience by including the statement, "A Proud Democrat" because there was not enough space to include that information on the advertisement (Exhibit "B" attached hereto)

8 In pertinent part, Section 106.143(3), Florida Statutes states:

"Candidates running for non-partisan office may not state the candidate's political party affiliation in the disclaimer, or in the body of the advertisement. **Exception: The candidate is not prohibited from stating the candidate's partisan related experience.**" (Emphasis added.)

9. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v State*, 590 So 2d 404, 409 (Fla 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v Favino*, 667 So 2d 305, 309 (Fla 1st DCA 1995).

10 The facts set forth above show that Respondent was a candidate for Opa-Locka City Commission in the 2012 General Election. Prior to the November 6, 2012 General Election, Respondent distributed one piece of campaign literature that identified her party affiliation as a "Proud Democrat." Respondent later explained that she was responsible for the content of the ad and that she had volunteered for President and made phone calls on behalf of the campaign, but there was not enough space to include that information on the advertisement. While Section 106.143(3), Florida Statutes, prohibits candidates running for nonpartisan office from stating their party affiliation on political advertisements, however the section also carves out an exception and allows candidates to list their partisan related experience in political advertisements without running afoul of the law. Respondent summarized a list of her personal and community service achievements, but did not have enough room to explain her involvement with the Presidential campaign on her advertisement. Therefore, she summarized her partisan-related experience by referring to herself as "A Proud Democrat."

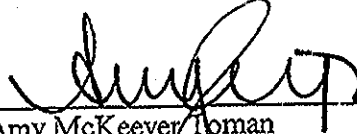
Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Section 106.143(3), Florida Statutes.

Respectfully submitted on March 31, 2013,



Jaakan A. Williams
Assistant General Counsel

I reviewed this Staff Recommendation this 1st ^{April} day of ~~March~~ 2013



Amy McKeever Toman
Executive Director

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106 021(1), F.S.)

RECEIVED
CITY CLERK

2012 JUL 16 AM 9:27

(PLEASE PRINT OR TYPE)



NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2 Name of Candidate (in this order: First, Middle, Last)

Deborah Sheffield Irby

3 Address (include post office box or street, city, state, zip code)

14202 NW 17 AVE.
Opa-locka, FL 33054

4 Telephone

()

5 E-mail address

6 Office sought (include district, circuit, group number)

COMMISSIONER - City of Opa-locka

7 If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation _____ Party candidate

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10 Name of Treasurer or Deputy Treasurer

Deborah Sheffield Irby

11 Mailing Address

14202 NW 17 Ave Opa-locka, Fla

12 Telephone

(786) 360-9503

13 City

Opa-locka

14 County

Miami-Dade

15 State

Fla

16 Zip Code

33054

17 E-mail address

Ipeace@yahoo.com

18 I have designated the following bank as my Primary Depository Secondary Depository

19 Name of Bank

Wells Fargo

20 Address

Opa-locka Branch

21 City

Opa-locka

22 County

Miami-Dade

23 State

Fla

24 Zip Code

33054

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25 Date

July 9, 2012

26 Signature of Candidate

[Signature]

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Deborah Irby, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

July 9, 2012
Date

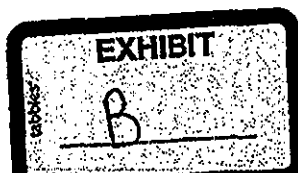
[Signature]
Signature of Campaign Treasurer or Deputy Treasurer

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 12-321**

Respondent: Deborah Sheffield Irby

Complainant: Rose Tydus

1. **Date and time:** November 30, 2012; 10:49 a.m.
Name: Respondent
Phone #: called me
Summary: R called in reference to the investigation. R stated Mr Copy Printing was responsible for printing her advertisement. R admitted she wrote the content of her advertisement and stated there was a rush to get the advertisement mailed out before the absentee ballots went out. R stated she had written about her experience with volunteering for the president and making phone calls on behalf of the campaign and her community service but after discussion with the printing company, she decided to summarize her re-election campaign experience by including the statement, "A Proud Democrat" because there was not enough space to include that information on the advertisement. I asked Respondent to clarify if she discussed the issue of there not being enough space to include her campaign experience on the advertisement with the printing company, and whether she or someone else made the suggestion to summarize her experience in that manner. R replied, "Well I don't want to blame it on the printer." I asked R if this was her first time running office; she stated yes. I asked R if she read Chapters 104 and 106, Florida Statutes, and or the Handbook. R stated she "did not really because most of it I was familiar with; I glanced at it." R stated "the election is over; neither one of us won" and that she will file a complaint against C because C made an "impact speech" where she stated she was a Republican. R stated this advertisement was the only mailer; the others were door to door. R reiterated that she was trying to "get it in" her personal and community service and there wasn't enough room and that the statement was meant to be viewed as part of her community service only. R insisted she did not run her campaign based on her party affiliation; she stated that none of her other advertisements disclosed her party affiliation. I asked R to provide a draft of the advertisement at issue in the complaint; she stated she would. I gave R my e-mail address.
Memo to File? No
Entered by: ta
2. **Date and time:** December 4, 2012; 11:08 a.m.
Name: Daniel Michaud, Mr. Copy Printing
Phone #: 305-681-0041
Summary: There was no answer; I left a message asking Mr Michaud to return my call.
Memo to File? No
Entered by: ta
3. **Date and time:** December 4, 2012; 11:25 a.m.
Name: Daniel Michaud, Mr Copy Printing
Phone #: returned my call



FILED

13 MAY 31 PM 3:50

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

STATE OF FLORIDA
ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby

Case No.: FEC 12-321

ORDER OF PROBABLE CAUSE

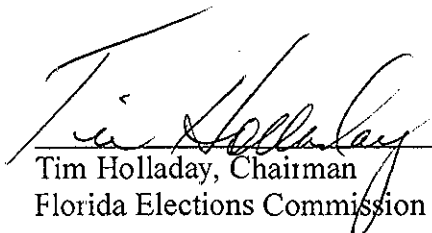
THIS CAUSE came on to be heard before the Florida Elections Commission at its meeting held on May 14, 2013, in Tallahassee, Florida

The Commission has reviewed the complaint, Report of Investigation, Staff Recommendation, all documents submitted by the Respondent, any relevant documents, and considered all oral statements made at the probable cause hearing. Based on the facts set forth in the Staff Recommendation, which is incorporated herein and attached to this order, the Commission finds that there is probable cause that Respondent committed one count of violating Chapter 106, Florida Statutes:

Count 1

Section 106.143(3), Florida Statutes: Deborah Sheffield Irby, candidate for the Opa-Locka City Commission, stated her political party affiliation on a political advertisement while running for nonpartisan office.

DONE AND ORDERED by the Florida Elections Commission on May 14, 2013



Tim Holladay, Chairman
Florida Elections Commission

Copies furnished to:

Jaakan Williams, Assistant General Counsel
Deborah Sheffield Irby, Respondent
Rose Tydus, Complainant
Ms. Joanna Flores, Interim City Clerk
Attachment: Staff Recommendation

NOTICE OF RIGHT TO A HEARING

As the Respondent, you may elect to resolve this case in several ways. First, you may elect to resolve this case by consent order where you and Commission staff agree to resolve the violations and agree to the amount of the fine. The agreed to consent order is then presented to the Commission for its approval. To discuss a consent order, contact the attorney who signed the Staff Recommendation attached to the Order of Probable Cause.

Second, you may request an informal hearing held before the Commission, if you do not dispute any material fact in the Staff Recommendation. You have 30 days from the date of the Order of Probable Cause to request such a hearing. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violations and the potential fine. At the request of Respondent, the Commission will consider and determine willfulness at an informal hearing. Otherwise, live witness testimony is unnecessary.

Third, you may request a formal hearing held before an administrative law judge in the Division of Administrative Hearings (DOAH), if you dispute any material fact in the Staff Recommendation. You have 30 days from the date of the Order of Probable Cause to request such a hearing. At the hearing, you will have the right to present evidence relevant to the violation(s) listed in this order, to cross-examine opposing witnesses, to impeach any witness, and to rebut the evidence presented against you.

If you do not elect to resolve the case by consent order or request a formal hearing at the DOAH or an informal hearing before the Commission within 30 days of the date of this Order of Probable Cause, the case will be sent to the Commission and you will be entitled to a formal or informal hearing.

To request a hearing, please send a written request to the Commission Clerk, Donna Ann Malphurs. The address of the Commission Clerk is 107 W. Gaines Street, Collins Building, Suite 224, Tallahassee, Florida 32399-1050. The telephone number is (850) 922-4539. The Clerk will provide you with a copy of Chapter 28-106, *Florida Administrative Code*, and other applicable rules upon request. No mediation is available.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby

Case No.: FEC 12-321

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to section 106 25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **no probable cause** to charge Respondent with violating **Section 106.143(3), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on January 23, 2013, the following facts and law support this staff recommendation:

1 On October 18, 2012, the Florida Elections Commission ("Commission") received a sworn complaint alleging that Deborah Sheffield Irby ("Respondent") violated Chapter 106, Florida Statutes

2 Respondent was a candidate for the Opa-Locka City Commission in the 2012 election cycle

3 By letter dated November 27, 2012, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.143(3), Florida Statutes: Deborah Sheffield Irby, candidate for the Opa-Locka City Commission, stated her political party affiliation on a political advertisement while running for nonpartisan office, as alleged in the complaint

4 Respondent filed her State of Florida Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (DS-DE 9) on July 16, 2012, and designated herself as treasurer for the campaign. (Exhibit "A" attached hereto)

5 Before the November 6, 2012, General Election, Respondent distributed several pieces of campaign literature, one of which included a statement regarding Respondent's political party affiliation. One of her advertisements states "Bubble #15," and also states, "A Proud Democrat" in a section listing her "Personal and Community Service" (ROI Exhibits 1 & 2)

6 There are no other references to Respondent's political party affiliation in either the disclaimer section or in the body of Respondent's other political advertisements.¹ (ROI Exhibit 2)

¹ The Report of Investigation is referred to herein as "ROI"

7 In a telephone interview with Investigator Tracie Aulet on November 30, 2012, Respondent explained that she was responsible for writing the content of the advertisement, and that the statement "A Proud Democrat" was meant to be viewed as part of her personal and community service. Furthermore, Respondent stated that she had written about her experience with volunteering for the President and making phone calls on behalf of the campaign as part of her community service but, after discussion with the printing company, she decided to summarize her re-election campaign experience by including the statement, "A Proud Democrat" because there was not enough space to include that information on the advertisement (Exhibit "B" attached hereto)

8 In pertinent part, Section 106 143(3), Florida Statutes states:

"Candidates running for non-partisan office may not state the candidate's political party affiliation in the disclaimer, or in the body of the advertisement. **Exception: The candidate is not prohibited from stating the candidate's partisan related experience.**" (Emphasis added.)

9 "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v. State*, 590 So.2d 404, 409 (Fla 1991) Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v Favino*, 667 So.2d 305, 309 (Fla 1st DCA 1995)

10 The facts set forth above show that Respondent was a candidate for Opa-Locka City Commission in the 2012 General Election. Prior to the November 6, 2012 General Election, Respondent distributed one piece of campaign literature that identified her party affiliation as a "Proud Democrat." Respondent later explained that she was responsible for the content of the ad and that she had volunteered for President and made phone calls on behalf of the campaign, but there was not enough space to include that information on the advertisement. While Section 106 143(3), Florida Statutes, prohibits candidates running for nonpartisan office from stating their party affiliation on political advertisements, however the section also carves out an exception and allows candidates to list their partisan related experience in political advertisements without running afoul of the law. Respondent summarized a list of her personal and community service achievements, but did not have enough room to explain her involvement with the Presidential campaign on her advertisement. Therefore, she summarized her partisan-related experience by referring to herself as "A Proud Democrat."

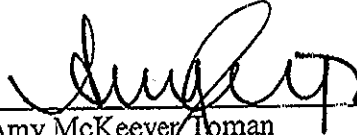
Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Section 106 143(3), Florida Statutes.

Respectfully submitted on March 31, 2013,



Jaakan A. Williams
Assistant General Counsel

I reviewed this Staff Recommendation this 1st day of ^{April} ~~March~~ 2013.



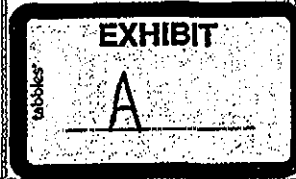
Amy McKeever Toman
Executive Director

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
CITY CLERK

2012 JUL 16 AM 9:27



OFFICE USE ONLY

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2 Name of Candidate (in this order: First, Middle, Last)

Deborah Sheffield Irby

3 Address (include post office box or street, city, state, zip code)

14202 NW 17 AVE
Opa-locka, FL 33054

4 Telephone

()

5 E-mail address

6 Office sought (include district, circuit, group number)

Commissioner - City of Opa-locka

7 If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8 If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation _____ Party candidate

9 I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10 Name of Treasurer or Deputy Treasurer

Deborah Sheffield Irby

11 Mailing Address

14202 NW 17 Ave Opa-locka, Fla

12 Telephone

(786) 360-9503

13 City

Opa-locka

14. County

Miami-Dade

15. State

Fla

16. Zip Code

33054

17 E-mail address

lpeace@yahoo.com

18 I have designated the following bank as my Primary Depository Secondary Depository

19 Name of Bank

Wells Fargo

20. Address

Opa-locka Branch

21 City

Opa-locka

22 County

Miami-Dade

23 State

Fla

24. Zip Code

33054

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE

25 Date

July 9 2012

26 Signature of Candidate

Deborah Sheffield Irby

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Deborah Irby, do hereby accept the appointment

(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

July 9 2012

Date

Deborah Sheffield Irby Treasurer

Signature of Campaign Treasurer or Deputy Treasurer

8

8

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 12-321**

Respondent: Deborah Sheffield Irby

Complainant: Rose Tydus

1 **Date and time:** November 30, 2012; 10:49 a.m.

Name: Respondent

Phone #: called me

Summary: R called in reference to the investigation R stated Mr Copy Printing was responsible for printing her advertisement R admitted she wrote the content of her advertisement and stated there was a rush to get the advertisement mailed out before the absentee ballots went out. R stated she had written about her experience with volunteering for the president and making phone calls on behalf of the campaign and her community service but after discussion with the printing company, she decided to summarize her re-election campaign experience by including the statement, "A Proud Democrat" because there was not enough space to include that information on the advertisement I asked Respondent to clarify if she discussed the issue of there not being enough space to include her campaign experience on the advertisement with the printing company, and whether she or someone else made the suggestion to summarize her experience in that manner. R replied, "Well I don't want to blame it on the printer" I asked R if this was her first time running office; she stated yes I asked R if she read Chapters 104 and 106, Florida Statutes, and or the Handbook R stated she "did not really because most of it I was familiar with; I glanced at it." R stated "the election is over; neither one of us won" and that she will file a complaint against C because C made an "impact speech" where she stated she was a Republican R stated this advertisement was the only mailer; the others were door to door R reiterated that she was trying to "get it in" her personal and community service and there wasn't enough room and that the statement was meant to be viewed as part of her community service only R insisted she did not run her campaign based on her party affiliation; she stated that none of her other advertisements disclosed her party affiliation I asked R to provide a draft of the advertisement at issue in the complaint; she stated she would I gave R my e-mail address

Memo to File? No

Entered by: ta

2 **Date and time:** December 4, 2012; 11:08 a.m.

Name: Daniel Michaud, Mr. Copy Printing

Phone #: 305-681-0041

Summary: There was no answer; I left a message asking Mr Michaud to return my call

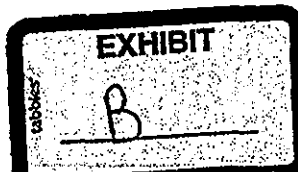
Memo to File? No

Entered by: ta

3. **Date and time:** December 4, 2012; 11:25 a.m.

Name: Daniel Michaud, Mr Copy Printing

Phone #: returned my call



STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby

Case No.: FEC 12-321

NOTICE OF PROBABLE CAUSE HEARING

TO: Deborah Sheffield Irby
14202 NW 17th Avenue
Opa-locka, Florida 33054

Rose Tydus
1101 Dunrad Avenue
Opa-locka, Florida 33054

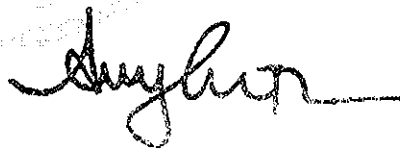
PLEASE TAKE NOTICE that on May 14, 2013, at 1:30 p.m. or thereafter as the parties can be heard, the Florida Elections Commission will bring on to be heard whether there is probable cause that Respondent violated a provision of The Florida Election Code. The Commission shall meet at: **Senate Office Building, 404 South Monroe Street, Room S-401, Tallahassee, Florida 32399-6526.**

Respondent and staff shall each have time to make a brief oral argument to the Commission before it determines probable cause. Complainant will be permitted to attend the probable cause hearing. Failure to appear in accordance with this notice will constitute a waiver of oral argument and the Commission will decide this matter on the record before it. Convenience of location is not a basis for continuing or postponing the hearing. Please note that this matter may not be addressed individually and it may be voted on en masse by the Commission. **See reverse side for additional instructions.**

If you require an accommodation due to a disability, contact Donna Ann Malphurs, Florida Elections Commission, at (850) 922-4539 or at 107 W Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida, at least 5 days before the hearing.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Dated on April 16, 2013



Amy McKeever Toman
Executive Director

INSTRUCTIONS FOR PROBABLE CAUSE HEARING

Please be advised that other cases have been scheduled for the same time. Therefore, your case may not be called exactly at the time set forth on this notice. Please note that this matter may not be addressed individually and it may be voted on en masse by the Commission.

At the probable cause hearing, the Florida Elections Commission will decide whether there is **probable cause to believe** that Respondent has violated one or more provisions of The Florida Election Code

Respondent, each Complainant, and their counsel are permitted to attend the probable cause hearing.

The hearing will be conducted pursuant to Section 106 25, *Florida Statutes*; Chapter 28, *Florida Administrative Code*, the Uniform Rules of Procedures; and Commission Rule 1.0027, *Florida Administrative Code*

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent, at his or her own expense, may provide a certified court reporter also to record the hearing.

Before making a decision on probable cause, the Commission will review the complaint, the Report of Investigation, the Staff Recommendation, any written responses submitted by Respondent, all relevant documents, and any oral statements made by Respondent and staff at the probable cause hearing

When your case is called, the Chair will read a brief statement and may ask Respondent, Complainant, and their attorneys, if an attorney is present, to state their names for the record.

Staff will then have time to summarize the case and make a recommendation to the Commission on probable cause. After staff's presentation, if the Respondent is present he or she will have time to make a statement to the Commission in the nature of an oral argument.

Pursuant to Section 106 25(4), *Florida Statutes*, Respondent's statement should explain how the staff erred in applying the law to the facts enumerated in the Staff Recommendation. Respondent may not testify or call others to testify or introduce any documentary or other evidence at the probable cause hearing.

At the probable cause hearing, the Commission is not deciding whether Respondent has violated a provision of The Florida Election Code or the amount of the fine. The Commission is only deciding whether Respondent should be charged with violating a provision of the election code. Before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for a second hearing, where Respondent may testify, call others to testify on his or her behalf, and introduce documentary or other evidence that shows Respondent did not commit the violations charged.

After the presentations are concluded, the Commissioners will discuss the case and may ask questions of Respondent and staff. The Commission's decision on probable cause will be made by a majority vote of those members present and voting.

After the Commission decides whether there is or is not probable cause to believe that Respondent violated a provision of the election code, the case will become public. In some cases, the Commission may not make a decision, such as when further investigation is ordered. If the Commission does not make a decision on probable cause, the case will remain confidential, unless confidentiality has been waived.

After the Commission meeting, the Commission will send Respondent and Complainant a written order reflecting the Commission's decision on probable cause. If the Commission finds no probable cause, the case will be dismissed. If the Commission finds probable cause, Respondent will receive instructions on how to either settle the matter or select a hearing before the Commission or the Division of Administrative Hearings. These hearings will determine whether a violation has occurred and whether a fine should be imposed.

If Respondent has not received the Staff Recommendation or if you have any questions about the procedures for the probable cause hearing, please contact Donna Ann Malphurs at (850) 922-4539.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Deborah Sheffield Irby /

Case No.: FEC 12-321

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to section 106 25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the complaint in this case recommending that there is **no probable cause** to charge Respondent with violating **Section 106.143(3), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on January 23, 2013, the following facts and law support this staff recommendation:

1. On October 18, 2012, the Florida Elections Commission ("Commission") received a sworn complaint alleging that Deborah Sheffield Irby ("Respondent") violated Chapter 106, Florida Statutes.

2. Respondent was a candidate for the Opa-Locka City Commission in the 2012 election cycle.

3. By letter dated November 27, 2012, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 106.143(3), Florida Statutes: Deborah Sheffield Irby, candidate for the Opa-Locka City Commission, stated her political party affiliation on a political advertisement while running for nonpartisan office, as alleged in the complaint.

4. Respondent filed her State of Florida Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates form (DS-DE 9) on July 16, 2012, and designated herself as treasurer for the campaign. (Exhibit "A" attached hereto)

5. Before the November 6, 2012, General Election, Respondent distributed several pieces of campaign literature, one of which included a statement regarding Respondent's political party affiliation. One of her advertisements states "Bubble #15," and also states, "A Proud Democrat" in a section listing her "Personal and Community Service." (ROI Exhibits 1 & 2)

6. There are no other references to Respondent's political party affiliation in either the disclaimer section or in the body of Respondent's other political advertisements.¹ (ROI Exhibit 2)

¹ The Report of Investigation is referred to herein as "ROI."

7. In a telephone interview with Investigator Tracie Aulet on November 30, 2012, Respondent explained that she was responsible for writing the content of the advertisement, and that the statement "A Proud Democrat" was meant to be viewed as part of her personal and community service. Furthermore, Respondent stated that she had written about her experience with volunteering for the President and making phone calls on behalf of the campaign as part of her community service but, after discussion with the printing company, she decided to summarize her re-election campaign experience by including the statement, "A Proud Democrat" because there was not enough space to include that information on the advertisement (Exhibit "B" attached hereto)

8. In pertinent part, Section 106.143(3), Florida Statutes states:

"Candidates running for non-partisan office may not state the candidate's political party affiliation in the disclaimer, or in the body of the advertisement. **Exception: The candidate is not prohibited from stating the candidate's partisan related experience.**" (Emphasis added.)

9. "Probable Cause" is defined as reasonable grounds of suspicion supported by circumstances sufficiently strong to warrant a cautious person in the belief that the person has committed the offense charged. *Schmitt v State*, 590 So.2d 404, 409 (Fla. 1991). Probable cause exists where the facts and circumstances, of which an [investigator] has reasonably trustworthy information, are sufficient in themselves for a reasonable man to reach the conclusion that an offense has been committed. *Department of Highway Safety and Motor Vehicles v. Favino*, 667 So.2d 305, 309 (Fla. 1st DCA 1995)

10. The facts set forth above show that Respondent was a candidate for Opa-Locka City Commission in the 2012 General Election. Prior to the November 6, 2012 General Election, Respondent distributed one piece of campaign literature that identified her party affiliation as a "Proud Democrat." Respondent later explained that she was responsible for the content of the ad and that she had volunteered for President and made phone calls on behalf of the campaign, but there was not enough space to include that information on the advertisement. While Section 106.143(3), Florida Statutes, prohibits candidates running for nonpartisan office from stating their party affiliation on political advertisements, however the section also carves out an exception and allows candidates to list their partisan related experience in political advertisements without running afoul of the law. Respondent summarized a list of her personal and community service achievements, but did not have enough room to explain her involvement with the Presidential campaign on her advertisement. Therefore, she summarized her partisan-related experience by referring to herself as "A Proud Democrat."

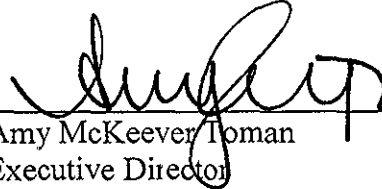
Based upon these facts and circumstances, I recommend that the Commission find no probable cause to charge Respondent with violating Section 106.143(3), Florida Statutes

Respectfully submitted on March 31, 2013,



Jaakan A. Williams
Assistant General Counsel

I reviewed this Staff Recommendation this 1st ^{April} day of ~~March~~ 2013.



Amy McKeever Toman
Executive Director

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 12-321

Respondent: Deborah Sheffield Irby

Complainant: Rose Tydus

1. **Date and time:** November 30, 2012; 10:49 a.m

Name: Respondent

Phone #: called me

Summary: R called in reference to the investigation. R stated Mr. Copy Printing was responsible for printing her advertisement. R admitted she wrote the content of her advertisement and stated there was a rush to get the advertisement mailed out before the absentee ballots went out. R stated she had written about her experience with volunteering for the president and making phone calls on behalf of the campaign and her community service but after discussion with the printing company, she decided to summarize her re-election campaign experience by including the statement, "A Proud Democrat" because there was not enough space to include that information on the advertisement. I asked Respondent to clarify if she discussed the issue of there not being enough space to include her campaign experience on the advertisement with the printing company, and whether she or someone else made the suggestion to summarize her experience in that manner. R replied, "Well I don't want to blame it on the printer." I asked R if this was her first time running office; she stated yes. I asked R if she read Chapters 104 and 106, Florida Statutes, and or the Handbook. R stated she "did not really because most of it I was familiar with; I glanced at it." R stated "the election is over; neither one of us won" and that she will file a complaint against C because C made an "impact speech" where she stated she was a Republican. R stated this advertisement was the only mailer; the others were door to door. R reiterated that she was trying to "get it in" her personal and community service and there wasn't enough room and that the statement was meant to be viewed as part of her community service only. R insisted she did not run her campaign based on her party affiliation; she stated that none of her other advertisements disclosed her party affiliation. I asked R to provide a draft of the advertisement at issue in the complaint; she stated she would. I gave R my e-mail address

Memo to File? No

Entered by: ta

2. **Date and time:** December 4, 2012; 11:08 a.m

Name: Daniel Michaud, Mr. Copy Printing

Phone #: 305-681-0041

Summary: There was no answer; I left a message asking Mr Michaud to return my call

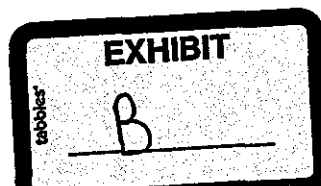
Memo to File? No

Entered by: ta

3. **Date and time:** December 4, 2012; 11:25 a.m.

Name: Daniel Michaud, Mr Copy Printing

Phone #: returned my call



FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 12-321

Respondent: Deborah Sheffield Irby
Counsel for Respondent: None

Complainant: Rose Tydus
Counsel for Complainant: None

On October 18, 2012, the Florida Elections Commission received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statute:

Section 106.143(3), Florida Statutes, prohibiting a candidate from stating her political party affiliation on a political advertisement while running for nonpartisan office

I. Preliminary Information:

1 Respondent was a candidate for Opa-Locka City Commission; she was defeated in the general election held on November 6, 2012. Respondent had served as Opa-Locka's city clerk since approximately 1994 before her candidacy for city commission.

2 Complainant was Respondent's incumbent opponent in the race for Opa-Locka City Commission; she was also defeated in the general election. Complainant had served on the commission since November 2000.

3 Respondent's filing officer is Joanna Flores, Interim City Clerk, City of Opa-Locka.

II. Alleged Violation of Section 106.143(3), Florida Statutes:

4 I investigated whether Respondent violated this section of election laws by disclosing her political party affiliation on a political advertisement while she was a candidate for city commission.¹

5 Complainant states in her complaint, "Ms. Irby is a candidate in a non-partisan municipal election; however, her campaign literature states, 'A Proud Democrat.'" Complainant provided a copy of Respondent's political advertisement with her complaint.

6 The advertisement provided by Complainant is approximately 8½ x 11 inches, and is addressed to "The Tydus Family." The first page of the advertisement extols Respondent's abilities as a leader and lists Respondent's platform. The last section on the first

¹ In a telephone interview on January 8, 2013, Ms. Flores confirmed that all city commission seats are at-large with no party affiliation.

page of the advertisement is identified as "PERSONAL AND COMMUNITY SERVICE: A PROUD DEMOCRAT," and lists several of Respondent's personal accomplishments. The second page of the advertisement contains a collage of photos featuring Respondent with various members of the community. To view a copy of the advertisement provided by Complainant, please refer to Exhibit 1.

7. Respondent submitted a written response to the complaint dated November 13, 2012, in which Respondent states she did not campaign based on her party affiliation. Respondent states that with the exception of the mailer provided by Complainant, her party affiliation was not disclosed on any of her other campaign literature. Respondent provided copies of two additional political advertisements; upon review, I did not find Respondent's party affiliation disclosed on either of the advertisements. To review copies of the written response and additional advertisements provided by Respondent, please refer to Exhibit 2.

8. I interviewed Respondent by telephone on November 30, 2012. Respondent admitted she was responsible for writing the content of the advertisement. Respondent stated there was a rush to get the advertisement mailed out before potential voters received their absentee ballots. Respondent explained that the statement, "A Proud Democrat," was meant to be viewed as part of her personal and community service.

9. When asked to clarify her decision to disclose her party affiliation on the advertisement, Respondent stated she decided to summarize her experience of working on the president's re-election campaign by including the statement, "A Proud Democrat" because there was not enough space on the advertisement to include what she had written regarding her experience, which included making phone calls on behalf of the campaign.

10. I asked Respondent to clarify if she discussed the issue of there not being enough space to include her experience of working on the president's re-election campaign on the advertisement with the printing company, and whether she or someone else made the suggestion to summarize her experience in that manner. Respondent replied, "Well I don't want to blame it on the printer."

11. I interviewed Daniel Michaud of Mr. Copy Printing by telephone on December 4, 2012. Mr. Michaud stated Respondent e-mailed him a draft of the advertisement which was forwarded to his graphics department and then returned to Respondent for review and approval of the final copy. Mr. Michaud stated he did not discuss the content of the advertisement with Respondent, and added it is not normal business practice for him to do so with any of his clients. Mr. Michaud further stated he does not send out advertisements without the approval of his clients.²

12. Respondent provided a draft of the advertisement that was sent to the printing company which I reviewed and compared with the advertisement Complainant submitted with her complaint. The content of the draft is almost identical to the content of the advertisement. On the second page of the draft there is a paragraph listed as "PERSONAL AND COMMUNITY SERVICE;" directly beneath that is the statement "A PROUD DEMOCRAT." To view a copy of the draft, please refer to Exhibit 3.

² Mr. Michaud declined to submit an affidavit in this matter.

13. It appears the statement "A PROUD DEMOCRAT" was included in the original draft that was sent to the printer.

14. No history of Respondent having previously violated this section of law was found.

III. FEC History:

15. In her former capacity as city clerk, Respondent filed complaints with the Commission on three occasions. In 96-259, Respondent's complaint was found legally insufficient. In FEC 02-102, the Commission found six violations of Chapter 106, Florida Statutes, as a result of Respondent's complaint. In 07-052, Respondent's complaint was found legally insufficient.

Conclusion:

16. I conducted a final interview with Respondent on January 14, 2013, and gave her an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint.

17. Respondent reiterated that she meant for the statement "A Proud Democrat" to be viewed as part of her community service and pointed out that the statement appears directly underneath her community service on the draft of the advertisement. Respondent stated she intended for the statement to appear that way on the advertisement, but when it came back from the printer it was positioned next to her personal and community service. Respondent stated she just wanted the experience of working with the president's re-election campaign to be reflected in the advertisement.

18. Respondent also wished to have it noted she was concerned that Complainant made statements at city commission meetings and during speeches in which she disclosed her political party affiliation as well.

19. Ms. Flores submitted an affidavit dated January 2, 2013. In her affidavit, Ms. Flores states Respondent was given Chapters 104 and 106, Florida Statutes, as well as the *2011 Candidate and Campaign Treasurer Handbook* on July 13, 2012. Ms. Flores further states in her affidavit that Respondent was verbally notified of the resources available on the Division of Elections' website, and that the *Handbook* and Election Laws were also available on the city's website. To view a copy of Ms. Flores' affidavit, please refer to Exhibit 4.

20. During the telephone interview on November 30, 2012, Respondent was asked if she read Chapters 104 and 106, Florida Statutes, and/or the *Handbook*. Respondent replied, "Not really because most of it I was familiar with; I glanced at it."

21. Chapter 12, page 32 of the *2011 Candidate and Campaign Treasurer Handbook* discusses political advertising and states as follows: "Candidates running for **non-partisan** office may not state the candidate's political party affiliation in the disclaimer, or in the body of the advertisement. Exception: The candidate is not prohibited from stating the candidate's

partisan related experience.” To view the relevant pages of the *Handbook*, please refer to Exhibit 5.

22 During my investigation of the allegations contained in the sworn complaint, I found that Respondent may have had incorrect disclaimers on her political advertisements. However, because these violations were not alleged in the complaint, I did not investigate this information.

Respectfully submitted on January 23, 2013,



Tracie Aulet
Investigation Specialist

Current address of Respondent

Ms. Deborah Sheffield Irby
14202 NW 17th Avenue
Opa-Locka, FL 33054

Current address of Complainant

Ms. Rose Tydus
1101 Dunad Avenue
Opa-Locka, FL 33054

Name and Address of Filing Officer:

Ms. Joanna Flores, Interim City Clerk
City of Opa-Locka
780 Fisherman Street, 4th Floor
Opa-Locka, FL 33054

Copy furnished to:

Mr. David B. Flagg, Investigations Manager

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Deborah Sheffield Irby -- FEC 12-321

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Political advertisement provided by Complainant
Exhibit 2	Respondent's written response w/additional advertisements
Exhibit 3	Respondent's e-mail w/draft to printer
Exhibit 4	Affidavit of Filing Officer
Exhibit 5	<i>2011 Candidate and Campaign Treasurer Handbook</i> , relevant pages

★ ELECT ★
DEBORAH
SHEFFIELD IRBY
FOR COMMISSIONER
CITY OF OPA-LOCKA
14202 NW 17TH Avenue
Opa-Locka, FL 33054

Presorted Standard
U.S. Postage
PAID
Permit No. 1775
S. Fla., FL

Bubble #
158

**I HAVE ONE GOAL, ONE PASSION...YOU, THE PEOPLE.
IT'S TIME FOR PROGRESS, EXPECT MORE!**

I AM A VERY STRONG LEADER, CANNOT BE BOUGHT, I WILL DO THOSE THINGS THAT ARE RIGHT; I AM WILLING TO: • TAKE IMMEDIATE ACTION FOR THE PRESENT SITUATION AND CONDITIONS OF OUR CITY • ACCEPT THE CHALLENGE • FACE IT HEAD ON WITH INTEGRITY, CHARACTER AND A COMMITMENT TO EXECUTE RIGHTEOUSNESS • STOP WASTEFUL SPENDING AND THE MISUSE OF CITIZENS TAX DOLLARS

MY PLATFORM:

BRING STABILITY TO THE CITY OF OPA-LOCKA • CHANGE OUR CITY'S NEGATIVE IMAGE BY SHOWING THAT LEADERSHIP MUST START AT THE TOP • MAKE OUR CITY A PLACE WHERE WE WILL BE PROUD TO LIVE AND RAISE OUR CHILDREN AND GRANDCHILDREN • BRING FINANCIAL RESOURCES TO HELP OUR CITIZENS AND BUSINESSSES • IMPLEMENT A PLAN TO LOWER WATER BILLS • STOP UNFAIR TREATMENT OF OUR CITIZENS FOR UTILITY BILLS • IMPLEMENT A PLAN TO LOWER PROPERTY TAXES • PROMOTE JOB DEVELOPMENT WHICH RESULT IN JOB CREATION • SAFER STREETS, A STRONGER COMMUNITY • SUMMER AND AFTER SCHOOL JOBS FOR OUR YOUTH

YOUR VOTE IS YOUR VOICE, SPEAK UP! VOTE ON NOVEMBER 6, 2012

PERSONAL AND COMMUNITY SERVICE: A PROUD DEMOCRAT

• Earned a B.S. Degree in Psychology, St. Thomas University • Chief Executive Officer of the Irby Group, LLC • Homegrown born and raised, Widowed, One daughter, two grandchildren • Effectively served for 18+ years as City Clerk/Supervisor of Elections and Assistant City Clerk • Strathmore's Who's Who; honored and featured in 2006-2007 for my leadership and profession as City Clerk • Former President of the Magnolia Homeowners & Tenants Association • Knowledgeable of all aspects of local government • Advocate for our children, senior citizens and single mothers • Created, organized and raised funds for the Annual Back to School Celebration for the past 16 years; • Organized and raised for funds: Father's Day Events; Easter Events; Thanks Giving and Christmas Luncheons for our seniors; Christmas Toy Drive; Women's History Luncheons; Valentine Day Dance for our single mothers. • Co-created and organized the Helen L. Miller Scholarship Foundation; Successfully raised funds (2011-12) for eight (8) of our city's high school seniors to attend college with scholarships ranging from \$1500.00-\$2,000.00; donated my personal funds for this important endeavor; • Presented first Entrepreneur and job seminar to the citizens; • Hired 400 citizens for the Census 2000 Campaign, hired 325 citizens for the 2010 Census Campaign. • These are but a few of my services to the community, I could not list them all on this platform.

**"A GOOD LEADER IS SOMEBODY WHO COULD SEE
BEYOND WHAT EVERYBODY ELSE WAS LOOKING AT".**

PLEASE LET ME HAVE YOUR SUPPORT ON NOVEMBER 6, 2012
FOR A RIDE TO YOUR PRECINCT TO VOTE OR TO VOLUNTEER,
PLEASE CALL DEBORAH AT 786-360-9503

Early Voting Begins October 27 - November 3, 2012
ELECT DEBORAH SHEFFIELD IRBY FOR CITY COMMISSIONER-CITY OF OPA-LOCKA
YOUR VOTE IS YOUR VOICE, SPEAK UP!



TA

November 13, 2012

Florida Elections Commission
107 W. Gaines Street
Suite 224 Collins Building
Tallahassee, Florida 32399-1050

2012 NOV 20 P 1:11
12/10/12

Attn: Donna Ann Malphurs, Agency Clerk

REF: Case No. FEC 12-321

Dear Ms. Malphurs,

In response to the complaint filed by Rose Tydus, I have not willfully and knowingly violated FSS 106.143 (3). I have enclosed copies of all my campaign literature. My literature does not state my party affiliation with the exception of the one literature that was mailed out to the community.

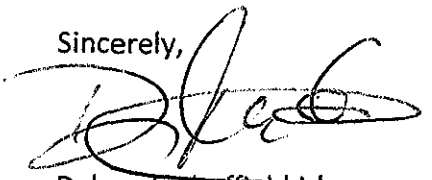
If you notice, the statement; "I am a proud democrat" is only mentioned as a part of my personal and community service. I was a part of the campaign to re-elect the President and volunteered my time making phone calls and performed other volunteer work to re-elect President Obama.

I did not campaign based upon my party affiliation.

I have enclosed copies of commission meetings minutes from the City of Opa-locka where RoseTydus was a City Commssioner. On two occasions June 13, 2012 and October 24, 2012, Rose Tydus made speeches that were over ½ hour long stating how proud she was to be a Republican. (attached please find copies of the DVD's and minutes from the commission meetings which are open to the public and broadcast on the City of Opa-locka cable channel.

Also, for the record, Rose Tydus nor myself was elected to office.

Sincerely,



Deborah Sheffield Irby

786-360-9503

EXHIBIT 2 pg. 1 of 5

**ELECT
DEBORAH SHEFFIELD IRBY
COMMISSIONER
CITY OF OPA-LOCKA**

VOTE ON NOVEMBER 6, 2012

Homegrown born and raised
Former City Clerk/Supervisor of Elections
for 18 + years

Knowledgeable of local government
Community involvement for over 30 years
Advocate for our children, senior citizens,
a clean and healthy community
Genuinely cares about the people

**IT'S TIME FOR PROGRESS,
EXPECT MORE!**

**EXPECT MORE WITH DEBORAH SHEFFIELD IRBY...A
NEW VOICE, A NEW VISION, NEW LEADERSHIP.**

**I WILL FOCUS ON WHAT COUNTS, THE CITIZENS
AND BUSINESSES OF OUR CITY. I AM COMMITTED
TO THE COMMUNITY, DEDICATED TO PROGRESS.**

PD. POL. ADV. APPROVED & PAID BY CAMPAIGN ACCOUNT OF DEBORAH IRBY.



VOTE ON NOVEMBER 6, 2012

★ ELECT ★

DEBORAH
SHEFFIELD IRBY
FOR COMMISSIONER
CITY OF OPA-LOCKA



It's Time for Progress, Expect More!

PD. POL. ADV. APPROVED & PAID BY CAMPAIGN ACCOUNT OF DEBORAH IRBY.

It's Time for Progress, Expect More!

 ELECT 
DEBORAH

SHEFFIELD IRBY

 FOR 
COMMISSIONER

CITY OF OPA-LOCKA

YOUR VOTE IS YOUR VOICE...SPEAK UP!

I PLEDGE TO WORK EXTREMELY HARD TO:

*LOWER WATER BILLS

*STOP THE UNFAIR TREATMENT OF OUR CITIZENS FOR UTILITY BILLS

*LOWER PROPERTY TAXES

*PROMOTE JOB DEVELOPMENT WHICH RESULT IN JOB CREATION

*A CLEAN AND HEALTHY ENVIRONMENT



*SAFER STREETS *A STRONGER COMMUNITY



*SUMMER AND AFTER SCHOOL JOBS FOR OUR YOUTH

*RESOURCES TO FINANCIALLY HELP OUR RESIDENTS AND BUSINESSES

PLEASE LET ME HAVE YOUR VOTE ON NOVEMBER 6, 2012



I HAVE ONE GOAL, ONE PASSION...YOU, THE PEOPLE.



A GOOD LEADER MUST BE A GREAT SERVANT.

I AM THE CHANGE WE NEED, THE VOICE WE DESERVE.

FOR ADDITIONAL INFORMATION OR TO VOLUNTEER
PLEASE CALL 786-360-9503



Fwd: campaign brochure for Irby
Deborah
to:
tracie.aulet
12/03/2012 09:50 PM
Show Details

1 Attachment



Early_Voting_Begins__October_27.docx

Ref: FEC 12-321

Hi Tracie, as per our discussion, attached please find the draft which I sent to the printer of my campaign literature. Again, I did not campaign based on my party affiliation. The statement was a part of my personal and community service.

Deborah Sheffield Irby
ipeacetoyou@aol.com
786-360-9503

-----Original Message-----

From: Deborah <ipeacetoyou@aol.com>
To: mrcopy85 <mrcopy85@aol.com>
Sent: Tue, Sep 18, 2012 7:29 pm
Subject: campaign brochure for Irby

Hi Daniel, I will be sending more pictures
Deborah
ipeacetoyou@aol.com

EXHIBIT 3 pg. 1 of 4

Early Voting Begins October 27-November 3, 2012

ELECT DEBORAH SHEFFIELD IRBY

FOR

CITY COMMISSIONER-CITY OF OPA-LOCKA

YOUR VOTE IS YOUR VOICE, SPEAK UP!

VOTE ON NOVEMBER 6, 2012

I AM A VERY STRONG LEADER, CANNOT BE BOUGHT, I WILL DO THOSE THINGS THAT ARE RIGHT; I AM WILLING TO:

* TAKE IMMEDIATE ACTION FOR THE PRESENT SITUATION AND CONDITIONS OF OUR CITY

* ACCEPT THE CHALLENGE

*FACE IT HEAD ON WITH INTEGRITY, CHARACTER AND A COMMITMENT TO EXECUTE RIGHTEOUSNESS

*STOP WASTEFUL SPENDING AND THE MISUSE OF CITIZENS TAX DOLLARS

My Platform:

BRING STABILITY TO THE CITY OF OPA-LOCKA

CHANGE OUR CITY'S NEGATIVE IMAGE BY SHOWING THAT LEADERSHIP MUST START AT THE TOP

MAKE OUR CITY A PLACE WHERE WE WILL BE PROUD TO LIVE AND RAISE OUR CHILDREN AND GRANDCHILDREN

EFFECTIVELY BRING FINANCIAL RESOURCES TO HELP OUR CITIZENS AND BUSINESSSES

EXHIBIT 3 pg. 2 of 4

IMPLEMENT A PLAN TO LOWER WATER BILLS

STOP THE UNFAIR TREATMENT OF OUR CITIZENS FOR UTILITY BILLS AND CITATIONS

IMPLEMENT A PLAN TO LOWER PROPERTY TAXES

PROMOTE JOB DEVELOPMENT WHICH RESULT IN JOB CREATION

SAFER STREETS, A STRONGER COMMUNITY

SUMMER AND AFTER SCHOOL JOBS FOR OUR YOUTH

I HAVE BUT ONE GOAL, ONE PASSION...YOU, THE PEOPLE. I AM THE CHANGE WE NEED, THE VOICE WE DESERVE.

"A good leader is somebody who could see beyond what everybody else was looking at"

PLEASE LET ME HAVE YOUR SUPPORT ON NOVEMBER 6, 2012

FOR A RIDE TO YOUR PRECINCT TO VOTE OR TO VOLUNTEER, PLEASE CALL DEBORAH AT 786-360-9503

PERSONAL AND COMMUNITY SERVICE:

A PROUD DEMOCRAT

Earned a B.S. Degree in Psychology, St. Thomas University

Chief Executive Officer of the Irby Group, LLC

Homegrown born and raised

Widowed

One daughter, two grandchildren

Effectively served for 18+ years as City Clerk/Supervisor of Elections and Assistant City Clerk

Strathmore's Who's Who; honored and featured in 2006-2007 for my leadership and profession as City Clerk

Former President of the Magnolia Homeowners & Tenants Association

Knowledgeable of all aspects of local government

Advocate for our children, senior citizens and single mothers

Created, organized and raised funds for the Annual Back to School Celebration for the past 16 years;

Organized and raised for funds: Father's Day Events; Easter Events; Thanks Giving and Christmas Luncheons for our seniors; Christmas Toy Drive; Women's History Luncheons; Valentine Day Dance for our single mothers.

Co-created and organized the Helen L. Miller Scholarship Foundation;

Successfully raised funds (2011-12) for eight (8) of our city's high school seniors to attend college with scholarships ranging from \$1500.00-\$2,000.00; donated my personal funds for this important endeavor;

Presented first Entrepreneur and job seminar to the citizens;

Hired 400 citizens for the Census 2000 Campaign, hired 325 citizens for the 2010 Census Campaign.

These are but a few of my services to the community, I could not list them all on this platform.

AFFIDAVIT OF FILING OFFICER

Case Number: FEC 12-321

RECEIVED

1 Please provide certified copies of the listed items from the following candidate's campaign file: **Deborah Sheffield Irby**

STATE OF FLORIDA

Check	ITEM
✓	The Statement of Candidate form for 2012 campaign for City Commission.
✓	Appointments of Treasurer and Designation of Campaign Depository form for 2012 campaign for City Commission.
✓	Statements of financial interest (<u>Form 1</u> and Form 6) for 2012 campaign for City Commission.
	Copy of letter Acknowledging receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE9) for 2012 campaign for City Commission.

2. Please check each item provided to the candidate or his or her staff, and list the date that the item was provided (If the item is published by the Division of Elections, it is unnecessary to provide a copy of the item. If your office published the item, please send a copy of the item with this affidavit.)

Check	ITEM	DATE
✓	Chapter 106, <i>Florida Statutes</i>	07/13/12
✓	Chapter 104, <i>Florida Statutes</i>	07/13/12
✓	Candidate Handbook <u>Please indicate Year</u> <u>11/2011</u>	07/13/12
	Political ad and disclaimer supplement	
	Calendar of Election dates	
	Any other election related document, Please indicate the title of the related document: _____	

3 Please list all other written materials provided to the candidate or his or her staff, the date of receipt, and a brief description of the written materials. Did you notify the candidate that the campaign handbook was available on the Division of Elections website?

Letter to candidate (Deborah Irby) of Campaign Reports due dates - received August 22, 2012

The candidate was verbally notified that the Candidate Handbook as well as additional candidate information was available via the Division of Elections website. Additionally the handbook, State of Florida Election laws and other Campaign information & forms were available on the City's website. Links to State of Florida Elections & Miami-Dade County Elections were also on the City's website.

4 Please list all training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his name and position. If available, please attach a copy of any attendance sheets from the seminar(s)

N/A

5 Please list the subjects covered during these seminars. If available, please provide a copy of the syllabus and outline for the seminar

N/A

6 Please list any other contacts with this candidate by you or your staff concerning a provision of Chapter 104, Section 105 071, or Chapter 106, *Florida Statutes*. Indicate whether the contact was in person, in writing, or by telephone and the subject matter of the contact. Also, provide copies of any documentation of the contact. Please provide a separate affidavit from any member of your staff who was in contact with this candidate or his or her staff, detailing the subject matter of the contact

N/A

7 Please list all late filings of campaign reports by the candidate. Also, provide copies of all correspondence with the candidate concerning the late filings.

N/A - no late filings

EXHIBIT 4 pg. 2 of 3

8. Please list all fines paid by the candidate and provide copies of all correspondence concerning the fines.

N/A

9. Please list each year the candidate ran for office, the office the candidate ran for, the dates of the elections, and the results of the elections

2012 City Commissioner
Election date 11/06/2012
Candidate was unsuccessful in race for
Opaloka City Commissioner

I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

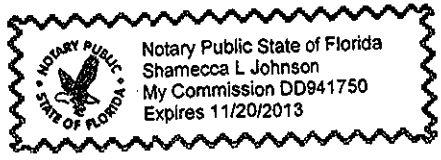
Joanna Flores
Signature of Affiant

Sworn to (or affirmed) and subscribed before me this 2 day of January, 2012

Shamecca L Johnson
Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known or Produced Identification _____

Type of Identification Produced: _____



CANDIDATE AND CAMPAIGN TREASURER HANDBOOK



November 2011

Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250
Phone: 850.245.6240

<http://elections.myflorida.com>

EXHIBIT 5 pg. 1 of 5

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Chapter 12 Political Advertising

A political advertisement is a paid expression in any communications media, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

(Section 106.011(17), F.S.)

Candidate Disclaimers

Except as noted below, any political advertisement that is paid for by a candidate (except a write-in candidate) and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *“Political advertisement paid for and approved by (name of candidate), (party affiliation) for (office sought)” or “Paid by (name of candidate), (party affiliation), for (office sought).”*

Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)” or “Paid by (name of candidate), write-in candidate, for (office sought).”*

(Section 106.143(1), F.S.)

Also, the disclaimer language alternatives provided above must be verbatim as quoted in s. 106.143, F.S. Variations are prohibited by law.

Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the candidate for partisan office is running as a candidate with no party affiliation, any advertisement of the candidate must state that the candidate has no party affiliation. A candidate who is registered in a political party may run as a candidate with “no party affiliation” without changing his or her registration.

The candidate shall provide a **written statement of authorization** to the newspaper, radio station, television station, or other medium for each advertisement submitted for publication, display, broadcast, or other distribution.

Candidates running for **non-partisan** office may not state the candidate’s political party affiliation in the disclaimer, or in the body of the advertisement. Exception: The candidate is not prohibited from stating the candidate’s partisan related experience.

(Sections 106.143(3) and (5), F.S.)

Exceptions to Disclaimer Requirements

The disclaimer requirement in section 106.143(1), Florida Statutes, does not apply to any campaign message or political advertisement used by a candidate and the candidate’s supporters or by a political committee if the message or advertisement is:

AFFIDAVIT OF FILING OFFICER

Case Number: **FEC 12-321**

RECEIVED

1 Please provide certified copies of the listed items from the following candidate's campaign file: **Deborah Sheffield Irby**.

STATE OF FLORIDA
ELECTIONS DIVISION

Check	ITEM
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✓	Appointments of Treasurer and Designation of Campaign Depository form for 2012 campaign for City Commission.
✓	Statements of financial interest (<u>Form 1</u> and Form 6) for 2012 campaign for City Commission
	Copy of letter Acknowledging receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE9) for 2012 campaign for City Commission

2. Please check each item provided to the candidate or his or her staff, and list the date that the item was provided. (If the item is published by the Division of Elections, it is unnecessary to provide a copy of the item. If your office published the item, please send a copy of the item with this affidavit.)

Check	ITEM	DATE
✓	Chapter 106, <i>Florida Statutes</i>	07/13/12
✓	Chapter 104, <i>Florida Statutes</i>	07/13/12
✓	Candidate Handbook <u>Please indicate Year</u> <u>11/2011</u>	07/13/12
	Political ad and disclaimer supplement	
	Calendar of Election dates	
	Any other election related document, Please indicate the title of the related document: _____	

3. Please list all other written materials provided to the candidate or his or her staff, the date of receipt, and a brief description of the written materials. Did you notify the candidate that the campaign handbook was available on the Division of Elections website?

Letter to candidate (Deborah Irby) of Campaign Reports due dates - received August 22, 2012

The candidate was verbally notified that the Candidate Handbook as well as additional candidate information was available via the Division of Elections website. Additionally the handbook, State of Florida Election Laws and other Campaign information & forms were available on the City's website. Links to State of Florida Elections & miami-Dade County Elections were also on the City's website.

4. Please list all training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his name and position. If available, please attach a copy of any attendance sheets from the seminar(s).

N/A

5. Please list the subjects covered during these seminars. If available, please provide a copy of the syllabus and outline for the seminar.

N/A

6. Please list any other contacts with this candidate by you or your staff concerning a provision of Chapter 104, Section 105 071, or Chapter 106, *Florida Statutes*. Indicate whether the contact was in person, in writing, or by telephone and the subject matter of the contact. Also, provide copies of any documentation of the contact. Please provide a separate affidavit from any member of your staff who was in contact with this candidate or his or her staff, detailing the subject matter of the contact.

N/A

7. Please list all late filings of campaign reports by the candidate. Also, provide copies of all correspondence with the candidate concerning the late filings.

N/A - no late filings

8. Please list all fines paid by the candidate and provide copies of all correspondence concerning the fines.

N/A

9. Please list each year the candidate ran for office, the office the candidate ran for, the dates of the elections, and the results of the elections.

2012 City Commissioner
Election date 11/06/2012
Candidate was unsuccessful in race for
Opa-oka City Commissioner

I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

Janna Flores
Signature of Affiant

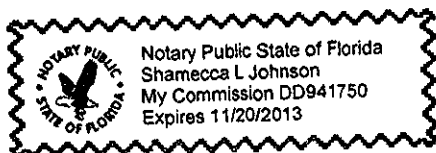
Sworn to (or affirmed) and subscribed before me this 2 day of
January 2012

Shamecca L. Johnson
Signature of Notary Public - State of Florida

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known or Produced Identification _____

Type of Identification Produced: _____



**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**
(Section 106.021(1), F.S.)

RECEIVED
CITY CLERK

2012 JUL 16 AM 9:27

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. Name of Candidate (in this order: First, Middle, Last)

Deborah Sheffield Irby

3. Address (include post office box or street, city, state, zip code)

14202 NW 17 AVE.
Opa-locka, FL 33054

4. Telephone

()

5. E-mail address

6. Office sought (include district, circuit, group number)

COMMISSIONER - City of Opa-locka

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In No Party Affiliation _____ Party candidate

9. I have appointed the following person to act as my Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Deborah Sheffield Irby

11. Mailing Address

14202 NW 17 Ave Opa-locka, Fla

12. Telephone

(786) 360-9503

13. City

Opa-locka

14. County

Miami-Dade

15. State

Fla

16. Zip Code

33054

17. E-mail address

Ipeace4you@aol.com

18. I have designated the following bank as my

Primary Depository Secondary Depository

19. Name of Bank

Wells Fargo

20. Address

Opa-locka Branch

21. City

Opa-locka

22. County

Miami-Dade

23. State

Fla

24. Zip Code

33054

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

July 9, 2012

26. Signature of Candidate

[Signature]

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Deborah Irby, do hereby accept the appointment

(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer

July 9, 2012
Date

[Signature] - Treasurer
Signature of Campaign Treasurer or Deputy Treasurer

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY
RECEIVED
CITY CLERK

2012 JUL 27 PM 3:43

I, Deborah Sheffield Irby,
candidate for the office of Commissioner;

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X [Signature] _____ July 17, 2012
Signature of Candidate Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

I, Joanna Flores, Deputy City Clerk of the
City of Opa-Locka, Miami-Dade County, Florida do hereby
certify that this is a true and correct copy
of Form DS-DE 84 for D. Irby candidate
as shown in the official records of the City of Opa-Locka,
Miami-Dade County, Florida.
Given under my hand and seal this 2nd day of
January, 2013.

Joanna Flores
Deputy City Clerk

FINANCIAL INTERESTS

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

LAST NAME -- FIRST NAME -- MIDDLE NAME:

Irby Deborah Sheffield

MAILING ADDRESS:

14202 NW 17 Avenue

Opa-locka, Fla 33054 - Miami-Dade County

CITY: ZIP: COUNTY:

NAME OF AGENCY: City of Opa-Locka

NAME OF OFFICE OR POSITION HELD OR SOUGHT: Commissioner

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary

CHECK ONLY IF [X] CANDIDATE OR [] NEW EMPLOYEE OR APPOINTEE

FOR OFFICE USE ONLY:

ID Code

ID No

Conf Code

P. Req Code

RECEIVED CITY CLERK 2012 JAN 31 AM 11:28

**** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ****

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

[X] DECEMBER 31, 2011 OR [] SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR:

MANNER OF CALCULATING REPORTABLE INTERESTS:

THE LEGISLATURE ALLOWS FILERS THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (must check one):

[] COMPARATIVE (PERCENTAGE) THRESHOLDS OR [] DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions p 4]

(If you have nothing to report, you must write "none" or "n/a")

Table with 3 columns: NAME OF SOURCE OF INCOME, SOURCE'S ADDRESS, DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY. Row 1: City of Opa-locka, 780 Fisherman St. Opa-Locka, FL, Government.

PART B -- SECONDARY SOURCES OF INCOME

[Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions p 4] (If you have nothing to report, you must write "none" or "n/a")

Table with 4 columns: NAME OF BUSINESS ENTITY, NAME OF MAJOR SOURCES OF BUSINESS' INCOME, ADDRESS OF SOURCE, PRINCIPAL BUSINESS ACTIVITY OF SOURCE. Row 1: N/A.

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions p 4]

(If you have nothing to report, you must write "none" or "n/a")

Table with 1 column for address. Rows: 14202 NW 17 Ave., 2211 Rutland St., 2711 Rutland St.

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

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.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions p. 5]
 (If you have nothing to report, you must write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES
N/A	

PART E — LIABILITIES [Major debts - See instructions p. 5]
 (If you have nothing to report, you must write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR
SunTrust Mortgage	Miami, Fla
EverHome Mortgage	Jacksonville, Fla

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions p. 5]
 (If you have nothing to report, you must write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	N/A		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
DO I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

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

SIGNATURE (required):

DATE SIGNED (required):

[Handwritten Signature]

8/6/12

FILING INSTRUCTIONS:

WHAT TO FILE:

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

NOTE: MULTIPLE FILING UNNECESSARY. Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

WHERE TO FILE:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

State officers of specified state employees file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Macduff Boulevard, South, Suite 201, Tallahassee, FL 32312.

Candidates file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" Instructions on page 3.

WHEN TO FILE:

Initially each local officer/employee, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates for publicly-elected local office must file at the same time they file their qualifying papers.

Thereafter local officers/employees, state officers and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

Finally at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment. However, filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if he or she was in their position on December 31, 2011.

Facsimiles will not be accepted.

AFFIDAVIT OF BACKGROUND INFORMATION
Case Number: FEC 12-321

STATE OF FLORIDA
County of Miami-Dade

Deborah Sheffield Irby, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by _____ as _____.
3. Have you ever run for public office? If so, please name the office(s) you ran for and the date(s) of the election(s) you ran in.

4. Have you ever been appointed to act as a campaign treasurer for a candidate? If so, please name the candidate(s) you served as treasurer, the office(s) the candidate ran for, and the dates of the election(s).

5. Have you ever held the office of chairperson, treasurer, board member, or other similar position for a political committee? If so, please list the names and addresses of the committees and dates when you held the position.

6. Have you ever held the office of chairperson, treasurer, board member, or other similar position for a committee of continuous existence? (Committee of continuous existence is defined in Section 106.04, Florida Statutes.) If so, please list the name and addresses of the committees and dates when you held the position.

7. Have you ever prepared or signed a campaign treasurer's report? If so, please list the name of the candidate or committee whose report you prepared or signed.

8. What action have you taken to determine your responsibilities under Florida's election laws?

9. Do you possess a copy of Chapter 106, Florida Statutes? Yes No

10. If so, when did you first obtain it? _____

11. Have you read Chapter 106, Florida Statutes? Yes No

12. Do you possess a copy of Chapter 104, Florida Statutes? Yes No

13. If so, when did you first obtain it? _____

14. Have you read Chapter 104, Florida Statutes? Yes No

15. Do you possess a copy of the *Handbook for Candidates*? Yes No

16. If so, when did you first obtain it? _____

17. Have you read the *Handbook for Candidates*? Yes No

18. List any additional materials you received from the Supervisor of Elections

In a telephone interview on November 30, 2012, you stated that you were responsible for writing the content which appears in the advertisement referenced in the complaint, and you had written about your experience as part of campaign efforts to re-elect the President, which included volunteer work and making phone calls. You further stated that there was not enough space on the advertisement to list that experience as part of your personal and community service. You explained that after discussion with the printer, it was decided to summarize that experience by including the statement "A Proud Democrat."

However, in reviewing the draft of the advertisement you provided on December 4, 2012, it appears that the statement "A Proud Democrat" was already included in the draft at the time it was sent to the printer.

19. Please clarify your statements regarding when and how the decision was made to include the statement "A Proud Democrat." Please state by whom the decision was made to summarize your campaign volunteer efforts in that manner.

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature of Affiant

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 2012

Signature of Notary Public - State of Florida
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known _____ or Produced Identification _____

Type of Identification Produced: _____

Case Investigator: ta



Fwd: campaign brochure for Irby
Deborah
to:
tracie.aulet
12/03/2012 09:50 PM
Show Details

1 Attachment



Early_Voting_Begins__October_27.docx

Ref: FEC 12-321

Hi Tracie, as per our discussion, attached please find the draft which I sent to the printer of my campaign literature. Again, I did not campaign based on my party affiliation. The statement was a part of my personal and community service.

Deborah Sheffield Irby
ipeacetoyou@aol.com
786-360-9503

-----Original Message-----

From: Deborah <ipeacetoyou@aol.com>
To: mrcopy85 <mrcopy85@aol.com>
Sent: Tue, Sep 18, 2012 7:29 pm
Subject: campaign brochure for Irby

Hi Daniel, I will be sending more pictures.
Deborah
ipeacetoyou@aol.com

Early Voting Begins October 27-November 3, 2012

ELECT DEBORAH SHEFFIELD IRBY

FOR

CITY COMMISSIONER-CITY OF OPA-LOCKA

YOUR VOTE IS YOUR VOICE, SPEAK UP!

VOTE ON NOVEMBER 6, 2012

I AM A VERY STRONG LEADER, CANNOT BE BOUGHT, I WILL DO THOSE THINGS THAT ARE RIGHT; I AM WILLING TO:

* TAKE IMMEDIATE ACTION FOR THE PRESENT SITUATION AND CONDITIONS OF OUR CITY

* ACCEPT THE CHALLENGE

*FACE IT HEAD ON WITH INTEGRITY, CHARACTER AND A COMMITMENT TO EXECUTE RIGHTEOUSNESS

*STOP WASTEFUL SPENDING AND THE MISUSE OF CITIZENS TAX DOLLARS

My Platform:

BRING STABILITY TO THE CITY OF OPA-LOCKA

CHANGE OUR CITY'S NEGATIVE IMAGE BY SHOWING THAT LEADERSHIP MUST START AT THE TOP

MAKE OUR CITY A PLACE WHERE WE WILL BE PROUD TO LIVE AND RAISE OUR CHILDREN AND GRANDCHILDREN

EFFECTIVELY BRING FINANCIAL RESOURCES TO HELP OUR CITIZENS AND BUSINESSSES

IMPLEMENT A PLAN TO LOWER WATER BILLS

STOP THE UNFAIR TREATMENT OF OUR CITIZENS FOR UTILITY BILLS AND CITATIONS

IMPLEMENT A PLAN TO LOWER PROPERTY TAXES

PROMOTE JOB DEVELOPMENT WHICH RESULT IN JOB CREATION

SAFER STREETS, A STRONGER COMMUNITY

SUMMER AND AFTER SCHOOL JOBS FOR OUR YOUTH

I HAVE BUT ONE GOAL, ONE PASSION...YOU, THE PEOPLE.. I AM THE CHANGE WE NEED, THE VOICE WE DESERVE.

"A good leader is somebody who could see beyond what everybody else was looking at".

PLEASE LET ME HAVE YOUR SUPPORT ON NOVEMBER 6, 2012

FOR A RIDE TO YOUR PRECINCT TO VOTE OR TO VOLUNTEER, PLEASE CALL DEBORAH AT 786-360-9503

PERSONAL AND COMMUNITY SERVICE:

A PROUD DEMOCRAT

Earned a B.S. Degree in Psychology, St. Thomas University

Chief Executive Officer of the Irby Group, LLC

Homegrown born and raised

Widowed

One daughter, two grandchildren

Effectively served for 18+ years as City Clerk/Supervisor of Elections and Assistant City Clerk

Strathmore's Who's Who; honored and featured in 2006-2007 for my leadership and profession as City Clerk

Former President of the Magnolia Homeowners & Tenants Association

Knowledgeable of all aspects of local government

Advocate for our children, senior citizens and single mothers

Created, organized and raised funds for the Annual Back to School Celebration for the past 16 years;

Organized and raised for funds: Father's Day Events; Easter Events; Thanks Giving and Christmas Luncheons for our seniors; Christmas Toy Drive; Women's History Luncheons; Valentine Day Dance for our single mothers.

Co-created and organized the Helen L. Miller Scholarship Foundation;
Successfully raised funds (2011-12) for eight (8) of our city's high school seniors to attend college with scholarships ranging from \$1500.00-\$2,000.00; donated my personal funds for this important endeavor;

Presented first Entrepreneur and job seminar to the citizens;

Hired 400 citizens for the Census 2000 Campaign, hired 325 citizens for the 2010 Census Campaign.

These are but a few of my services to the community, I could not list them all on this platform.



FLORIDA ELECTIONS COMMISSION

107 W. Gaines Street,
Suite 224 Collins Building
Tallahassee, Florida 32399-1050
Telephone: (850) 922-4539
Fax: (850) 921-0783

November 27, 2012

CERTIFIED MAIL 70041160000491861909

Deborah Sheffield Irby
14202 NW 17th Avenue
Opa-Locka, Florida 33054

RE: Case No.: FEC 12-321

Dear Ms. Irby:

On October 18, 2012, the Florida Elections Commission received a complaint (previously provided to you) alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more legally sufficient allegations. Along with all allegations in the complaint, the Commission staff will investigate the following alleged violation:

Section 106.143(3), Florida Statutes: Debra Sheffield Irby, candidate for the Opa-Locka City Commission, stated her political party affiliation on a political advertisement while running for nonpartisan office, as alleged in the complaint

You may respond to the allegation above by filing a notarized statement providing any information regarding the facts and circumstances surrounding the allegation. If you choose to file a response to the alleged violation, you should do so within 20 days of the date you receive this letter. Your response will be included as an attachment to the investigator's report

When we conclude the investigation, you will receive a copy of the Report of Investigation. You may file a response to the report within 14 days from the date the report is mailed to you. Based on the results of the investigation, legal staff will make a written recommendation to the Commission on whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. You will receive a copy of the Staff Recommendation and may file a response within 14 days from the date the recommendation is mailed to you. Your timely filed response(s) will be considered by the Commission when determining probable cause

The Commission will then hold a hearing to determine whether there is probable cause to believe you have violated Chapter 104 or 106, Florida Statutes. You and the complainant will receive a notice of hearing at least 14 days before the hearing. The notice of hearing will indicate the location, date, and time of your hearing. You will have the opportunity to make a brief oral

statement to the Commission, but you will not be permitted to testify or call others to testify, or introduce any documentary or other evidence. The Commission also may allow the complainant to make a brief oral statement.

At any time before a probable cause finding, you may notify us in writing that you want to enter into negotiations directed towards reaching a settlement via consent agreement

The Report of Investigation, Staff Recommendation, and Notice of Hearing will be mailed to the same address as this letter. Therefore, if your address changes, you must notify the investigator assigned to this case of your new address. Otherwise, you may not receive the correspondence from the staff. Failure to receive the documents will not delay the probable cause hearing.

Under section 106.25, Florida Statutes, complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 and 106, Florida Statutes, are confidential until the Commission finds probable cause or no probable cause. The confidentiality provision does not apply to the person filing the complaint. However, it does apply to you, the Respondent, unless you waive confidentiality in writing. The confidentiality provision does not preclude you from seeking legal counsel. However, if you retain counsel, your attorney must file a notice of appearance with the Commission before any member of the Commission staff can discuss this case with him or her.



If you have any questions or need additional information, please contact **Tracie Aulet**, the investigator assigned to this case, at extension 114.

Sincerely,



Eric M Lipman
Interim Executive Director

cc: The Honorable Rose Tydus, Complainant

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature  <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <u>11-29-12</u></p>
<p>1. Article Addressed to:</p> <p><u>Deborah Sheffield Jrby</u> <u>14202 NW 17th Avenue</u> <u>Opa-Locka, FL 33054</u></p> <p></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: _____</p> <p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number: <u>7004 1160 0004 9186 1909</u> (Transfer from service label)</p>	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

7004 1160 0004 9186 1909

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage \$	<u>12-321</u> Postmark Here <u>11/27/12</u>
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Sent To: Debra Deborah Sheffield Jrby
 Street, Apt. No., or PO Box No. _____
 City, State, ZIP+4 _____

PS Form 3800, June 2002 See Reverse for Instructions

TA

November 13, 2012

Florida Elections Commission

107 W. Gaines Street

Suite 224 Collins Building

Tallahassee, Florida 32399-1050

Attn: Donna Ann Malphurs, Agency Clerk

REF: Case No. FEC 12-321

RECEIVED
2012 NOV 20 P 1:13
FEDERAL ELECTIONS COMMISSION

Dear Ms. Malphurs,

In response to the complaint filed by Rose Tydus, I have not willfully and knowingly violated FSS 106.143 (3). I have enclosed copies of all my campaign literature. My literature does not state my party affiliation with the exception of the one literature that was mailed out to the community.

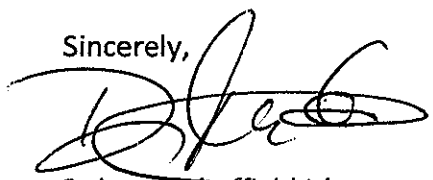
If you notice, the statement; "I am a proud democrat" is only mentioned as a part of my personal and community service. I was a part of the campaign to re-elect the President and volunteered my time making phone calls and performed other volunteer work to re-elect President Obama.

I did not campaign based upon my party affiliation.

I have enclosed copies of commission meetings minutes from the City of Opa-locka where RoseTydus was a City Commssioner. On two occasions June 13, 2012 and October 24, 2012, Rose Tydus made speeches that were over 1/2 hour long stating how proud she was to be a Republican. (attached please find copies of the DVD's and minutes from the commission meetings which are open to the public and broadcast on the City of Opa-locka cable channel.

Also, for the record, Rose Tydus nor myself was elected to office.

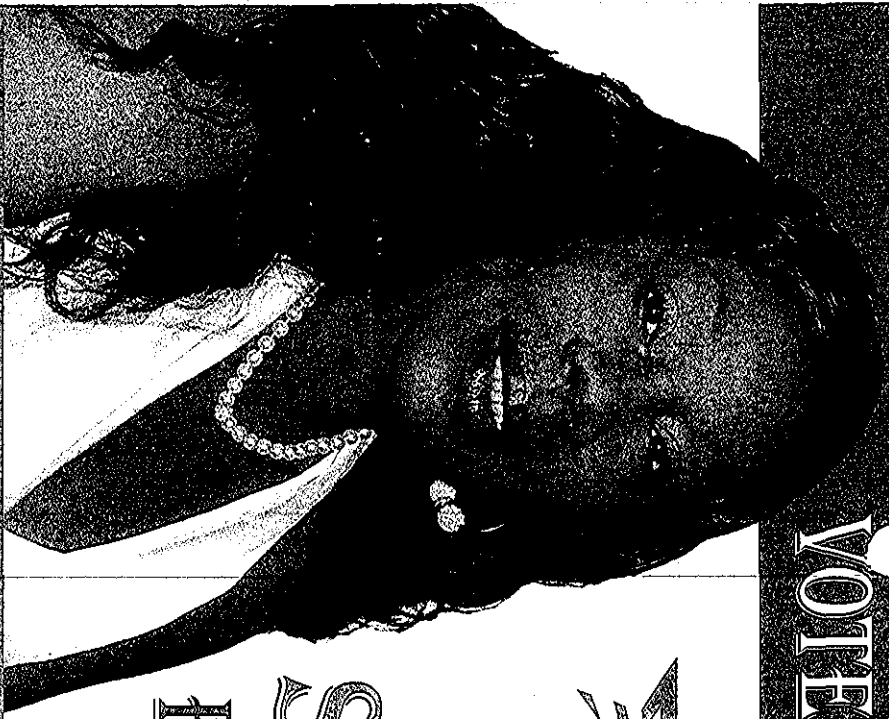
Sincerely,



Deborah Sheffield Irby

786-360-9503

VOTE ON NOVEMBER 6, 2012





★ ELECT ★

DEBORAH
SHEFFIELD IRBY
FOR COMMISSIONER
CITY OF OPA-LOCKA

It's Time for Progress, Expect More!

PO POL ADV APPROVED & PAID BY CAMPAIGN ACCOUNT OF DEBORAH IRBY

It's Time for Progress, Expect More!

 ELECT 
DEBORAH

SHEFFIELD IRBY

 FOR 
COMMISSIONER

CITY OF OPA-LOCKA

YOUR VOTE IS YOUR VOICE...SPEAK UP!

I PLEDGE TO WORK EXTREMELY HARD TO:

***LOWER WATER BILLS**

***STOP THE UNFAIR TREATMENT OF OUR CITIZENS FOR UTILITY BILLS**

***LOWER PROPERTY TAXES**

***PROMOTE JOB DEVELOPMENT WHICH RESULT IN JOB CREATION**

***A CLEAN AND HEALTHY ENVIRONMENT**



***SAFER STREETS *A STRONGER COMMUNITY**



***SUMMER AND AFTER SCHOOL JOBS FOR OUR YOUTH**

***RESOURCES TO FINANCIALLY HELP OUR RESIDENTS AND BUSINESSES**

PLEASE LET ME HAVE YOUR VOTE ON NOVEMBER 6, 2012



I HAVE ONE GOAL, ONE PASSION...YOU, THE PEOPLE.



A GOOD LEADER MUST BE A GREAT SERVANT.

I AM THE CHANGE WE NEED, THE VOICE WE DESERVE.

**FOR ADDITIONAL INFORMATION OR TO VOLUNTEER
PLEASE CALL 786-360-9503**



I EXPECT

DEBORAH SHEFFIELD IRBY
COMMISSIONER
CITY OF OPA-LOCKA

VOTE ON
NOVEMBER 6, 2012

It's Time for Progress, Expect More!

**ELECT
DEBORAH SHEFFIELD IRBY
COMMISSIONER
CITY OF OPA-LOCKA**

VOTE ON NOVEMBER 6, 2012

Homegrown born and raised
Former City Clerk/Supervisor of Elections
for 18 + years

Knowledgeable of local government
Community involvement for over 30 years
Advocate for our children, senior citizens,
a clean and healthy community

Genuinely cares about the people

**IT'S TIME FOR PROGRESS,
EXPECT MORE!**

**EXPECT MORE WITH DEBORAH SHEFFIELD IRBY...A
NEW VOICE, A NEW VISION, NEW LEADERSHIP.**

**I WILL FOCUS ON WHAT COUNTS, THE CITIZENS
AND BUSINESSES OF OUR CITY. I AM COMMITTED
TO THE COMMUNITY, DEDICATED TO PROGRESS.**

PD. POL. ADV. APPROVED & PAID BY CAMPAIGN ACCOUNT OF DEBORAH IRBY.

Early Voting Begins October 27 - November 3, 2012
ELECT DEBORAH SHEFFIELD IRBY FOR CITY COMMISSIONER-CITY OF OPA-LOCKA
YOUR VOTE IS YOUR VOICE, SPEAK UP!



★ ELECT ★
DEBORAH
SHEFFIELD IRBY
FOR COMMISSIONER
CITY OF OPA-LOCKA
14202 NW 17TH Avenue
Opa-Locka, FL 33054

Bubble #

158

Presorted Standard
U.S. Postage
PAID
Permit No. 1775
S. Fla., FL

**I HAVE ONE GOAL, ONE PASSION...YOU, THE PEOPLE.
IT'S TIME FOR PROGRESS, EXPECT MORE!**

I AM A VERY STRONG LEADER, CANNOT BE BOUGHT, I WILL DO THOSE THINGS THAT ARE RIGHT; I AM WILLING TO: • TAKE IMMEDIATE ACTION FOR THE PRESENT SITUATION AND CONDITIONS OF OUR CITY • ACCEPT THE CHALLENGE • FACE IT HEAD ON WITH INTEGRITY, CHARACTER AND A COMMITMENT TO EXECUTE RIGHTEOUSNESS • STOP WASTEFUL SPENDING AND THE MISUSE OF CITIZENS TAX DOLLARS

MY PLATFORM:

BRING STABILITY TO THE CITY OF OPA-LOCKA • CHANGE OUR CITY'S NEGATIVE IMAGE BY SHOWING THAT LEADERSHIP MUST START AT THE TOP • MAKE OUR CITY A PLACE WHERE WE WILL BE PROUD TO LIVE AND RAISE OUR CHILDREN AND GRANDCHILDREN • BRING FINANCIAL RESOURCES TO HELP OUR CITIZENS AND BUSINESSSES • IMPLEMENT A PLAN TO LOWER WATER BILLS • STOP UNFAIR TREATMENT OF OUR CITIZENS FOR UTILITY BILLS • IMPLEMENT A PLAN TO LOWER PROPERTY TAXES • PROMOTE JOB DEVELOPMENT WHICH RESULT IN JOB CREATION • SAFER STREETS, A STRONGER COMMUNITY • SUMMER AND AFTER SCHOOL JOBS FOR OUR YOUTH

YOUR VOTE IS YOUR VOICE, SPEAK UP! VOTE ON NOVEMBER 6, 2012

PERSONAL AND COMMUNITY SERVICE: A PROUD DEMOCRAT

• Earned a B.S. Degree in Psychology, St. Thomas University • Chief Executive Officer of the Irby Group, LLC • Homegrown born and raised, Widowed, One daughter, two grandchildren • Effectively served for 18+ years as City Clerk/Supervisor of Elections and Assistant City Clerk • Strathmore's Who's Who; honored and featured in 2006-2007 for my leadership and profession as City Clerk • Former President of the Magnolia Homeowners & Tenants Association • Knowledgeable of all aspects of local government • Advocate for our children, senior citizens and single mothers • Created, organized and raised funds for the Annual Back to School Celebration for the past 16 years; • Organized and raised for funds: Father's Day Events; Easter Events; Thanks Giving and Christmas Luncheons for our seniors; Christmas Toy Drive; Women's History Luncheons; Valentine Day Dance for our single mothers. • Co-created and organized the Helen L. Miller Scholarship Foundation; Successfully raised funds (2011-12) for eight (8) of our city's high school seniors to attend college with scholarships ranging from \$1500.00-\$2,000.00; donated my personal funds for this important endeavor; • Presented first Entrepreneur and job seminar to the citizens; • Hired 400 citizens for the Census 2000 Campaign, hired 325 citizens for the 2010 Census Campaign. • These are but a few of my services to the community, I could not list them all on this platform.

**"A GOOD LEADER IS SOMEBODY WHO COULD SEE
BEYOND WHAT EVERYBODY ELSE WAS LOOKING AT".**

**PLEASE LET ME HAVE YOUR SUPPORT ON NOVEMBER 6, 2012
FOR A RIDE TO YOUR PRECINCT TO VOTE OR TO VOLUNTEER,
PLEASE CALL DEBORAH AT 786-360-9503**

CITY OF OPA-LOCKA
"The Great City"

REGULAR COMMISSION MEETING MINUTES

June 13, 2012

7:00 P.M.

Opa-Locka Municipal Complex

780 Fisherman Street, 2nd Floor

Opa-Locka, FL 33054

1. CALL TO ORDER:

Mayor Taylor called the meeting to order at 7:00 p.m. on Wednesday, June 13, 2012 on the 2nd Floor of the Opa-Locka Municipal Complex, 780 Fisherman Street, Opa-Locka, Florida.

2. ROLL CALL:

The following members of the Opa-Locka City Commission were present: Vice Mayor Dorothy Johnson, Commissioner Rose Tydus, Commissioner Gail Miller, Commissioner Timothy Holmes, and Mayor Myra L. Taylor. Also in attendance were: City Manager Bryan K. Finnie, City Attorney Joseph S. Geller and Interim City Clerk Joanna Flores.

3. INVOCATION:

The Invocation was delivered by Commissioner Rose Tydus.

4. PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was recited in unison.

5. APPROVAL OF AGENDA:

6. APPROVAL OF CONSENT AGENDA AND PULL LIST (deferrals and deletions):

The following Consent Agenda Items were pulled and would be discussed separately under Agenda Item 15 – New Items: 19-1, 19-2, 19-5, 19-8, 19-9, 19-12, 19-13, 19-14, 19-16 (Vice Mayor Johnson), 19-10, 19-11 (Commissioner Miller), and 19-3, 19-4, 19-6, 19-7 and 19-15 (Commissioner Holmes).

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to approve the agenda, consent agenda and pull list.

There being no discussion, the motion passed by a 5-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes

Commissioner Miller Yes
Mayor Taylor Yes

Vice Mayor Johnson asked for the status of the 2012 Summer Camp for Sherbondy Park.

Manager Finnie said the city has moved forward with its summer program.

Vice Mayor Johnson inquired about the number of kids enrolled in the city's summer program.

Charles Brown, Parks & Recreation Director for the City of Opa-locka came forward and stated that there are currently 42 kids at Sherbondy Park and 32 kids at Ingram Park.

7. APPROVAL OF MINUTES:

Regular Commission Meeting- 05/09/2012

It was moved by Commissioner Holmes, seconded by Commissioner Miller to approve the minutes of the Regular Commission Meeting of May 9, 2012.

There being no discussion, the motion passed by a 5-0 vote.

Vice Mayor Johnson Yes
Commissioner Tydus Yes
Commissioner Miller Yes
Commissioner Holmes Yes
Mayor Taylor Yes

8. AWARDS/PROCLAMATIONS/ACKNOWLEDGEMENTS:

9. 17th CONGRESSIONAL DISTRICT OF FLORIDA REPORT:

10. STATE SENATORS REPORT:

11. STATE REPRESENTATIVES REPORT:

12. DISTRICT ONE - COUNTY COMMISSIONER REPORT:

Larry Gardner, Community Liaison for Miami-Dade County Commissioner Barbara Jordan's Office informed the City Commission that he has been in contact with Mr. Owen Carney of the City of Opa-locka Public Works Department in regards the canal bank erosion in the city. A meeting will be scheduled in the near future between Miami-Dade County and the city's Public Works Department in an effort to come up with a solution to rectify the problem.

Commissioner Holmes requested that this matter be addressed because he received a citizen complaint regarding the canal bank erosion causing damage to the homes along the canal.

Vice Mayor Johnson expressed her concern relating to a deck on the Burlington Canal.

She further mentioned that the city's Code Enforcement Department was removing campaign signs, more specifically across the street from the Post Office. She informed the City Manager that if the candidate obtained approval to post their sign at that location then staff needed to replace the signs.

13. MIAMI-DADE COUNTY FIRE RESCUE DEPARTMENT REPORT:

14. PUBLIC PRESENTATION:

1. **Gina Fernandez**
Internal Revenue Service
re: free tax related services and programs

Gina Fernandez of the Internal Revenue Service came forward and informed the commission that her office has created partnership with different organizations to provide tax awareness, tax preparation services, financial education and asset building to the citizens.

14a. CITIZENS' FORUM:

Alex Gonzalez, Waste Management appeared before the City Commission and presented a check to the city for \$7,315.54. An internal audit was performed and it was discovered that there were clerical errors over the last several years relating to Franchise Fees.

Eldridge Redmon of 2766 NW 131st Street, Opa-locka, Florida, appeared before the City Commission to voice his concerns regarding the voting process and Planned Parenting. He mentioned that Planned Parenting went to the legislatures and it was voted down. He expressed the importance of getting the citizens registered to vote.

John Riley of 2963 NW 135th Street, Opa-locka, Florida, appeared before the City Commission and voiced his concern relating to a shooting that occurred over the weekend at the NW 22nd Avenue Apartments where the victim was shot 14 times, underwent surgery and is now recovering.

Naomi Ross, 490 Opa-locka Boulevard, appeared before the City Commission on behalf of the Opa-locka CDC to speak about the proposed community garden project for the Magnolia North area.

Derrick Porter, 3081 NW 193rd Street, appeared before the City Commission to show his support towards the proposed community garden project.

Vice Mayor Johnson asked, will the community garden be housed at the VFW?

Ms. Ross replied, no. There is a sight in the Magnolia North that the Opa-locka Community Development has identified, so they are partnering with the veterans group because they have an existing food distribution program.

Rev. Joseph Kelley, 485 Dunad Avenue, Opa-locka, Florida, appeared before the City Commission in support of the legislation for an Interlocal Agreement with Miami-Dade County for Traffic Engineering Function; however, he would hope there's a review as part of the agreement for calibration and timing for consistency.

He further expressed his concerns relating to the budget amendment and the amount of monies that is being utilized for pump station upgrades.

Vice Mayor Johnson said she would the City Manager to look at the feasibility of partnering with Teen Upward Bound for the 2012 Summer Camp at Sherbondy Park because as a business person volunteer staff is not always guaranteed.

Commissioner Miller asked if part time Opa-locka citizens can be hired to work in the Parks & Recreation Department?

Manager Finnie said that could be a possibility.

It was moved by Vice Mayor Johnson, seconded by Commissioner Tydus to amend the agenda to include a resolution directing the City Manager to work with Teen Upward Bound for the 2012 Summer Camp at Sherbondy Park.

There being no discussion, the motion failed by a 3-2 vote.

Commissioner Miller	No
Commissioner Holmes	No
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	No

15. ACTION ITEMS (items from consent agenda pull list):

1. (19-1) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR TRAFFIC ENGINEERING FUNCTIONS AS REQUIRED IN THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to pass the above resolution.

Vice Mayor Johnson expressed her concerns relating to comments told to the citizens about money being spent and it was told that a commissioner wanted this in the community. She said she would have liked for the citizens to be involved in the process for input.

After speaking with a representative from Miami-Dade County it was suggested that the city monitor this and in her opinion it would be cost effective to have a staff person monitor all city projects. However, at this time, she is a bit hesitant about supporting anything that is not an enhancement to the city's public safety or education because of the existing budget shortfall.

She further said she would not support this item until the city gets input from the citizens. She requested this item be deferred.

Commissioner Miller said she had prior conversation with Manager Finnie. She asked him if a Town Hall Meeting had taken place to inform the citizens.

Manager Finnie apologized for not being more aggressive with community outreach.

Commissioner Holmes said he lives in the area of Jann and Seaman and he had no knowledge about the roundabouts.

Manager Finnie deferred items 19-1 and 19-2 to allow for citizen input.

2. (19-2) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE AMENDING THE CONTRACT OF JVA ENGINEERING CONTRACTOR, INC., TO PERFORM ADDITIONAL WORK ON NW 143RD STREET TO INSTALL A ROUNDABOUT AT THE INTERSECTION OF NW 143RD STREET, NW 24TH AVENUE AND RUTLAND STREET IN AN AMOUNT NOT TO EXCEED ONE HUNDRED SEVENTY FOUR THOUSAND EIGHT HUNDRED NINETY DOLLARS (\$174,890.00), PAYABLE FROM ACCOUNT NO. 44-541805 (CAPITAL PROJECT FUND) AND ACCOUNT NO. 47-541805 (PTP FUND); PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by C.M.*

The above item was deferred by the City Manager.

3. (19-3) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH COMTECH ENGINEERING, INC. FOR THE REHABILITATION OF SANITARY SEWER PUMP STATION 10, IN AN AMOUNT NOT TO EXCEED SIX HUNDRED SEVENTY SIX THOUSAND FIVE HUNDRED FORTY-THREE DOLLARS AND THIRTY CENTS (\$676,543.30), PAYABLE FROM ACCOUNT NUMBER 35-535630; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Commissioner Miller to pass the above resolution.

Commissioner Holmes asked for the location of PS 10 and the amount of money allocated for this pump station.

Manager Finnie said that this pump station is located at Sultan and Perviz Avenue. He said there were no funds allocated for pump station 10 during his tenure.

Commissioner Holmes asked, how long has the city had the funds to repair the pump station?

Faye Douglas, Budget Administrator for the City of Opa-locka came forward and explained that the funds are budgeted in the current years budget and part of the budget amendment. There is \$242,500.00 in the adopted budget which came from state legislative dollars.

Manager Finnie added that the city had the state money for two years and the balance is in the enterprise funds.

Commissioner Holmes expressed his frustration with the city having state dollars for two years when citizens have been complaining about that pump station.

He further asked for the timeline as it relates to the completion of the pump station at Sherbondy Park?

Manager Finnie said it should be completed within the next 30 days.

Commissioner Holmes asked if there were any sewer line or water main lines broken at Sherbondy that will require additional dollars for repairs?

Manager Finnie said he had no knowledge of any sewer line breaks.

Commissioner Holmes spoke about the sewer lines being backed up at Sherbondy Park.

Manager Finnie explained that the pump has been there prior to the construction to make sure there is a sewage flow until the construction at that location is completed.

Vice Mayor Johnson voiced her concerns regarding the panel evaluation.

She asked, is this item time sensitive, because she would like staff to look at the amount of money that has been previously spent for this project.

Manager Finnie said it is time sensitive, but he has 30 days, therefore he would like to defer this item until the next Commission Meeting.

Commissioner Holmes asked, why does it cost \$700,000.00 to repair pump station 10?

Manager Finnie stated this is the amount provided by the contractor as a part of the RFP process.

The above item was deferred by the City Manager.

4. (19-4) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ADVERTISE AND ISSUE A REQUEST FOR PROPOSALS (RFP) FOR QUALIFIED CONSTRUCTION FIRMS FOR THE IMPROVEMENT OF DRAINAGE SYSTEM AT RUTLAND STREET, PAYABLE FROM THE PTP FUNDS AND CAPITAL PROJECTS FUND, ACCOUNT NUMBERS 47-541807 AND 44-541807; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Commissioner Miller to pass the above resolution.

Manager Finnie said the above resolution is for a small drainage project located near Rutland Street and NW 24th Avenue.

Vice Mayor Johnson expressed her concerns as to the amount of money being spent and the remaining amount in that specific line item.

She directed the City Manager to provide the City Commission with the total amount of money spent from that line item from October 1, 2011 to present.

There being no further discussion, the motion passed by a 3-2 vote.

Commissioner Miller	Yes
Commissioner Holmes	No
Vice Mayor Johnson	No
Commissioner Tydus	Yes
Mayor Taylor	Yes

5. (19-5) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO ISSUE A REQUEST FOR QUALIFICATIONS (RFQ) TO IDENTIFY QUALIFIED AFTER SCHOOL PROGRAMS SUCH AS DANCE, ART, PHYSICAL FITNESS, WEIGHT TRAINING, BASKETBALL, AQUATIC RECREATIONAL PROGRAM AND/OR OTHER SERVICES TO BE DOMICILED IN THE SHERBONDY PARK VILLAGE FACILITY; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to pass the above resolution.

Vice Mayor Johnson said she could not support this item. Based on the City Manager's staff, there is great opportunity for professional development. The city needs to have trained qualified personnel to run the Parks & Recreation Department. She would have supported training for staff or partnering with an organization that has funding to compliment what the city doesn't have.

Manager Finnie explained that this resolution is asking for an opportunity to see if there's a demand for trained service providers to come in and rent space in the city's building. The cost of hiring additional staff may be prohibited so he was looking at other options to present to the City Commission.

Commissioner Holmes said he would like to look at hiring Opa-locka residents to work in the Parks & Recreation Department.

Vice Mayor Johnson said some of the local universities have interns that can provide their expertise.

Commissioner Tydus supported the above resolution because it's only providing the administration the ability to receive proposals and this will help make a better determination in moving forward. The city is trying to provide quality recreation in these specialized areas of which an intern cannot provide, because they too have to be under supervision of experienced people.

Commissioner Miller said there are a lot of student interns that will be happy to provide these volunteer services to the city.

Mayor Taylor did not support this item because it looks like a back door way of getting a business in the Sherbondy Park Village Facility. Previously she asked Mr. Finnie if he had a conflict with Town Center in this building and his response was "no". The city must stop paying the rent and lease at Town Center, the rent paid is the city's current budget deficit. Miami-Dade County informed her that the city put \$4,000,000.00 into that building and they did not have any problems with the moving into it because the county did not put a majority of the money into that building.

She further mentioned that she asked the commission on several occasions to take a look at the building for the possibility of relocating the city offices.

Commissioner Holmes said he previously requested that the City Manager provide the Commission with a written report as to the cost of modular and he has not received that information.

Vice Mayor Johnson said she does not have a problem with relocating, however she did receive a report regarding the modular and everyone with the exception of Commissioner Miller received

that same report from the previous City Manager. She said she along with former Mayor Joseph Kelley were the only two individuals who spoke up for that building.

She asked that the City Manager provide the Commission with the correspondence that states the city can relocate to that building because her documents says that building is only for public use.

Manager Finnie deferred item 19-5.

6. (19-6) A RESOLUTION OF THE CITY COMMISSION IF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO PURCHASE AND INSTALL A MODULAR TRAILER BY MODSPACE FOR THE PUBLIC WORKS AND UTILITES DEPARTMENT AS A STAFF LUNCHROOM, IN AN AMOUNT NOT TO EXCEED SIX THOUSAND SIX HUNDRED SIXTY-FIVE DOLLARS (\$6,665.00) PAYABLE FROM ACCOUNT NO. 35-535520 AND 39-541520; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to pass the above resolution.

There being no discussion, the motion passed by a 5-0 vote.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes

7. (19-7) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE SETTLEMENT FOR RAYMOND WALLS IN THE MATTER OF EDWARD BLACKMAN AND RAYMOND WALLS VS. THE CITY OF OPA-LOCKA, IN THE TOTAL AMOUNT OF \$75,000.00, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to pass the above resolution.

There being no discussion, the motion passed by a 5-0 vote.

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes

Mayor Taylor

Yes

8. (19-8) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY MANAGER TO EXTEND THE LAWRENCE WRIGHT & PARTNERS, LLC CONTRACT FOR EIGHT MONTHS, RETROACTIVE FROM DECEMBER 2011 AND ENDING JULY 2012, AS PROJECT MANAGEMENT FOR COMPLETION OF THE SHERBONDY PARK VILLAGE INITIATIVE, PAYABLE FROM ACCOUNT NUMBER 44-541802; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to pass the above resolution.

Manager Finnie said there are a number of things that needs to be done, but most importantly, the city recently received \$200,000.00 change order that has to do with time and delay. Mr. Wright was the construction manager over the contractor during the construction process and he has been in negotiations which can help the city negotiate out of having to pay for that change order.

Vice Mayor Johnson would like the record to reflect that her and Mr. Wright worship at the same church and she have never received any funds from him. She has concerns when you have a project manager that does not complete the project then is being told that staff has the certifications. She stated that Mr. Wright was the only person that sat with her and the previous City Manager when it was time to meet with Miami-Dade County to get everything on track for the building.

She further said Lawrence Wright & Partners, LLC was not involved in this project from the beginning and she is happy Mr. Abia was available to act as the project manager.

Commissioner Tydus said the in the event the resolution is passed it will end July 2012, she would like Lawrence Wright & Partners, LLC to complete the project at no additional cost.

Commissioner Miller asked why the contract was not extended if the project was not complete.

Manager Finnie said he was not familiar with Mr. Wright's contract and they were focusing on getting the project complete; however, by the time he reviewed the contract it had lapsed while Mr. Wright was still working.

Mayor Taylor said the first time this resolution came before the City Commission the payout amount was Fifty Thousand Dollars, now the amount is Sixty Five Thousand Dollars and she recall the Finance Director stating the city does not owe Mr. Wright any money.

Manager Finnie said staff response was based on the contract, the contract had ended, and therefore we didn't have an obligation to pay moving forward.

Mayor Taylor asked, when did the contract end?

Manager Finnie said November 2011.

He further said in December and January Mr. Wright continued to work with him several times a week as they began to get the final details of the project. The big issue is the time delay change order which occurred in the beginning of the project.

Mayor Taylor said the city has two engineers on staff that can work on the project. She asked who was the project manager before Mr. Wright.

Mr. Finnie said the city did not have a construction manager.

Esin Daniel Abia, Former Director of the Building & License Department said he was the project manager for this project until he was removed from the city. At no time at all was Lawrence Wright left alone to manage this project. Arshad Vigar knows more about this project because he is the first inspector that inspected from the demolition to the foundation. He is a structural engineer, civil engineer, and plan reviewer.

He further said no one can claim a time delay because they took all the necessary steps to support the CBHC. They provided them with a foundation permit so they didn't have to wait for the permit process along with other short cuts.

Mayor Taylor asked, what give CBHC the impression that the city owes them \$213,000.00?

Mr. Abia said all of that is a result when people are removed.

He further said Mr. Wright cannot help, however Mr. Arshad can because he was there from the beginning. Lawrence Wright was hired because Miami-Dade County said they needed an unbiased person to serve as project manager.

Vice Mayor Johnson said she is surprised to hear Mr. Abia say Mr. Arshad is the only person that can help because he has never mentioned that.

She asked Mr. Abia if he saying Mr. Arshad can take the city to the closure of the Sherbondy Village project?

Mr. Abia replied, yes. He is surprised that there is a discussion regarding renting the building when they have not applied for a Certificate of Occupancy.

Vice Mayor Johnson said when she went to the meeting with Miami-Dade County they said it was not many people in the city that they trust with the money.

She asked, has Mr. Wright been paid in full?

Ezekiel Orji, Finance Director came forward and stated that the city has finished paying Mr. Wright according to the contract.

Vice Mayor Johnson asked how much has the city paid to Mr. Wright?

Dr. Orji replied, \$150,000.00.

Lawrence Wright came forward and stated that he was hired by the city on November 2, 2011 with a one year contract or until the completion of the project. The former City Manager told him if the building was not complete within a year then the contract will roll over so he kept working after the year. He was just trying to complete the project and provide the proper services.

He further mentioned that he donated special services to the city, because he just wants to see the project complete.

Manager Finnie said there were a number of weekend and late night meetings he had with Mr. Wright and his staff to put him up to speed with the project.

Mayor Taylor asked, what completes a project?

Mr. Wright responded by saying a Certificate of Occupancy.

He further said the Sherbondy Village facility will also be utilized as a hurricane relief shelter so they had to make sure the building is equipped with the proper voltage.

Mayor Taylor asked, wasn't that Mr. Wright's job to make sure the building had the proper voltage?

Mr. Wright said that was not included in CBHC contract so they gave the city another change order for \$142,000.00 and his company was able to get that amount down to \$56,000.00.

Mayor Taylor was of the opinion that engineers currently employed by the city could close this project out.

Mr. Wright said they can't do what he does because they don't have any knowledge regarding time delay change orders.

Mayor Taylor suggested that Mr. Wright assist with the time delay change orders and for the city engineers to close the project.

Manager Finnie explained that the city will go through a CDBG close out process and Mr. Wright has signed off on many of those documents that are critical for the city.

Attorney Geller asked Mr. Wright if the commission shall pass the item, would he be willing to continue working on the project through the closing as oppose to the month of July without additional compensation beyond what is sought at this point.

Mr. Wright replied, yes. He will do everything that needs to be done to get the community into the building.

Commissioner Holmes asked when was Mr. Wright's last time doing any work in the building.

Mr. Wright said most of his work now consists of negotiating with the contractors and he was negotiating with them this morning regarding the change orders that's being discussed.

Commissioner Holmes asked Mr. Wright is he recall Miami-Dade County taking funds from the city and he was suppose to work on trying to get the money back?

Mr. Wright said yes and Mr. Finnie was hired at the time, the Commission said Mr. Finnie will take care of that component because he was in that position.

Vice Mayor Johnson asked Mr. Vigar if he can negotiate with the contractor to have the change order reduced?

Mr. Vigar explained that he can do engineering work, but he is not a project manager and he can not negotiate a time delay change order.

He further said he is familiar with the project, however not the litigation portion.

Vice Mayor Johnson said when this project went out for bid the document mentioned a miscellaneous project and she wants to know what does the "miscellaneous" mean.

Mr. Wright said the RFP asked for Sherbondy Park & Village and other miscellaneous projects. The term of that agreement required a three year contract with two one year extensions. The miscellaneous means any project the city needs assistance with.

Attorney Geller clarified that the RFP went out before his firm came back to the city, but language about miscellaneous projects does not appear in paragraph two. The document says management services as to Sherbondy Village Project, and it was objected that this will be for any other miscellaneous services. This was not what they were engaging Mr. Wright to do and they did not agree to the language. At that time, several members of the commission were not happy about this, but they did make some changes.

Vice Mayor Johnson asked Mr. Geller what did he mean by some commissioners were not happy and what did he do to convince them differently.

Attorney Geller said he informed them that it was improper to sign under other circumstances and it should not be open ended and that's the document they ultimately agreed on.

Vice Mayor Johnson asked, does the city owe Mr. Wright any money?

Attorney Geller replied yes, but the city would not have owed him any other money unless he was engaged; however they limited on this project on the theory that any other projects that might go out should go out separately.

Vice Mayor Johnson said Phase 1 Scope of Work indicates change order review, monitor all schedules and activities and she assume it was agreed upon with the previous City Manager. Does this cover the change order that was previously discussed?

Manager Finnie said he believes it refers to change orders from a generic stand point.

Vice Mayor Johnson asked Mr. Finnie if the change order he's referring to out of the scope of Mr. Wright's service period.

Manager Finnie replied, yes.

He further said he did not want to pay Mr. Wright and he tried to find ways to move forward without his services, but he realized he could not move forward.

Vice Mayor Johnson said they have promised the citizens that the building will be opened in March, then July, then November. The city needs closure and move forward to have the building open.

She further directed the City Attorney to bring back a resolution for the July Commission for a in- house City Attorney.

There being no further discussion, the motion passed by a 3-2 vote.

Commissioner Miller	Yes
Commissioner Holmes	No
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Mayor Taylor	No

9. (19-9) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO GRANT CONDITIONAL USE FOR ALUMINUM SMELTING OR REFINING OF METALS USE BY PROPERTY OWNER, ALL JAPANESE ENGINES HOLDINGS, TO OPERATE AN ALUMINUM SMELTING OVEN, SUBJECT TO CONDITIONS STATED IN ORDINANCE NO. 11-06; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above resolution was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to pass the above resolution.

Vice Mayor Johnson expressed her concerns as to the comments that were made by the company in the Planning Council minutes. In her professional opinion it appears that some of the things that were stated they wanted the Planning Council to go back to institutional knowledge and for staff to speak to former commissioners. She asked, what has been done to correct the situation?

Manager Finnie said there were a number of concerns expressed by the Planning Council and once it goes to the Planning Council they are mandated to bring it forth with their recommendations. In speaking to the City Attorney he mentioned that he informed the Planning Council that they can not issue a ruling on the land use change, but they can look at the smelting to make a decision. They made a positive decision on the smelting and that's what has been brought before the commission. They will still need to deal with the land use issue that's affecting this company. They are currently zoned in the I-2 zone and they are eligible to move forward and use the smelter at that location.

Vice Mayor Johnson said she served on the Planning Council and she is concerned when it relates to environment and land use.

Manager Finnie said staff makes reference to the requirements from EPA, Clean Air Act and Florida Pollution Laws. Everything they ask for the Planning Council to approve is contingent upon the applicant meeting the standards. ~~The applicant still has to get final approval from the State of Florida.~~

Vice Mayor Johnson said staff needs to do their homework to make sure everything is incorporated in the documents.

Manager Finnie said the application was submitted and it has to be processed by law. In order for the applicant to get a permit to use the equipment they will have to come back with all the State approvals.

Commissioner Holmes said after reviewing the Planning Council minutes he noticed they voted 4-0 to approve the item. He recalls the Community Development Department requesting additional requirements of the applicant and the applicant agreed to do whatever the city requested of them.

Manager Finnie said there are two aspects of this program. The first being the smelter and second being the land use issue. The smelter that is in question has been approved by DERM. The Planning Council approved the use of that equipment; they have not approved the land use issue, which is the most significant issue. After speaking with the City Attorney he was advised that the Land Use issue has to be dealt with separately.

He further mentioned that the applicant has verbally agreed to bring down the storage of metal on the site. They are in discussion as to how soon that process can occur. He is also asking for a land use change and staff is not prepared to recommend it at this time until they have done further research.

Attorney Geller said the judge agreed with the city and rejected the company's injunction.

Commissioner Miller asked, how much the city has to pay Mr. Geller for this case?

Attorney Geller replied, \$195.00 per hour.

Commissioner Holmes asked, what zone was Danron Management located in?

Howard Brown, Community Development Director said they were in I-2 zone, which is heavy industrial zoning district.

Commissioner Holmes asked, what was I-2A zone created for?

Mr. Brown said it was created for strap metal, junkyard, and auto salvage businesses.

Commissioner Holmes asked, how long has the paint and body shop been located in the I-2 zone?

Mr. Brown said it has been there for several years.

Commissioner Holmes said the city needs to correct the problem by giving the company an opportunity to relocate their business so it will not be a hardship on them.

Vice Mayor Johnson said the commission has always said there is a lot of spot zoning in the city and it is wrong. The city needs to offer to put the company in the correct zone.

Mayor Taylor asked, are we in litigation because we did allow the company to operate out of zone?

Attorney Geller replied, yes.

Mayor Taylor asked, can the item be negotiated?

Attorney Geller said the commission can change the zoning in the area. As it stands, the business is located in I-2 zone and they are allowed in I-2A zone so the landlord filed an injunction against the city. He has to go court unless the Judge will enter an order against the city and award attorney fees, costs, and order the city's zoning code to be violated. The city does not have an option because they sued the city.

Commissioner Holmes asked, when did I-2A go into affect?

Mr. Brown said July 23, 1986.

There being no further discussion, the motion passed by a 4-1 vote.

Commissioner Holmes asked, did the applicant provide staff a list of things they requested from them that was agreed upon?

Manager Finnie said they have a list of things that were discussed and they are comfortable with it, but they have to let the City Attorney review it.

Commissioner Holmes said that should have happened before the item came before the commission.

He further said the applicant has been before the planning council on several occasions and paid the required application fees to get the item approved.

There being no further discussion, the motion failed by a 3-2 vote.

Vice Mayor Johnson	No
Commissioner Holmes	Yes
Commissioner Tydus	No
Commissioner Miller	No
Mayor Taylor	Yes

~~Vice Mayor Johnson and Mayor Taylor suggested that staff waive the fees should the applicant have to come back.~~

10. (19-10) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY ATTORNEY'S OFFICE TO REPRESENT THE CITY OF OPA-LOCKA IN THE LITIGATION OF DANRON MANAGEMENT, INC., VS CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Attorney*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to pass the above resolution.

Attorney Geller informed the City Commission that Danron Management sued the city and sought an emergency injunction to allow them to conduct a paint and body shop in the I2 zoning district when the city code only permits it in the I-2A or I-3 zone and he's trying to defend the law suit against the city.

Commissioner Miller asked, where was the Community Development staff when this item came up?

Attorney Geller said Community Development rejected it and the company sued the city.

Commissioner Miller wants to know how the company can sue the city when the company is not in the correct zone.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	No
Mayor Taylor	Yes

Commissioner Holmes directed the City Attorney to provide him with a list of the law suits the city has paid him to go to court for \$195.00 within the next five days.

Vice Mayor Johnson said she sponsored legislation that all items going for litigation must come to the commission.

11. (19-11) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AUTHORIZE THE CITY ATTORNEY'S OFFICE TO REPRESENT THE CITY OF OPA-LOCKA IN THE LITIGATION OF KEITH CLIETT VS. CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Attorney*

The above resolution was read by title by Attorney Geller.

~~It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to pass the above resolution.~~

Attorney Geller informed the commission that this is a new law suit and nothing has been done yet. Mr. Cliett was formerly employed by the city and he is suing the city claiming he worked in excess of 40 hours per week and was not paid overtime. He is also seeking to bring this case in a representative capacity on behalf of other people in the nature of a class action law suit. The case was forwarded to the Florida League of Cities to see if they would assume the defense, however they declined to defend this case because it's not a civil rights case; it is a fair labor standard act.

Commissioner Holmes asked, how much overtime is Mr. Cliett claiming the city did not pay him?

Attorney Geller said he is not required to make a specific dollar amount at this time, but it is his understanding that the claim is not with merit.

Commissioner Miller asked, what department did the gentleman work for?

Owen Carney said he was employed through the President Obama initiative and was assigned to the city's Public Works Department for six months.

Vice Mayor Johnson said the city did agree on it and it was not brought to the commission for approval.

Attorney Geller assured the commission that before anything else happens, he will be in contact with the attorney representing Mr. Cliett to get the matter resolved.

There being no further discussion, the motion passed by a 4-1 vote.

Commissioner Miller	Yes
Commissioner Tydus	Yes
Commissioner Holmes	No
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

12. (19-12) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO RESUME HOSTING AN ARABIAN NIGHTS FESTIVAL IN THE CITY OF OPA-LOCKA; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Mayor Taylor*

The above item was deferred by Mayor Taylor.

13. (19-13) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO AMEND RESOLUTION 11-8232 TO REFLECT A NAME CHANGE FROM THE CITY OF OPA-LOCKA EDUCATION & SCHOLARSHIPS FOUNDATION, INC. TO THE CITY OF OPA-LOKCA EDUCATIONAL FOUNDATION, INC., PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Vice Mayor Johnson*

The above item was deferred by Vice Mayor Johnson.

14. (19-14) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPOINT OFFICERS TO THE CITY OF OPA-LOCKA EDUCATIONAL FOUNDATION, INC., PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Vice Mayor Johnson*

The above item was deferred by Vice Mayor Johnson.

15. (19-15) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, DIRECTING THE CITY MANAGER TO INVESTIGATE METHODS AND MEANS OF CANCELLING THE CITY'S CONTRACT WITH AMERICAN TRAFFIC SOLUTIONS (ATS) FOR RED LIGHT CAMERAS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Attorney*

The above resolution was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Commissioner Miller to pass the above resolution.

Commissioner Holmes recalled when the Red Light Cameras were first introduced everyone was excited about the revenue it could bring into the city. Since then, there have been so many complaints and Opa-locka is one of the poorest cities in the county.

Vice Mayor Johnson said she will support the resolution, however, there are too many people running red lights and she's not totally convinced that the city does not need them. She disagreed with the comment about Opa-locka being one of the poorest cities because it seems like this city has a lot of money for law suits.

There being no further discussion, the motion passed by a 5-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

Mayor Taylor recommended that the Commissioner allow Vice Mayor Johnson to coordinate a timeline and schedule interviews for the City Manager position.

It was moved by Commissioner Holmes, (Mayor Taylor passed the gavel to Vice Mayor Johnson to seconded the motion) seconded by Mayor Taylor to amend the agenda to include a motion designating Vice Mayor Johnson to coordinate a timeline and schedule interviews for the City Manager position.

There being no discussion, the motion to amend the agenda passed by a 5-0 vote.

Commissioner Tydus	Yes
Commissioner Miller	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes
Vice Mayor Johnson	Yes

It was moved by Mayor Taylor (Mayor Taylor passed the gavel to Vice Mayor Johnson to seconded the motion) seconded by Commissioner Holmes for the City Commission to designate Vice Mayor Johnson to coordinate a timeline to schedule interviews for the City Manager position and be available to choose an application before the next Regular Commission Meeting or a Special Meeting be called for that purpose.

There being no further discussion, the motion passed by a 5-0 vote.

Commissioner Miller	Yes
Commissioner Holmes	Yes
Commissioner Holmes	Yes
Mayor Taylor	Yes
Vice Mayor Johnson	Yes

Vice Mayor Johnson returned the gavel to Mayor Taylor.

16. (19-16) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO REMOVE BRYAN K. FINNIE AS HE CITY MANAGER, DUE TO LACK OF CONFIDENCE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Commissioner Holmes*

The above item was deferred by Commissioner Holmes.

16. NEW ITEMS:

17. PLANNING & ZONING:

A. HEARINGS:

B. APPEALS:

18. ORDINANCES/RESOLUTIONS/PUBLIC HEARING:

A. FIRST READING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO IMPOSE A MORATORIUM ON NEW JUNKYARDS, SCRAP METAL FACILITIES AND AUTO SALVAGE BUSINESSES CITYWIDE FOR TWELVE (12) MONTHS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

It was moved by Commissioner Miller, seconded by Vice Mayor Johnson to pass the above ordinance on first reading.

There being no discussion, the motion passed by a 4-0 vote.

Commissioner Miller	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Out of Room
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

2. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ORDINANCE 11-15, THE GENERAL FUND BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012 ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A", OPTION _____ (A, B, OR C); CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; FURTHER PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to defer the above ordinance pending a workshop.

There being no discussion, the motion passed by a 5-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA AMENDING ORDINANCE 11-16, THE PROPRIETARY AND SPECIAL REVENUE FUNDS BUDGET FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2011 AND ENDING SEPTEMBER 30, 2012; ADJUSTING REVENUES AND EXPENDITURES AS REFLECTED IN EXHIBIT "A", REFLECTING CHANGES IN REVENUE SOURCES AS FOLLOWS: FEMA FUND (FUND 169), FIVE THOUSAND FOUR HUNDRED AND NINETY FIVE DOLLARS (\$5,495); WATER AND SEWER FUND (FUND 440), EIGHT HUNDRED AND FIFTY NINE THOUSAND NINE HUNDRED AND EIGHTY ONE DOLLARS (\$859,981); CONTAINING A REPEALER PROVISION AND SEVERABILITY CLAUSE; FURTHER PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to pass the above ordinance on first reading.

Vice Mayor asked for the line items and why the line items are not listed in the ordinance.

Attorney Geller referred to Exhibit "A" for the listing.

Faye Douglas, Budget Administrator came forward and stated that Exhibit A is an attachment in the ordinance and that exhibit has a schedule that shows what line items are affected.

Vice Mayor Johnson said she noticed in several of the exhibits several departments had a greater increase, i.e. the City Clerk's Office and Public Works Department.

Ms. Douglas said that was part of the general fund ordinance and they are discussing the proprietary fund.

Vice Mayor Johnson said they both are related.

Ms. Douglas said a memorandum is attached as part of the general fund ordinance and page 3 of that memorandum explained the reasons for the departmental increase.

Vice Mayor Johnson asked for an explanation as to the decrease in the Community Development Department.

Ms. Douglas said the Community Development Department is adding \$200,000.00 for this year's portion of the Community Challenge Grant. In addition, the city is committed to providing an in-kind service that's coming out of the city's funds and it will be paid over a two year period, which provides a savings to the city.

Vice Mayor Johnson asked for clarification as it relates to the increase in the line item for Special Events?

Ms. Douglas and Mr. Finnie explained that increase in the Special Events line item was due to contributions received for several events.

Vice Mayor Johnson reminded everyone of the fact that a resolution was passed by the City Commission that any monies received for Commission events should be reported back to the Commission.

She mentioned that monies were received for the Police Department last year and as of today no one ever came in front of commission for approval.

There being no further discussion, the motion failed by a 3-2 vote.

Vice Mayor Johnson	No
Commissioner Tydus	Yes
Commissioner Miller	No
Commissioner Holmes	No
Mayor Taylor	Yes

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to reconsider the above ordinance.

There being no discussion, the motion to reconsider passed by a 5-0 vote.

Commissioner Miller	Yes
Commissioner Tydus	Yes
Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Mayor Taylor	Yes

It was moved by Commissioner Holmes, seconded by Commissioner Miller to defer the above ordinance pending a workshop.

There being no discussion, the motion passed by a 5-0 vote.

Commissioner Holmes	Yes
Vice Mayor Johnson	Yes
Commissioner Miller	Yes
Commissioner Tydus	Yes
Mayor Taylor	Yes

4. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOFKCA, FLORIDA, TO REPEAL ORDINANCE NO. 06-14, ORDINANCE NO. 07-14, AND ORDINANCE NO. 11-03 FEES FOR LANDLORD PERMIT PROGRAM; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by Commissioner Holmes*

The above ordinance was read by title by Attorney Geller.

It was moved by Vice Mayor Johnson, seconded by Commissioner Miller to pass the above ordinance on first reading.

~~Commissioner Miller asked, how much money has the city received from the Landlord Permit Program?~~

Manager Finnie advised the Commission that the city received the following as a result of the Landlord Permit Program: \$5,000.00 in FY 2009, \$465.00 in FY 2010, \$5,550.00 in FY 2011 and \$56,965.00 in FY 2012.

Commissioner Miller asked why does the sponsor want to repeal the ordinance when it is bringing in revenue to the city?

Attorney Geller indicated that the sponsor informed him that the terms of the new ordinance which raised the amount substantially was hurting some business owners and felt the rates were too high.

Mayor Taylor said a payment scale should be implemented.

Commissioner Holmes said there are three ordinances pertaining to landlord permits and it is confusing to a lot of people. He would like to rescind all three of the ordinances and come up with a new ordinance.

Commissioner Tydus said she thinks this item requires a workshop to come up with suggestions.

The above ordinance was deferred pending a workshop.

5. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOFKCA, FLORIDA, AMENDING ORDINANCE 86-8, THE LAND DEVELOPMENT CODE, TO

INCLUDE TOWING SERVICE AND STORAGE AS A PERMITTED USE IN THE I-1 INDUSTRIAL ZONING DISTRICT; AND TO AMEND LINE 19 OF SECTION 6.10 B; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

The above ordinance died for a lack of a motion.

6. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO CLOSE, A VACATE OR ABANDO THE ALLEY NEAR ALADDIN AND FISHERMAN STREETS, AT 551 FISHERMAN STREET, AT THE REQUEST OF RUDG-TOWN CENTER, LLC; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. *Sponsored by the City Manager*

The above ordinance was read by title by Attorney Geller.

Commissioner Holmes said the alley is already closed and they are trying to get it approved now.

It was moved by Commissioner Tydus, the motion died for lack of a second.

B. SECOND READING/PUBLIC HEARING:

1. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, TO APPROVE THE LEASE AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, TO LEASE A PARCEL OF LAND TO NATHAN B. YOUNG ELEMENTARY SCHOOL FOR PUBLIC EDUCATIONAL PURPOSES, PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE (first reading held on July 14, 2010) *Sponsored by Vice Mayor Johnson*

The above ordinance was read by title by Attorney Geller.

Mayor Taylor opened the floor for a public hearing. There being no persons to speak on the public hearing, the public hearing was closed.

It was moved by Commissioner Holmes, seconded by Vice Mayor Johnson to pass the above ordinance.

There being no discussion, the motion passed by a 5-0 vote.

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes

Commissioner Holmes Yes
Mayor Taylor Yes

C. RESOLUTION/PUBLIC HEARING:

19. ADMINISTRATION:

CONSENT AGENDA:

A. CITY MANAGER'S REPORT:

B. ACCOUNTS PAYABLE:

Dr. Ezekiel Orji, Finance Director stated that they have not made any adjustments on the amendment and the city currently has \$565,000.00 in the reserve.

Vice Mayor Johnson said she noticed that one of staff recommendations was to take money from the reserve.

Manager Finnie said that is an option.

Dr. Orji said the city is required to keep a minimum of \$200,000.00 in the reserve so the city can elect to take anything over that amount.

Vice Mayor Johnson said in 2002 the city did not have any money in the reserve.

Commissioner Holmes asked, who does the inspections for the pump station at Sherbondy Park?

Manager Finnie said the inspections are done by the Public Works Staff.

Commissioner Holmes directed the City Manager to provide him with a list of how many times the pump stations have been inspected along with the inspector's name. He would like to have that list in his office by noon tomorrow (06/14/2012).

20. OFFICIAL BOARD REPORTS:

21. CITY ATTORNEY'S REPORT:

The City Attorney provided his report in writing.

Vice Mayor Johnson directed the City Attorney to bring back a resolution for an in house City Attorney.

In addition, she noticed that the City of Opa-locka Educational Foundation was not incorporated through SunBiz.

22. CITY CLERK'S REPORT:

The City Clerk provided her report in writing.

Vice Mayor Johnson asked Interim Clerk Flores when will the voter education start and if she needs any assistance. She is concerned that the signatures have to match in order to vote.

Interim Clerk Flores informed the Commission that she has been in contact with Miami-Dade County Community Outreach Department trying to schedule a voter Town Hall Meeting/Voter Registration Drive. She has provided them with several dates and is currently awaiting a response.

She further mentioned that she has attended training for new Municipal Clerks on May 23rd and she received a lot of viable information.

Vice Mayor Johnson said she may want to start getting information out to the citizens because the changes will have a great impact on the citizens.

Interim Clerk Flores said she is currently in the process of updating the city's website to include election information.

Commissioner Miller said the citizens need to check their voter registration cards to make sure they vote at the same precincts.

23. MAYOR/COMMISSION REPORT:

Vice Mayor Johnson said Miami-Dade County gave 300 Head start employees the pink slip so she met with Senator Wilson, Commissioner Jordan, Commissioner Spence-Jones, and the Federal Government and it was agreed upon to have those employees considered for employment with the school board. She also served as a workshop facilitator for Teen Court. On June 14th she will attend a meeting with War on Poverty for a presentation with Blue Cross Blue Shield.

Commissioner Tydus briefly addressed a comment made during the citizen's forum regarding her party affiliation and Planned Parenthood.

See DVD June 13, 2012 and Oct. 24, 2012
Commissioner Holmes shared the same concern as Commissioner Tydus as it relates to voting.

24. OFFICIAL BOARD APPOINTMENTS:

It was moved by Vice Mayor Johnson, seconded by Commissioner Holmes to re-appoint Luvenia Spears to the Housing Authority Board.


There being no discussion, the motion passed by a 5-0 vote.

Commissioner Holmes Yes

Vice Mayor Johnson	Yes
Commissioner Tydus	Yes
Commissioner Miller	Yes
Mayor Taylor	Yes

25. ADJOURNMENT:

There being no further business to come before the Commission, it was moved by Commissioner Holmes, seconded by Commissioner Tydus to adjourn the meeting at 11:00 p.m.



MAYOR

ATTEST:



INTERIM CITY CLERK



FEC 12-321

Deborah

to:

fec

11/13/2012 01:16 PM

Show Details

1 Attachment



response to complaint FEC 12-321.docx

Attention: Donna Ann Malphurs, Agency Clerk

Confirming our phone call last week, I am sending by certified mail today the following:

1. All Campaign literature for Deborah Irby
2. copies of commission meeting minutes
3. copies of DVD's

Deborah Sheffield Irby

lpeacetoyou@aol.com

786-360-9503

November 13, 2012

Florida Elections Commission

107 W. Gaines Street

Suite 224 Collins Building

Tallahassee, Florida 32399-1050

Attn: Donna Ann Malphurs, Agency Clerk

REF: Case No. FEC 12-321

Dear Ms. Malphurs,

In response to the complaint filed by Rose Tydus, I have not willfully and knowingly violated FSS 106.143 (3). I have enclosed copies of all my campaign literature. My literature does not state my party affiliation with the exception of the one literature that was mailed out to the community

If you notice, the statement; "I am a proud democrat" is only mentioned as a part of my personal and community service. I was a part of the campaign to re-elect the President and volunteered my time making phone calls and performed other volunteer work to re-elect President Obama.

I did not campaign based upon my party affiliation.

I have enclosed copies of commission meetings minutes from the City of Opa-locka where RoseTydus was a City Commssioner. On two occasions June 13, 2012 and October 24, 2012, Rose Tydus made speeches that were over ½ hour long stating how proud she was to be a Republican. (attached please find copies of the DVD's and minutes from the commission meetings which are open to the public and broadcast on the City of Opa-locka cable channel.

Also, for the record, Rose Tydus nor myself was elected to office.

Sincerely,

Deborah Sheffield Irby

786-360-9503

C-307-2012-321

STATE OF FLORIDA

FLORIDA ELECTIONS COMMISSION

107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050

Telephone Number: (850) 922-4539

www.fec.state.fl.us

RECEIVED

2012 OCT 18 A 9:31

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Rose Tydus Work Phone: (305) 525-6511
Address: 1101 Dunad Avenue Home Phone: ()
City: Opa-locka County: Miami Dade State: FL Zip Code: 33054

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. If both an individual and a committee or organization are involved, name both.

Name of individual: Deborah Sheffield Irby
Address: 14202 NW 17th Avenue Phone: ()
City: Opa-locka County: Miami Dade State: FL Zip Code: 33054

If individual is a candidate, list the office or position sought: City Commissioner

Name of committee or organization:
Address: Phone: ()
City: County: State: Zip Code:

Have you filed this complaint with the State Attorney's Office? (check one) [] Yes [X] No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigate the following provisions: Chapter 104, Chapter 106, Section 98.122, and Section 105.071, Florida Statutes. Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
✓ A copy or picture of the political advertisements you mention in your statement,
✓ A copy of the documents you mention in your statement, and
✓ Other evidence that supports your allegations.

In view of the fact the defendant has served as City Clerk/Supervisor of Elections for the City of Opa-locka for over 16 years, I believe she has willfully and knowingly violated the FSS 106.143(3). Attached is a copy of the campaign literature I received in the mail on 10/12/2012 from the above named candidate,

Deborah Sheffield Irby. Ms. Irby is a candidate in a non-partisan municipal election; however, her campaign literature states, "A Proud Democrat."

Multiple horizontal lines for additional text or notes.

Additional materials attached (check one)? Yes No

4. OATH

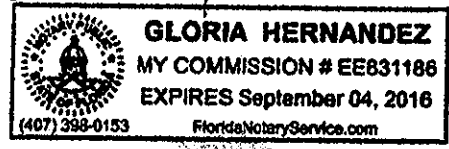
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

I swear or affirm, that the above information is true and correct to the best of my knowledge.

Rose Ryden
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 16 day of October, 2012

[Signature]
Signature of Officer Authorized to Administer Oaths or Notary public



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

Personally known Or Produced Identification
Type of Identification Produced _____

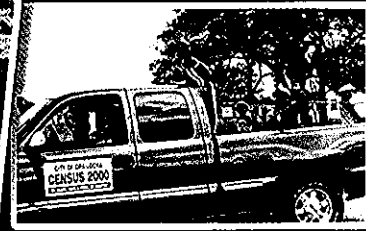
Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

030002

Trace
2012
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2012 OCT 18 A 9:31
STATE OF FLORIDA

Early Voting Begins October 27 - November 3, 2012
ELECT DEBORAH SHEFFIELD IRBY FOR CITY COMMISSIONER-CITY OF OPA-LOCKA
YOUR VOTE IS YOUR VOICE, SPEAK UP!



★ ELECT ★
DEBORAH
SHEFFIELD IRBY
FOR COMMISSIONER
CITY OF OPA-LOCKA
14202 NW 17TH Avenue
Opa-Locka, FL 33054

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PAID
Permit No. 1775
S. Fla., FL

Bubble #

158

*****ECRWSS**C012

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The Tydus Family
1101 Dunad Ave
Opa Locka FL 33054-3411

**I HAVE ONE GOAL, ONE PASSION...YOU, THE PEOPLE.
IT'S TIME FOR PROGRESS, EXPECT MORE!**

I AM A VERY STRONG LEADER, CANNOT BE BOUGHT, I WILL DO THOSE THINGS THAT ARE RIGHT; I AM WILLING TO: • TAKE IMMEDIATE ACTION FOR THE PRESENT SITUATION AND CONDITIONS OF OUR CITY • ACCEPT THE CHALLENGE • FACE IT HEAD ON WITH INTEGRITY, CHARACTER AND A COMMITMENT TO EXECUTE RIGHTEOUSNESS • STOP WASTEFUL SPENDING AND THE MISUSE OF CITIZENS TAX DOLLARS

MY PLATFORM:

BRING STABILITY TO THE CITY OF OPA-LOCKA • CHANGE OUR CITY'S NEGATIVE IMAGE BY SHOWING THAT LEADERSHIP MUST START AT THE TOP • MAKE OUR CITY A PLACE WHERE WE WILL BE PROUD TO LIVE AND RAISE OUR CHILDREN AND GRANDCHILDREN • BRING FINANCIAL RESOURCES TO HELP OUR CITIZENS AND BUSINESSSES • IMPLEMENT A PLAN TO LOWER WATER BILLS • STOP UNFAIR TREATMENT OF OUR CITIZENS FOR UTILITY BILLS • IMPLEMENT A PLAN TO LOWER PROPERTY TAXES • PROMOTE JOB DEVELOPMENT WHICH RESULT IN JOB CREATION • SAFER STREETS, A STRONGER COMMUNITY • SUMMER AND AFTER SCHOOL JOBS FOR OUR YOUTH

YOUR VOTE IS YOUR VOICE, SPEAK UP! VOTE ON NOVEMBER 6, 2012

PERSONAL AND COMMUNITY SERVICE: A PROUD DEMOCRAT

• Earned a B.S. Degree in Psychology, St. Thomas University • Chief Executive Officer of the Irby Group, LLC • Homegrown born and raised, Widowed, One daughter, two grandchildren • Effectively served for 18+ years as City Clerk/Supervisor of Elections and Assistant City Clerk • Strathmore's Who's Who; honored and featured in 2006-2007 for my leadership and profession as City Clerk • Former President of the Magnolia Homeowners & Tenants Association • Knowledgeable of all aspects of local government • Advocate for our children, senior citizens and single mothers • Created, organized and raised funds for the Annual Back to School Celebration for the past 16 years; • Organized and raised for funds: Father's Day Events; Easter Events; Thanks Giving and Christmas Luncheons for our seniors; Christmas Toy Drive; Women's History Luncheons; Valentine Day Dance for our single mothers. • Co-created and organized the Helen L. Miller Scholarship Foundation; Successfully raised funds (2011-12) for eight (8) of our city's high school seniors to attend college with scholarships ranging from \$1500.00-\$2,000.00; donated my personal funds for this important endeavor; • Presented first Entrepreneur and job seminar to the citizens; • Hired 400 citizens for the Census 2000 Campaign, hired 325 citizens for the 2010 Census Campaign. • These are but a few of my services to the community, I could not list them all on this platform.

**"A GOOD LEADER IS SOMEBODY WHO COULD SEE
BEYOND WHAT EVERYBODY ELSE WAS LOOKING AT"**

PLEASE LET ME HAVE YOUR SUPPORT ON NOVEMBER 6, 2012
FOR A RIDE TO YOUR PRECINCT TO VOTE OR TO VOLUNTEER,
PLEASE CALL DEBORAH AT 786-360-9503