

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Andrew Brett

Case No.: FEC 22-182

TO: Andrew Brett
739 NW 2nd Avenue
Ft. Lauderdale, FL 33311

Richard DeNapoli
c/o Coral Gables Trust, 401 E. Las Olas Blvd., #
1510
Ft. Lauderdale, FL 33301

NOTICE OF HEARING (INFORMAL HEARING)

A hearing will be held in this case before the Florida Elections Commission on, **August 15, 2023 at 8:30 a.m.**, or as soon thereafter as the parties can be heard, at the following location: **Virtual Meeting via GoTo Webinar:**

WEB PARTICIPATION: <https://attendee.gotowebinar.com/register/4391393799096818270>

AUDIO PARTICIPATION: 1 877 309 2074 **ATTENDEE ACCESS CODE:** 424-284-031

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 Ann 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.

Tim Vaccaro
Executive Director
Florida Elections Commission
August 1, 2023

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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

**Florida Elections Commission,
Petitioner,**

Case No.: FEC 22-182

v.

**Andrew Brett,
Respondent.**

ORDER OF PROBABLE CAUSE

THIS MATTER was heard by the Florida Elections Commission (Commission) at its regularly scheduled meeting on May 16, 2023, in Tallahassee, Florida.

On November 22, 2022, Staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. The facts articulated in Staff's Recommendation are adopted by reference and incorporated herein. Based on the Complaint, Report of Investigation, Staff's Recommendation, and oral statements (if any) made at the probable cause hearing, the Commission finds that there is **probable cause** to charge Respondent with the following violation(s):

THIS SPACE INTENTIONALLY LEFT BLANK



Count 1:

On or about August 4, 2020, Andrew Brett violated Section 104.271(2), Florida Statutes, when he made or caused to be made a false statement about an opposing candidate with actual malice during an election.

DONE AND ORDERED by the Florida Elections Commission on May 16, 2023.



Tim Vaccaro, J.D., Executive Director
For Joni Alexis Poitier, Vice Chair
Florida Elections Commission

Copies furnished to:
Stephanie J. Cunningham, General Counsel
Andrew Brett, Respondent
Richard DeNapoli, Complainant

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 violation(s) and agree to the amount of the fine. The consent order is then presented to the Commission for its approval. To discuss a consent order, contact the FEC attorney identified in 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 the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. At the hearing, you will have the right to make written or oral arguments to the Commission concerning the legal issues related to the violation(s) 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 the Order of Probable Cause is filed with the Commission to request such a hearing. The date this order was filed appears in the upper right-hand corner of the first page of the order. 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 this Order of Probable Cause is filed with the Commission, the case will be sent to the Commission for a formal or informal hearing, depending on whether the facts are in dispute. The date this order was filed appears in the upper right-hand corner of the first page of the order.

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: Andrew Brett

Case No.: FEC 22-182

TO: Andrew Brett
739 NW 2nd Avenue
Ft. Lauderdale, FL 33311

Richard DeNapoli
c/o Coral Gables Trust
401 E. Las Olas Blvd., # 1510
Ft. Lauderdale, FL 33301

NOTICE OF HEARING (PROBABLE CAUSE DETERMINATION)

A hearing will be held in this case before the Florida Elections Commission on, **May 16, 2023 at 8:30**, or as soon thereafter as the parties can be heard, at the following location: **Join Zoom Meeting:**

[https://us06web.zoom.us/meeting/register/tZMpduuuqTsqGt1MNuvpQBO15XPapAI_9zfC](https://us06web.zoom.us/join/https://us06web.zoom.us/meeting/register/tZMpduuuqTsqGt1MNuvpQBO15XPapAI_9zfC)

Audio Participation:
Dial: 1 301 715 8592

Meeting ID:
874 1067 0009

Passcode:
772737

After registering, you will receive a confirmation email containing information about joining the meeting.

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Tim Vaccaro
Executive Director
Florida Elections Commission
May 2, 2023

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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.



Florida Elections Commission

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

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



February 23, 2023

Andrew Brett
739 NW 2nd Avenue
Fort Lauderdale, Florida 33311

RE: Case No.: FEC 22-182; FEC 22-185; Respondent: Andrew Brett

Dear Mr. Brett:

During our most recent telephone conversation we discussed the possibility of filing a campaign treasurer's report to disclose the financial activity that took place during your 2020 campaign. Should you wish to do so, you will need to contact your filing officer at:

Claudette Hamilton
chamilton@BrowardVotes.gov
954-712-1961
115 S. Andrews Ave.
Room 102
Ft. Lauderdale, Florida 33301

In consideration of a potential settlement, I have enclosed an Affidavit of Financial Support. If you choose to complete the affidavit, it will be used by staff to determine an appropriate settlement amount. Additionally, it will be used by the Commission in the event that a civil penalty is imposed in either of your cases. Please be aware that when received by my office, this document will become a public record once your case is no longer confidential.

Please let me know if you have any further questions.

Sincerely,
Stephanie J. Cunningham
General Counsel

Enclosure: Affidavit of Financial Support

AFFIDAVIT OF FINANCIAL SUPPORT

I, _____, Respondent in FEC Case No. _____, state:

1. I have _____ dependents. *(Do not include children not living at home and do not include a working spouse or yourself.)*

2. I have a take home income of \$ _____ paid: () weekly () every two weeks () semi-monthly () monthly () yearly
(Take home income equals salary, wages, bonuses, commissions, allowances, overtime, tips and similar payments, minus deductions required by law and other court-ordered support payments.)

3. Place of Employment: _____

Address: _____

4. I have other income paid: () weekly () every two weeks () semi-monthly () monthly () yearly.

(Circle "Yes" and fill in the amount if you have this kind of income, otherwise circle "No")

Social Security benefits?	YES or NO	\$
Veterans' benefits?	YES or NO	\$
Unemployment compensation?	YES or NO	\$
Child support or regular support from family members/spouse?	YES or NO	\$
Union funds?	YES or NO	\$
Workers compensation?	YES or NO	\$
Rental income?	YES or NO	\$
Retirement/ Pensions?	YES or NO	\$
Dividends or interest?	YES or NO	\$
Trusts/ Gifts?	YES or NO	\$
Any other income not on the list?	YES or NO	\$

5. **I have other assets:** (Circle “yes” and fill in the value of the property, otherwise circle “No”; use the back to provide additional information)

Cash?	YES or NO	\$
Savings?	YES or NO	\$
Bank account(s)?	YES or NO	\$
Stocks/ Bonds?	YES or NO	\$
Money market accounts?	YES or NO	\$
a. Certificates of deposit or Equity* in real estate (excluding homestead) <i>if yes, please list the address of this property below.</i>	YES or NO	\$
b. Equity* in motor vehicles/boats/other tangible property expectancy in an interest in such property?) <i>if yes, please list the information for this property below.</i>	YES or NO	\$

*Equity means value minus loans.

a. Address: _____

b. List the year/make/model & tag#: _____

Check one: I () DO () DO NOT expect to receive more assets in the near future. The asset is _____.

6. **I have total liabilities and debts of \$** _____ **as follows:**

Home \$	Other Real Property \$
Motor Vehicle \$	Credit Cards \$
Medical bills \$	Costs of medicine \$
Child Support paid direct \$	Other \$

7. **I have a private lawyer in this case.....** Yes _____ No _____

8. **I receive:** (Circle “Yes” or “No”)

Temporary Assistance for Needy Families – Cash Assistance	Yes	No
Poverty-related Veterans’ Benefits	Yes	No
Supplemental Security Income (SSI)	Yes	No

STATE OF FLORIDA
COUNTY OF _____

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

Signature of Respondent

Sworn to and subscribed before me this _____ day of
_____, 20_____.

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 _____

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Andrew Brett

Case No.: FEC 22-182

STAFF RECOMMENDATION FOLLOWING INVESTIGATION

Pursuant to Section 106.25(4)(c), Florida Statutes, undersigned staff counsel files this written recommendation for disposition of the sworn complaint in this case recommending that there is **probable cause** to charge Respondent with violating **Section 104.271(2), Florida Statutes**. Based upon a thorough review of the Report of Investigation submitted on October 27, 2022, the following facts and law support this staff recommendation:

1. On August 4, 2022, the Florida Elections Commission (“Commission”) received a sworn complaint from Richard DeNapoli (“Complainant”), alleging that Andrew Brett (“Respondent”) violated Chapter 104, Florida Statutes. On September 8, 2022, the Executive Director notified Complainant that the complaint was legally insufficient. On September 22, 2022, Complainant filed additional complaint information, pursuant to Rule 2B-1.0025(5), Florida Administrative Code, which corrected the stated ground of insufficiency.

2. Respondent was a 2020 candidate for Broward Republican State Executive Committeeman. (ROI Exhibit 3, page 1)¹

3. By letter dated October 19, 2022, the Executive Director notified Respondent that Commission staff would investigate the following statutory provision:

Section 104.271(2), Florida Statutes: Respondent, a 2020 candidate for Broward Republican State Executive Committeeman, may have with actual malice made or caused to be made a false statement about an opposing candidate, as alleged in the complaint.

4. Respondent did not file any forms or reports with his filing officer, the Broward County Supervisor of Elections, outside of the Candidate Oath. Therefore, the filing officer did not provide campaign materials to Respondent. (ROI Exhibit 2; ROI Exhibit 4, page 1)

Factual Allegations

5. Complainant alleged that Respondent violated Florida’s election laws by making or causing to be made a false statement about an opposing candidate with actual malice during an election. *See Compl.*

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

6. Under Section 104.271(2), Florida Statutes, “[a]ny candidate who, in a primary election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code.” §104.271(2), Fla. Stat.

7. Complainant, like Respondent, was a 2020 candidate for Broward Republican State Executive Committeeman. Complainant won the election with 63.83% of the vote, while Respondent came in fifth out of six candidates with 6.13% of the vote. (ROI Exhibit 1, page 2)

8. The statement at issue in this matter is the following: “In 2017, Richard DeNapoli ran a prostitution ring from his home and website pay for play, per a website search.” (See Compl., p. 8; ROI, p. 2, ¶5) The video version of the statement includes a stock photo of an Internet search bar with the word “prostitution” typed into the search bar. (See ROI, p. 2, ¶7; Attachment A)

9. Documentation provided by Complainant shows that the statement was made multiple times between August 4, 2020, and August 17, 2020. It was distributed as an audio and video clip through email and posted on Facebook with links to YouTube. (See ROI, p. 2, ¶¶6, 9, 11-14; ROI Exhibit 6-9)

10. Complainant provided Respondent’s Facebook video post on August 5, 2020. (ROI Exhibit 8, page 2) Respondent does not discuss the “prostitution ring” statement but discusses the video which contains the statement. During the video, he made the following statements: “I don’t lie. I’m not perfect. But one thing about telling the truth is I don’t have to remember what the Hell I said. . . . I have sent that video to every state Republican senator in the State of Florida exposing the true Richard DeNapoli. . . . And I am true, and I am honest. . . . Again, everything in my video was documented facts. . . . I am the truth-sayer. . . . I’m going to repost this video, and everything on there is true. So, I need to come out and tell you folks that I am not a liar. I am not a thief. And I will tell you, I’m a truth-sayer. . . . I have the facts. I have the documents. I have the court document numbers. I have the police incident report. And I have the police reporting numbers. . . .” (See ROI, pp. 3-4, ¶15)

11. On October 26, 2022, Respondent spoke with a Commission Staff Investigator by phone and provided the following information. Respondent stated that he wrote the script for the video “The Truth About Richard DeNapoli” and paid a friend \$250 to produce it. He stated that he posted the video on Facebook and YouTube in late July or early August of 2020 and sent it to legislative members. Respondent stated that everything in the video was true and that he did not make anything up. Respondent stated that he had documentation to support the “prostitution ring” statement at the time but lost it in storage. (ROI Exhibit 4, page 4)

12. Respondent also stated that the issues in this case were resolved in a civil matter that Complainant filed against Respondent: CACE-20-011359. Respondent stated that Judge Michele Towbin Singer reviewed the video and told Complainant that political candidates were fair game when it comes to free speech but took issue with other statements in Respondent’s video regarding Complainant’s mother and Complainant allegedly not paying child support. Respondent stated that he revised the video to comply with Judge Singer’s Order and the case was dismissed. (ROI Exhibit 4, page 3)

13. On July 10, 2020, Complainant filed a civil action against Respondent in the 17th Judicial Circuit Court alleging defamation per se and tortious interference with contractual relations. (ROI Exhibit 10, pages 1-8) On August 6, 2020, Complainant filed a Motion for Temporary Injunction. (ROI Exhibit 10, pages 9-19) In his motion, Complainant references the audio and video file at issue and the “prostitution ring” statement. (ROI Exhibit 10, page 11) On August 13, 2020, Judge Singer issued an Agreed Order stating that Respondent “shall not personally attack or publish comments involving plaintiff’s family.” (ROI Exhibit 10, pages 20-21) On August 26, 2022, Complainant filed a Notice of Voluntary Dismissal due to the case settling as a result of mediation and Judge Singer issued an Agreed Order of Dismissal on August 31, 2022. (ROI Exhibit 10, pages 40-43)

Case Law Analysis

14. In 1985, the Florida Election Code was amended to add subsection (2) to Section 104.271, Florida Statutes, which prohibited a candidate from making or causing to be made a false statement about an opposing candidate with actual malice during an election. Law 1985, c. 1985-210. A review of the House of Representatives Committee on Ethics and Elections Staff Analysis shows that the Legislature recognized that campaign statements are accorded broad protection and that a candidate pursuing an action based in libel or slander has a heavy burden to bear. Additionally, the Staff Analysis cites to the landmark case of N.Y. Times Co. v. Sullivan, 376 U.S. 254 (1964), and the three essential elements that a candidate or public figure must prove to prevail in court. (Attachment B)

15. In N.Y. Times Co. v. Sullivan, the United States Supreme Court considered, for the first time, the extent to which constitutional protections for speech limit a state’s power to award damages in a libel action brought by a public official. N.Y. Times Co. v. Sullivan, 376 U.S. 254, 256 (1964). The Court recognized a “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” Id. at 270. The Court stated that erroneous statements and statements that injure an official’s reputation “must be protected if the freedoms of expression are to have the ‘breathing space’ that they ‘need to survive.’” Id. at 271-72.

16. Ultimately, the Court held that “actual malice” requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false. Id. at 279-80. The case established the standard that a candidate for public office must meet before an opposing candidate can be held accountable for making a false statement against him: the statement was false, the statement was made with actual malice, and the statement was defamatory, meaning a damage to one’s reputation or character. N.Y. Times Co. v. Sullivan, 376 U.S. 254 (1964).

17. In 2012, the Second District Court of Appeal issued an opinion providing further guidance on how to interpret “reckless disregard” under the “actual malice” standard. Sharkey v. Fla. Elec. Comm’n, 90 So.3d 937 (2012). In that case, a former candidate sought review of an administrative order finding that Sharkey violated Section 104.271(2), Florida Statutes, when he maliciously made false statements about his opposing candidate during an election. Id. at 938. The

Court found that the Administrative Law Judge erred in finding that Sharkey acted with reckless disregard based upon evidence that “any prudent person would have verified the facts prior to publication.” Id. at 939.

18. The Sharkey Court cited to the U.S. Supreme Court case of St. Amant v. Thompson, 390 U.S. 727 (1968). The Court stated that “[t]he Supreme Court has explained that ‘reckless conduct is not measured by whether a reasonably prudent man would have published, or would have investigated before publishing...Rather, ‘there must be sufficient evidence to permit the conclusion that the defendant in fact entertained serious doubts as to the truth of his publication.’” Id. at 731.

19. In St. Amant v. Thompson, the United States Supreme Court reviewed whether the lower court correctly interpreted and applied the rule of N.Y. Times Co. v. Sullivan, 376 U.S. 253 (1964). The Court opined that the finder of fact must determine whether a publication was made in good faith and that the defendant in a defamation action brought by a public official cannot “automatically insure a favorable verdict by testifying that he published with a belief that the statements were true.” Id. at 732. The Court noted that,

[p]rofessions of good faith will be unlikely to prove persuasive, for example, where a story is fabricated by the defendant, is the product of his imagination, or is based wholly on an unverified anonymous telephone call. Nor will they be likely to prevail when the publisher’s allegations are so inherently improbable that only a reckless man would have put them in circulation. Likewise, recklessness may be found where there are obvious reasons to doubt the veracity of the informant or the accuracy of his reports.

Id.

Analysis

20. In this case, there is no evidence in support of the “prostitution ring” statement being a factually true statement. Complainant stated that the remark was “absolutely false,” and Commission staff was unable to uncover any evidence tending to show support for the statement. (See Compl., p. 8; ROI, p. 2, ¶7; Attachment C) Moreover, Respondent was unable to produce any evidence showing that the statement was based in fact (but stated that the documentation was lost in storage) and cited his source initially as “per a website search.” (ROI Exhibit 4, page 4; See Compl., p. 8; ROI, p. 2, ¶5)

21. The statement at issue took place during an election in which Complainant and Respondent were opposing candidates. Complainant provided documentation in the form of audio clips, video clips, and screenshots of various media showing that the statement was made between August 4, 2020, and August 17, 2020. (See ROI, p. 2, ¶¶6, 9, 11-14; ROI Exhibit 6-9) The election for Broward Republican State Executive Committeeman took place on August 18, 2020, with Complainant defeating Respondent for the seat. (ROI Exhibit 1)

22. The statement was made or caused to be made with actual malice. Respondent

admitted that he wrote the script for the video which includes the statement and paid a third-party to produce it. However, Respondent maintains that everything in the video was true and that he did not make anything up. (ROI Exhibit 4, page 4) In addition, at the time of publication, Respondent was adamant that the information was true. In Respondent's Facebook video post on August 5, 2020, which discusses the video, he repeatedly asserts that the information is the truth. He makes seven separate statements regarding the truth of the contents of the video. (*See* ROI, pp. 3-4, ¶15) Based on Respondent's repeated assertions at the time of publication and two years later when the complaint was filed, it does not appear that Respondent made or caused to be made the statement with knowledge that the statement was false; however, the statement was made or caused to be made with reckless disregard of whether the statement was true or false.

23. The United States Supreme Court has held that "actual malice" requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false. N.Y. Times Co. v. Sullivan, 376 U.S. 254, 279-80 (1964). The Second District Court of Appeal clarified that a candidate need not investigate before publishing, but it must be shown that he entertained serious doubts as to the truth of the publication. Sharkey v. Fla. Elec. Comm'n, 90 So.3d 937, 939 (2012). The U.S. Supreme Court requires that the finder of fact determine whether the publication was made in good faith and notes that the candidate cannot avoid liability by simply testifying that he published with a belief that the statements were true. St. Amant v. Thompson, 390 U.S. 727, 732 (1968). The Court stated that good faith is not persuasive when "based wholly on an unverified anonymous phone call," nor will the candidate "be likely to prevail when the publisher's allegations are so inherently improbable that only a reckless man would have put them in circulation." Id.

24. Respondent made or caused to be made the "prostitution ring" statement with reckless disregard of whether the statement was true or false. While Respondent did not have a duty to investigate prior to publication nor does the evidence show that he entertained serious doubts as to the truth of the publication, it does not appear that the statement was made in good faith. Respondent's reliance on a "website search" without more is akin to the "unverified anonymous telephone call" scenario. Additionally, the allegation that Complainant ran a prostitution ring from his home is so inherently improbable that only a reckless man would have put that statement into circulation. St. Amant v. Thompson, 390 U.S. 727, 732 (1968). Respondent made or caused to be made a false statement about an opposing candidate with actual malice during an election.

25. "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).

26. The facts set forth above show that Respondent was a 2020 candidate for Broward Republican State Executive Committeeman. Respondent made or caused to be made a false statement about an opposing candidate with actual malice during an election.

Based upon these facts and circumstances, I recommend that the Commission find **probable cause** to charge Respondent with violating the following:

Count 1:

On or about August 4, 2020, Andrew Brett, violated Section 104.271(2), Florida Statutes, when he made or caused to be made a false statement about an opposing candidate with actual malice during an election.

Respectfully submitted on November 22, 2022.

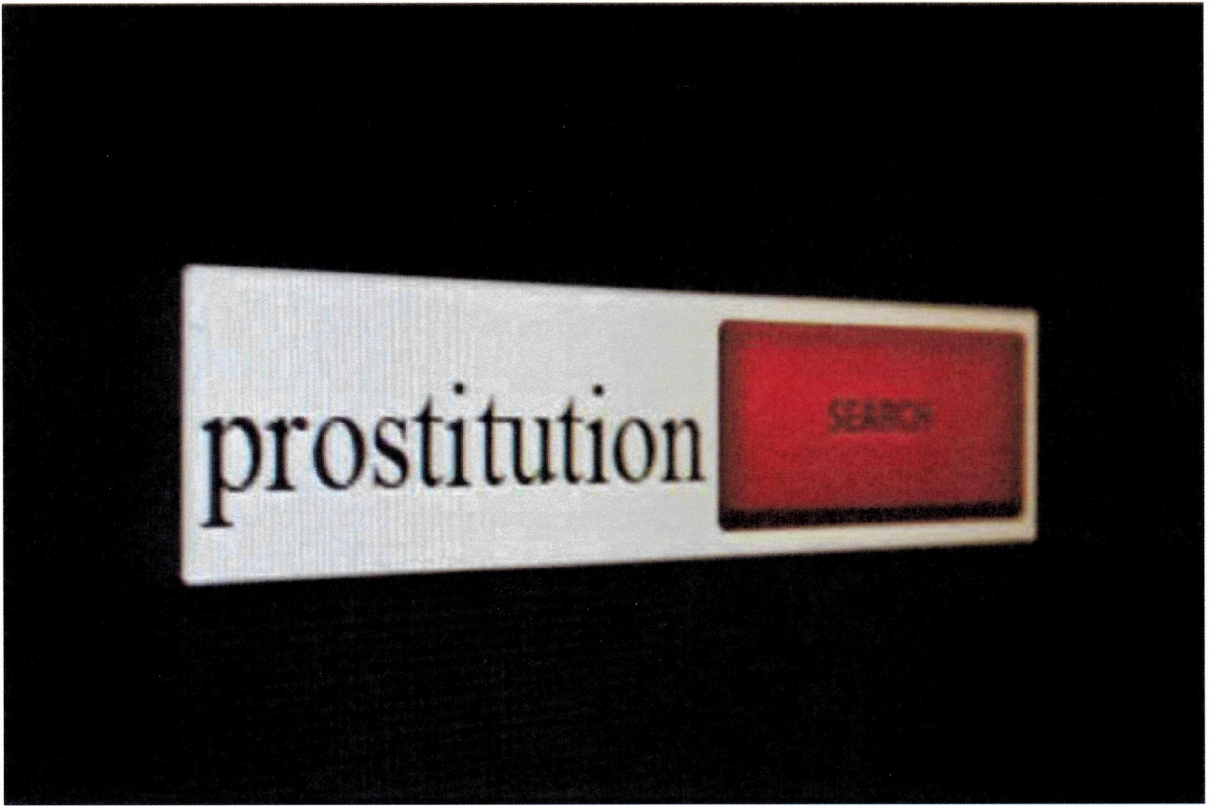


Stephanie J. Cunningham
General Counsel

I reviewed this Staff Recommendation this 22nd day of November 2022.



Tim Vaccaro
Executive Director



STORAGE NAME: HB 844-85 sa

Date: April 15, 1985

Revised: May 20, 1985

Final: _____

HOUSE OF REPRESENTATIVES
COMMITTEE ON Ethics and Elections
STAFF ANALYSIS

BILL# HB 844 SPONSOR Rep. Gardner

EFFECTIVE DATE July 1, 1985 IDENTICAL/SIMILAR BILLS None

RELATING TO False Statements by Candidates

OTHER COMMITTEES OF REFERENCE None

I. SUMMARY:

Section 104.271 presently prohibits a candidate from willfully and falsely charging an opposing candidate with a violation of the election code when such charge is known by the candidate to be false. A conviction under this section is a third degree felony (punishable by up to 5 years in prison, or a fine of up to \$5000, or both) and disqualifies the person from holding office.

The bill broadens the provision to prohibit a candidate from maliciously making or causing to be made any false statement about an opposing candidate. The Florida Elections Commission is authorized to conduct expedited hearings on sworn complaints alleging a violation of this provision. Upon finding a violation, the Commission is required to assess a civil penalty of up to \$5000 against the candidate. Any fines will be deposited in the state general revenue fund.

II. ECONOMIC IMPACT:

A. Public: None

B. Government: There may be a minimal additional cost to the 7 member Elections Commission and the Division of Elections to investigate and conduct expedited hearings under this section. The state general revenue fund will be enhanced an indeterminate amount by any fines assessed.

III. COMMENTS:

Under the 1st and 14th Amendments to the U. S. Constitution, Article I, Section 4 of the Florida Constitution, and court decisions issues of "public or general concern" and "events of great public interest" are accorded broad protection. Campaign statements may be included within such protection. Any restriction placed on such speech will be given strict scrutiny

by the courts and will require an overriding state interest to stand.

Similarly, an aggrieved candidate has a heavy burden to bear in a libel or slander suit against his accuser. Under the landmark case of N.Y. Times v. Sullivan, 376 U.S. 254 (1964), and its progeny, a candidate for public office is very probably considered a "public figure" and must prove three essential elements to prevail in court:

- (1) That the statement(s) was false.
- (2) That the statement was made with actual malice; that is, the person made the statement knowing it was false, or displayed a reckless disregard of its truth or falsity.
- (3) Defamation; a damage to one's reputation or character.

IV. AMENDMENTS: None

V. PREPARED BY Chris Haughee CH

VI. STAFF DIRECTOR Chris Haughee CH



"richard denapoli" "prostitution"



All News Images Videos Maps More Tools

10 results (0.29 seconds)



It looks like there aren't many great matches for your search

Try using words that might appear on the page you're looking for. For example, "cake recipes" instead of "how to make a cake."

Need help? Check out [other tips](#) for searching on Google.

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Case No.: FEC 22-182

Respondent: Andrew Brett
Counsel for Respondent: N/A

Complainant: Richard DeNapoli
Counsel for Complainant: N/A

On August 4, 2022, the Florida Elections Commission (Commission) received a sworn complaint alleging that Respondent violated Chapter 104, Florida Statutes. Commission staff investigated whether Respondent violated the following statute(s):

Section 104.271(2), Florida Statutes, may have with actual malice made or caused to be made a false statement about an opposing candidate.

I. Preliminary Information:

1. Respondent was a 2020 candidate for Broward Republican State Executive Committeeman. In the election held on August 18, 2020, Respondent was defeated by Complainant, who was elected to office after receiving 63.83% of the vote in a field of six candidates. Respondent received 6.13% of the vote. To review the election results, refer to Exhibit 1.

2. The Broward County Supervisor of Elections (SOE) was Respondent's filing officer. According to an affidavit from Joe Scott, Broward County SOE, Respondent had not sought office previously within his jurisdiction. According to the affidavit, the SOE did not provide Respondent with a copy of Chapter 104 or 106, Florida Statutes, or the *Candidate and Campaign Treasurer Handbook*. The affidavit indicated that Respondent did not file an Appointment of Treasurer and Designation of Campaign Depository for Candidates (DS-DE 9) form, or any campaign treasurer reports. To review the affidavit from the filing officer, refer to Exhibit 2.

3. Claudette Hamilton, Municipal Liaison Officer Broward County SOE, stated during a telephone interview that the only thing Respondent filed with their office was the candidate oath. She explained that the Committeeman candidates usually only file the oath unless they are planning to campaign. Ms. Hamilton stated that the Committeeman candidates are informed verbally when they file the oath that additional forms are required if they plan to campaign or collect contributions. She added that most of the candidates for Committeeman do not campaign. She stated that the forms are available on their website and the Division of Elections website, and if the candidates call or visit the SOE office, staff will email or print the forms for the candidates. To review the candidate oath, refer to Exhibit 3. To review the phone log, refer to Exhibit 4, entries 4 and 11.

II. Alleged Violation of Section 104.271(2), Florida Statutes:

4. I investigated whether Respondent violated this section of the election laws by making or causing to be made a false statement about an opposing candidate, with actual malice.

5. The statement at issue is, “In 2017, Richard DeNapoli ran a prostitution ring from his home and website pay for play, per a website search.”

6. Based upon evidence provided by Complainant, Respondent caused this statement to be made about Complainant between August 4, 2020, and August 17, 2020, by distributing it in audio and video form via email and by emailing and posting links to the video form on Facebook while it was active on YouTube.¹ The statement at issue was included within a longer production of Respondent titled, “The Truth About Richard DeNapoli.”

7. No source for the statement at issue was included for the video except vague reference to, “...a website search.” The image on the video during the statement at issue was a stock photo of an internet search bar with the word “prostitution” typed into it. Commission staff conducted a criminal record check on Complainant and did not discover anything except a few traffic violations.

8. Complainant provided digital copies of the production in one audio and two video forms (original and revised). Commission staff reviewed the digital copies and confirmed that the statement at issue was included in all three versions. Commission staff further confirmed that the audio and original video versions are identical, and that the revised video version is identical to the original video version but for 33 seconds that was edited out of the original version before it was republished on or about August 12, 2020.²

9. Complainant also provided copies of emails and screenshots of posts suggesting: Respondent distributed the audio version of the production by email on August 4, 2020; Respondent distributed the original video version of the production by emailing and posting links to it while it was active on YouTube on August 4, 2020, and August 5, 2020; and Respondent distributed the revised video version of the production by posting links to it while it was active on YouTube on or about August 12, 2020, on August 15, 2020, and on August 17, 2020.

10. On August 3, 2020, Respondent posted on Facebook, “Stay tuned for upcoming documentary... ‘DeNapoli – Lying, Denying and Falsifying!!’ By Andrew R. Brett you [sic] next elected State Committeeman!” To review the “Stay tuned” post, refer to Exhibit 5.

11. On August 4, 2020, Respondent sent an email to which Complainant was copied. The subject heading stated, “DeNapoli- A Documentary of Lying- Denying – and – Falsifying.” The email stated, “Worth 10 Minutes of your time!!” Attached to the email was an .mp3 file titled, “Brett Audio Project(1).” The .mp3 file was 9 megabytes, which is the same size as the .mp3 audio version of the production provided by Complainant. The audio version provided by Complainant was 9 minutes and 55 seconds long, which is about 10 minutes, the same length

¹ Both video versions have been taken down from the YouTube video links distributed by Respondent.

² The statements removed from the video related to Complainant’s family and are not at issue in this investigation.

referenced in Respondent's email. To review the email, refer to Exhibit 6.

12. On August 5, 2020, Respondent sent an email with the subject heading "Re: DeNapoli- A Documentary of Lying – Denying – and – Falsifying by Andrew R. Brett." The email stated, "video version," followed by a link to a YouTube video ending in the letters "RKO." That email also forwarded an email sent by Respondent on August 4, 2020, stating, "WITH [sic] THE 10 MINUTES...PLEASE SHARE." To review the emails, refer to Exhibit 7.

13. The YouTube video link ending in the letters "RKO" was also included in Facebook posts made by Respondent on August 4, 2020, and August 5, 2020. The post on August 4, 2020, states, "Please SHARE!" The post on August 5, 2020, is beside a video of Respondent talking directly to the camera. Complainant provided a digital version of this video, which matches the display image of Respondent in the screenshot. Commission staff reviewed the video, in which Respondent stated, "I have published a factual, documented video exposing my opponent Richard DeNapoli for the fraud, lies, and deceit that he's done for over 20 years in Broward County, and I will reshare that video when I'm done with this video." To review the "Please SHARE" posts, refer to Exhibit 8.

14. Complainant alleged that Respondent distributed a revised version of the video on and after August 12, 2020. He provided copies of posts including a link to a YouTube video ending in the letters "pYI." The post allegedly made on August 12, 2020, is undated in the screenshot provided by Complainant. It contains a preview image of the video being posted, which is a photo of Complainant matching the first image displayed on the original and revised versions of the video at issue. The preview image for the video being posted includes the name, "DeNapoli – LYING – FALSIFYING – DENYING." The second post by Respondent that included the link ending in "pYI" is dated August 15, 2020. The preview image of the video being posted is blank, but the video name is the same. The third post was a comment made by Respondent to a post he made dated August 17, 2020. The comment includes the link ending in "pYI" and the same video name but no preview image. To review the YouTube posts, refer to Exhibit 9.

15. Commission staff reviewed the video of Respondent talking directly to the camera that was posted on August 5, 2020. In that video, Respondent did not address the statement at issue in this report about the "prostitution ring;" however, he made the following additional remarks about himself and the video production at issue:

- a. "I don't lie. I'm not perfect. But one thing about telling the truth is I don't have to remember what the Hell I said."
- b. "I have sent that video to every state Republican senator in the State of Florida exposing the true Richard DeNapoli."
- c. "And I am true, and I am honest."
- d. "Again, everything in my video was documented facts."
- e. "I am the truth-sayer."
- f. "I'm going to repost this video, and everything on there is true. So, I need

to come out and tell you folks that I am not a liar. I am not a thief. And I will tell you, I'm a truth-sayer.”

- g. “I have the facts. I have the documents. I have the court document numbers. I have the police incident report. And I have the police reporting numbers.”

16. Respondent did not respond to the complaint. On October 26, 2022, I interviewed Respondent, who admitted that he wrote the script for the video entitled “The Truth About Richard DeNapoli” and paid a friend \$250.00 to produce it. I asked Respondent if he used campaign contributions to pay for the video. He answered affirmatively. Respondent admitted that he posted the video on Facebook and YouTube in late July or early August 2020 and sent it to Republican State Representatives and Senators. Respondent stated that he removed the videos when the complaint was filed with the Commission. To review the phone log, refer to Exhibit 4, entry 14.

17. Respondent stated that everything in the video was true and that he did not make anything up. I asked Respondent who was responsible for verifying that the information in the video was true. Respondent stated that he was the only person responsible for verifying it. I asked Respondent if he had documentation in support of the statement. Respondent stated that he had documentation at the time but lost it in storage. I asked Respondent about the website to which he referred in the “prostitution ring” statement. Respondent stated that the website is no longer active. To review the phone log, refer to Exhibit 4, entry 14.

18. Respondent added that the issues in this case have already been resolved in a lawsuit Complainant filed against him shortly after he began posting the video, case CACE-20-011359. Respondent reiterated he feels the lawsuit resolved the issue. Respondent stated that the judge reviewed the original video and told Complainant that political candidates were fair game when it comes to free speech but took issue with other statements in the video about Complainant’s family. Respondent stated he paid \$250.00 to revise the video to comply with the judge’s order and thought everything was okay. He added that the judge dismissed the case, and then Complainant filed a complaint with the Commission. To review the phone log, refer to Exhibit 4, entry 14.

19. Commission staff obtained copies of documentation from CACE-20-011359. The complaint was filed by Complainant against Respondent on July 10, 2020. It alleged defamation and tortious interference with contractual relations. Various acts of alleged defamation were described, but neither the video nor statement at issue were specifically mentioned or quoted in the complaint, which did not cite Section 104.271(2), F.S. On August 6, 2020, Complainant filed a Motion for Temporary Injunction in which he alleged Respondent distributed and posted the audio and video files at issue after having been served with the lawsuit.³ The “prostitution ring” statement at issue was specifically quoted in the motion. On August 13, 2020, the judge issued an order that Respondent, “shall not personally attack or publish comments involving plaintiff’s family.”⁴ On November 3, 2021, Complainant filed an amended complaint in the case, though it

³ As noted above, the original version of the production was distributed by Respondent in audio form on August 4, 2020, and in video form on August 4, 2020, and August 5, 2020.

⁴ As noted above, the revised video, which removed statements relating to Complainant’s family, appears to have

did not specifically mention the video or statement at issue and did not cite Section 104.271(2), F.S. The judge granted leave to amend the complaint. On August 26, 2022, Complainant filed a Notice of Voluntary Dismissal because the case was settled in mediation. The judge dismissed the case pursuant to a signed, confidential Stipulated Settlement Agreement on August 31, 2022. To review relevant documents from CACE-20-011359, refer to Exhibit 10.

20. On August 18, 2020, Complainant won the election after receiving 63.83% of the vote in a field of six candidates, as noted above.

Respectfully submitted on October 27, 2022.



—

Margie Wade
Investigation Specialist

been distributed on or about August 12, 2020, on August 15, 2020, and on August 17, 2020.

FLORIDA ELECTIONS COMMISSION
REPORT OF INVESTIGATION
Andrew Brett -- FEC 22-182

LIST OF EXHIBITS	
Exhibits #s	Description of Exhibits
Exhibit 1	Election Results
Exhibit 2	Affidavit of Filing Officer
Exhibit 3	Candidate Oath
Exhibit 4	Phone log
Exhibit 5	“Stay Tuned” Post
Exhibit 6	Email Dated August 4, 2020
Exhibit 7	Email Dated August 5, 2020
Exhibit 8	“Please SHARE” Posts
Exhibit 9	YouTube Posts
Exhibit 10	Relevant Documents from CACE 20011359



Primary Election

Election Date: 8/18/2020

(Website last updated at: 09/13/2021 10:25:53 am)

Registered Voters:	1,222,720
Ballots Cast:	317,160
Voter Turnout:	25.94%

Precincts Reporting:	577 / 577
Election Day:	Completely Reported
Early Votes:	Completely Reported
Vote By Mail:	Completely Reported

EL45A Report (<https://www.browardvotes.gov/Portals/Broward/Documents/results/August-18-2020-Primary-Election/Primary-Election-August-18-2020-EL45A.html>)

EL30A Report (<https://www.browardvotes.gov/Portals/Broward/Documents/results/August-18-2020-Primary-Election/August-18-2020-EL30A.html>)

EL52S Report (<https://www.browardvotes.gov/Portals/Broward/Documents/results/August-18-2020-Primary-Election/Primary-Election-August-18,-2020-EL52A.html>)

Summary Results ▼

Change View

Vote Type View:

Detailed ▼

A dash (-) represents detailed groups (Election Day, Vote By Mail, Early Votes, Provisional) with between 1 and 29 votes in accordance with Florida Statute 98.0981(2)(a)

★ Representative in Congress - District 20

Participating Precincts Reporting: 150 / 150

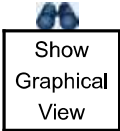
Show Graphical View

Choice	Election Day	Early Votes	Vote By Mail	Provisional	Total Votes	Percentage
Vic DeGrammont (REP)	737	371	1,748	0	2,856	49.42%

Choice	Election Day	Early Votes	Vote By Mail	Provisional	Total Votes	Percentage
David Borrero (REP)	66	37	121	0	224	39.65%
Bibiana Potestad (REP)	-	-	-	-	194	34.34%

☆ Sheriff

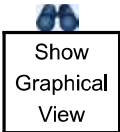
Participating Precincts Reporting: 577 / 577



Choice	Election Day	Early Votes	Vote By Mail	Provisional	Total Votes	Percentage
H. Wayne Clark (REP)	-	-	-	-	38,209	70.28%
Casimiro "Cazi" Navarro (REP)	-	-	-	-	16,159	29.72%

☆ State Committeeman

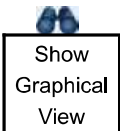
Participating Precincts Reporting: 577 / 577



Choice	Election Day	Early Votes	Vote By Mail	Provisional	Total Votes	Percentage
Benjamin H. Bennett II (REP)	-	-	-	-	4,140	7.87%
David Francis Booth (REP)	-	-	-	-	2,625	4.99%
Andrew Russell Brett (REP)	997	408	1,823	0	3,228	6.13%
Michael Coker (REP)	-	-	-	-	3,934	7.48%
Richard DeNapoli (REP)	11,036	4,131	18,423	0	33,590	63.83%
Robert W. Sutton (REP)	1,734	669	2,704	0	5,107	9.70%

☆ State Committeewoman

Participating Precincts Reporting: 577 / 577



Choice	Election Day	Early Votes	Vote By Mail	Provisional	Total Votes	Percentage
Celeste S. Ellich (REP)	-	-	-	-	6,736	13.18%
Daniele Marques Haddad (REP)	2,557	976	4,364	0	7,897	15.45%
Michele Merrell (REP)	-	-	-	-	26,250	51.35%
Diana L. Taub (REP)	3,184	1,325	5,726	0	10,235	20.02%

☆ Representative in Congress - District 20



AFFIDAVIT OF FILING OFFICER
Case Number: FEC 22-185

STATE OF FLORIDA
County of Broward

Joe Scott, being duly sworn, says:

1. This affidavit is made upon my personal knowledge.

I am of legal age and competent to testify to the matters stated herein. I am currently employed by Broward Supervisor of Elections as Supervisor of Elections.

2. Please provide copies of the listed items from the following candidate's campaign file or please indicate if the candidate did not file the document(s): **Andrew Brett**.

Did not File	ITEM
Not Filed	The Statement of Candidate form for the 2020 campaign.
Not Filed	Appointments of Treasurers and Designation of Campaign Depository form (Form DS-DE 9) for the 2020 campaign.
Not Filed	Campaign treasurer's reports, waivers, and amendments for the 2020 campaign.
N/A	Addendum requests and proof of compliance for the 2020 campaign.
N/A	Form(s) for all campaigns whereby candidate acknowledges receipt of instructions and/or campaign materials.
See attached	Any other forms filed by the candidate.
None	All checks issued by the candidate's campaign to your office (qualifying fee, maps, etc.). Please do not redact the bank routing and account numbers.

3. Please check each item provided to the candidate and list the date that the candidate was provided the item.

Check	ITEM	DATE
	<i>A Compilation of The Election Laws of the State of Florida</i>	
	Chapter 104, <i>Florida Statutes</i>	
	Chapter 106, <i>Florida Statutes</i>	
	<i>Candidate & Campaign Treasurer Handbook</i> . Please provide revision date of publication. _____	

	Other: ¹	
--	---------------------	--

4. Relative to Chapter 106, *Florida Statutes*, and the *Candidate & Campaign Treasurer Handbook*, please indicate how these publications are provided to the candidate.

- o A candidate packet, or similar material, is given to the candidate. The candidate packet includes links to the Division of Elections' website, or our website, where these documents are available for review.
- o Publications are provided on a CD or thumb/flash drive that is given to the candidate.

Other, please explain. N/A

5. Did your office² offer any candidate workshops, campaign skills or training seminars prior to the November 3, 2020, election? Yes or No. If yes, please list all workshops/training seminars that were attended by the candidate, along with the date of attendance. If a staff member attended for the candidate, list his/her name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline or PowerPoint presentation for the workshops/seminars.

6. Does your office have any record of Andrew Brett having sought elective office within your jurisdiction prior to the 2020 election? Yes or No. If yes, please list the previous office(s) he ran for, the date(s) of the election(s), and the result(s) of the election(s). If the candidate withdrew her/his candidacy for election, please indicate if the withdrawal was before or after qualifying.

7. Does your office have any record of Andrew Brett having been named as a chairperson or campaign treasurer of a political committee (PC or PAC) or electioneering communications

¹ Any local publications relative to the Election laws that may have been provided by your office in lieu of the *Candidate & Campaign Treasurer Handbook* published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit.

² If your County elections or ethics office offered candidate workshops/campaign skills or training seminars, please identify the office providing the workshops/seminars and provide copies of any notices that were sent to candidates within your jurisdiction.

organization (ECO) within your jurisdiction? Yes or No. If yes, please list the name(s) of the committees.

8. Did you or any member of your staff have any conversations with Andrew Brett concerning a provision of Chapter 106, Florida Statutes, relative to reporting contributions or expenditures, at any time during the 2020 campaign? Yes or No. If yes, please indicate whether the conversation was in person, in writing, or by telephone and the subject matter of the conversation. If applicable, please provide copies of records documenting the discussion.

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

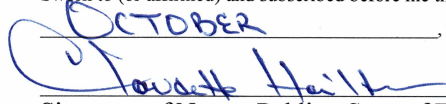


Signature of Affiant

PATRICIA SANTIAGO

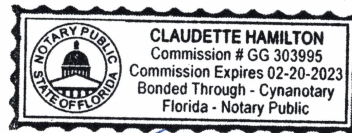
Print or type name of Affiant on line above.

Sworn to (or affirmed) and subscribed before me this 11 day of OCTOBER, 2022.



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: MBW

Aff of FO Candidate (03/20)

CANDIDATE OATH –

Committeemen and Committeewomen

Check applicable one:

- Precinct Committeeman or Committeewoman
- District Committeeman or Committeewoman
- State Committeeman or Committeewoman

2020 JUN -8 PM 1:42

BROWARD COUNTY
SUPERVISOR OF ELECTIONS

OFFICE USE ONLY

Candidate Oath

(Sections 99.021(1)(a) and (2), Florida Statutes)

I, Andrew Russell Brett
 (Print name above as you wish it to appear on the ballot. If your last name consists of two or more names but has no hyphen, check box . (See page 2 - Compound Last Names). No change can be made after the end of qualifying.)

am a candidate for the office of **Committeeman** **Committeewoman**

Precinct/District Number _____ (Not applicable to State Committeemen and State Committeewomen),

I am a qualified elector of Broward County, Florida; I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Statement of Party

(Section 99.021(1)(b), Florida Statutes)

I am a member of the Republican Party; I have not been a registered member of any other political party for 365 days before the beginning of qualifying preceding the general election for which I seek to qualify; and I have paid the assessment levied against me, if any, as a candidate for said office by the executive committee of the political party, of which I am a member.

Candidate's Florida Voter Registration Number (located on your voter information card): _____

Phonetic spelling for audio ballot: Print name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (see instructions on page 2 of this form): [Not applicable to write-in candidates.]

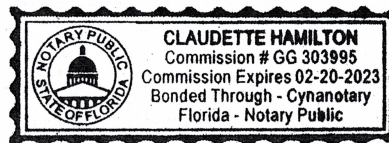
X Andrew Russell Brett 1954 667 5331 ARbrett5464@Comcast
 Signature of Candidate Telephone Number Email Address
3930 NW 34th Terrace Lauderdale Lakes FL 33309
 Address City State ZIP Code

STATE OF FLORIDA
 COUNTY OF Broward

Claudette Hamilton
 Signature of Notary Public
 Print, Type, or Stamp Commissioned Name of Notary Public below:

Sworn to (or affirmed) and subscribed before me by physical or
 online presence this 27 day of May, 2020.

Personally Known: _____ or Produced Identification:
 Type of Identification Produced: Florida 0630016642840





2020 MAY 27 AM 11:27
SHERIFF'S OFFICE
SHERIFF'S OFFICE

**FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 22-182**

Respondent: Andrew Brett

Complainant: Richard DeNapoli

1. **Date and time:** 10/03/22 @ 11:19 a.m.
Name: Claudette Hamilton, Municipal Liaison Broward County SOE
Phone #: (954) 712-1961
Summary: I called the Broward County SOE to inquire about Respondent's Appointment of Treasurer. I spoke with Ms. Hamilton. She stated that the candidates for the State Executive Committee do not usually file an Appointment of Treasurer form with their office. I asked if they filed campaign reports with their office. She answered negatively. She stated that they only file an oath with them.
Entered by: MBW
2. **Date and time:** 10/03/22 @ 2:02 p.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify that Respondent did not file anything with their office. She did not answer.
Entered by: MBW
3. **Date and time:** 10/19/22 @ 10:19 a.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify that Respondent did not file anything with their office. She did not answer.
Entered by: MBW
4. **Date and time:** 10/19/22 @ 10:41 p.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: Ms. Hamilton returned my call. I asked her the usual procedure for candidates running for the office of Committeeman. I asked if they usually file the DS DE 9. She stated that candidates for the office of Committeeman do not usually file a DS DE 9 because they do not usually campaign for office. She stated that the staff notify each candidate verbally when they come in to sign the oath that they need to file the appropriate paperwork if they plan on campaign or collect contributions. The candidate may obtain all the necessary documents from their website. The candidate can also go the DOE website to get the documents. Some candidates just called the SOE office and informed staff that they have decided to campaign, and staff will email the appropriate forms to the candidate. If the candidate comes into the SOE's office, SOE staff will print copies of the forms for the candidate.

Ms. Hamilton affirmed that the report for the candidate for Committeeman/woman is due four days preceding the primary. If the fourth day is on the weekend or a holiday, the report is due the next business day.

Entered by: MBW

5. **Date and time:** 10/19/22 @ 4:06 p.m.
Name: Respondent
Phone #: 954-667-5331
Summary: I called Respondent to give him an opportunity to respond to the allegations in this case. I was sent to his voice mail. I left a message.
Entered by: MBW
6. **Date and time:** 10/19/22 @ 4:08 p.m.
Name: Respondent
Phone #: 954-664-5331
Summary: I called Respondent to give him an opportunity to respond to the allegations in this case. I reached a recording that stated that "this number is not in service."
Entered by: MBW
7. **Date and time:** 10/24/22 @ 12:13 p.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify the exact date the Committeeman's report was due. She did not answer. I left a message.
Entered by: MBW
8. **Date and time:** 10/25/22 @ 9:07 a.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify the exact date the Committeeman's report was due. She did not answer. I left message.
Entered by: MBW
9. **Date and time:** 10/25/22 @ 9:30 a.m.
Name: Marlene Marin, witness
Phone #: 954-208-4073 (Number listed in complaint.)
Summary: I called Ms. Marin to ask her about the t-shirts ordered by Respondent. No one answered and there was no voicemail.
Entered by: MBW
10. **Date and time:** 10/25/22 @ 9:34 a.m.
Name: Ryan Murphy, witness
Phone #: 954-889-4088 (Number listed in complaint)
Summary: I called Mr. Murphy to ask about the payment(s) he made to Ms. Marin for the t-shirts for Respondent's campaign. A male answered the phone, I identified myself and asked for "Ryan Murphy." He responded, "you have the wrong number."
Entered by: MBW

11. **Date and time:** 10/25/22 @ 10:44 a.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I returned an earlier call from Ms. Hamilton. I asked her about exact date the 2020 report for candidates for Committeeman/woman was due. She stated that the report was due on August 14, 2020. She explained that the report is due four days before the election because a candidate can not accept any contributions five days prior to any election. I asked her about the election results for the 2020 election, she stated that she would email the link to me with the election results.
12. **Date and time:** 10/25/22 @ 1:16 p.m.
Name: Respondent
Phone #: 954-667-5331
Summary: I called Respondent to follow-up his email. He stated in an email that he would provide a response to this case by this morning, but I have not heard from him by phone or email. He did not answer. I left him a message, requesting that he contact me by 1:16 p.m. tomorrow if he plans to provide a response to the case. I also requested that he return my call because I have several questions regarding the allegations in this case. I repeated my name and phone number.
Entered by: MBW
13. **Date and time:** 10/25/22 @ 1:41 p.m.
Name: Marlene Marin, witness
Phone #: 954-208-4073
Summary: I called Ms. Marin to ask her about the t-shirts ordered by Respondent. No one answered and there was no voicemail. It sounds like a fax machine.
Entered by: MBW
14. **Date and time:** 10/26/22 @ 9:47 a.m.
Name: Respondent
Phone #: called me
Summary: Respondent called in response to my email. He stated that he was still in the hospital. He asked if he could start by making a statement. I agreed. H stated that the issues in this case have already been resolved in a lawsuit that Complainant filed against him shortly after he began posting the video. He added that Complainant sues everybody, he sued all of his opponents and the chairman of the BREC. He stated that the case number for the lawsuit is 20-011359. He stated that he feels the lawsuit resolved the issue. He stated that Judge Singer was the presiding judge. He stated that the judge reviewed the original video. She told Complainant that political candidates were “fair game when it comes to free speech.” He explained that the judge took issue with the statements he made regarding Complainant’s mother and Complainant not paying his child support. Respondent stated he reviewed the video to comply with the judge’s order. He stated that he assumed the judge watched the entire video; therefore, he only removed the statement the judge took issue with, he thought everything was okay. He paid another \$250 for the revised video. The judge dismissed the case and Complainant filed a complaint with the FEC. He stated that a man investigated the complaint and said there was nothing wrong; now Complainant sent in a second complaint. (I said the C amended the complaint.) Respondent corrected me, stating that he got a letter saying the first complaint was dismissed for lack of evidence.

I asked R if the video entitled "The truth about Richard DeNapoli" was the video that he paid for. He answered affirmatively. I asked if he recorded it. He stated he did not. He stated he paid a friend \$250 to produce the video. I asked if he wrote the script. He stated that he did. He stated that his friend just read what he wrote. I asked him the name of the person who produced the video, he stated that he did not want to give me their name because he did not feel it was relevant. He stated that everything in the video was true. He insisted that he did not make anything up. I asked him if he still had the documents to support the statements in the video. He stated that he did not. I asked him about the website that he referred to in the video regarding the "prostitution" comment. He stated that the website was not longer active. I asked him who was responsible for verifying that the information in the videos was true. He stated that he was the only person responsible for verifying the statement. He stated that he had the documentation at that time but lost it in storage. I asked him was the video only posted on Facebook and YouTube. He answered affirmatively but added that he sent the videos to the Republican State Representatives and Senators. He stated that he removed all the videos when the first complaint was filed with the FEC. He stated that videos no longer exist. I asked him when he initially posted the video, he stated late July early August. He stated that he did not remember the exact date.

I asked Respondent if he used campaign contributions to pay for the video. He answered affirmatively. I asked him how much he collected in contributions. He stated he received \$1100 in donations. I asked him what other expenditures were made. He stated that he paid for the t-shirts. I asked if he reimbursed "Ryan" for the \$100 he paid, he stated that he did reimburse Ryan. He explained that Ms. Marin owns a t-shirt business. He stated that Ms. Marin told him that she would make the t-shirts for him for \$50. He stated that he thought she was saying that she would donate give him the t-shirts as an in-kind contribution. He stated that when she delivered the t-shirts, she said the cost for the t-shirts was \$200, he added he pay for some signs and to attend a couple Republican functions. I asked him to explain why he did not file a report disclosing the financial activity. He stated that he was told that he did not have to file a report if his contributions did not exceed \$5,000. I asked him who told him that. He stated that he did not recall. I asked did he verify that advise by checking with any resource or calling the SOE. He stated that he did not do anything to verify it. I asked him if he opened a campaign account. He stated that he did not open a campaign account, he just used his personal account. He asked if he needed to file the report when he got out of the hospital. I told him to check with the SOE. I asked if he could email me an itemized list of his contributions, expenditures, and in-kind contributions. He agreed. I asked if he received any in-kind contributions, he stated that the in-kind contribution totaled \$600.

Entered by: MBW

15. **Date and time:**

Name:

Phone #:

Summary:

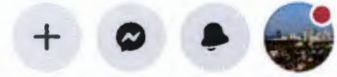
Entered by:

16. **Date and time:**

Name:



EXHIBIT "C"



Andrew R. Brett

August 3, 2020 · 🌐



Stay tuned for upcoming documentary..
"DeNapoli - Lying, Denying and Falsifying!!"
By Andrew R.Brett you next elected State Committeeman!



👍 9

1 Comment 5 Shares

👍 Like

💬 Comment

➦ Share



Andrew R. Brett

Scott Newmark Darlene Swaffar Jill Cueni-Cohen Robert W. Sutton Celeste Shank Ellich Mary Sturm Janet Klomburg Chris Nelson Diana Lynn Taub Lida Pols Diane Kushner Peter Feaman Ken Baker

Like Reply 2y



Write a comment...



8/2/22, 1:06 AM



DeNapoli- A Documentary of Lying- Denying - and - Falsifying - Yahoo Mail

DeNapoli- A Documentary of Lying- Denying - and - Falsifying

rdenapoli@yahoo.../Inbox



Andrew Brett <arbrett8464@gmail.com>
To: **Mary Sturm** <marysturm22@gmail.com>
Bcc: rdenapoli@yahoo.com

Aug 4, 2020 at 3:13 PM

Worth 10 Minutes of your time!!

2 Files 9.1MB



Brett Audio Project (1).mp3
9MB



Capture (1) (3).PNG
22kB



EXHIBIT 6

Re: DeNapoli- A Documentary of Lying - Denying - and - Falsifying by Andrew R Brett

rdenapoli@yahoo.../Sent



Richard DeNapoli <rdenapoli@yahoo.com>
To: **John Hume** <johnhume@comcast.net>

Aug 5, 2020 at 2:08 PM

Thank you for sending it. A defamation case has been filed.

—Richard DeNapoli

*This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify me immediately by telephone or by replying to the message and deleting it from your computer. Thank you *

On Aug 5, 2020, at 1:52 PM, John Hume <johnhume@comcast.net> wrote:

FYI
john

From: Andrew Brett [mailto:arbrett8464@gmail.com]
Sent: Wednesday, August 05, 2020 1:27 PM
To: johnhume@comcast.net
Subject: Re: DeNapoli- A Documentary of Lying - Denying - and - Falsifying by Andrew R Brett

video version

https://www.youtube.com/watch?v=eQF6ilR-RK0&feature=youtu.be&fbclid=IwAR2HcC5qSjuZrO9RcVRAmYws_ZTF9BggrvU5jIVSvEpMSrYtqGs3tlwwho

On Tue, Aug 4, 2020 at 4:29 PM Andrew Brett <arbrett8464@gmail.com> wrote:
WITH THE 10 MINUTES... PLEASE SHARE


 Virus-free. www.avast.com

EXHIBIT 7

7:26

← Andrew R. Brett

👍 20

💬 3

➦ 1



Andrew R. Brett

Aug 4, 2020 · 🌐

<https://youtu.be/eQF6iLR-RK0>

Please SHARE!



EXHIBIT "A"
showing RKO video
link

YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD

👍 1

💬 6

➦



Andrew R. Brett

Aug 4, 2020 · 🌐

Thank you Ryan for the BEST BDAY GIFT 🎁👍

🔒 facebook.com

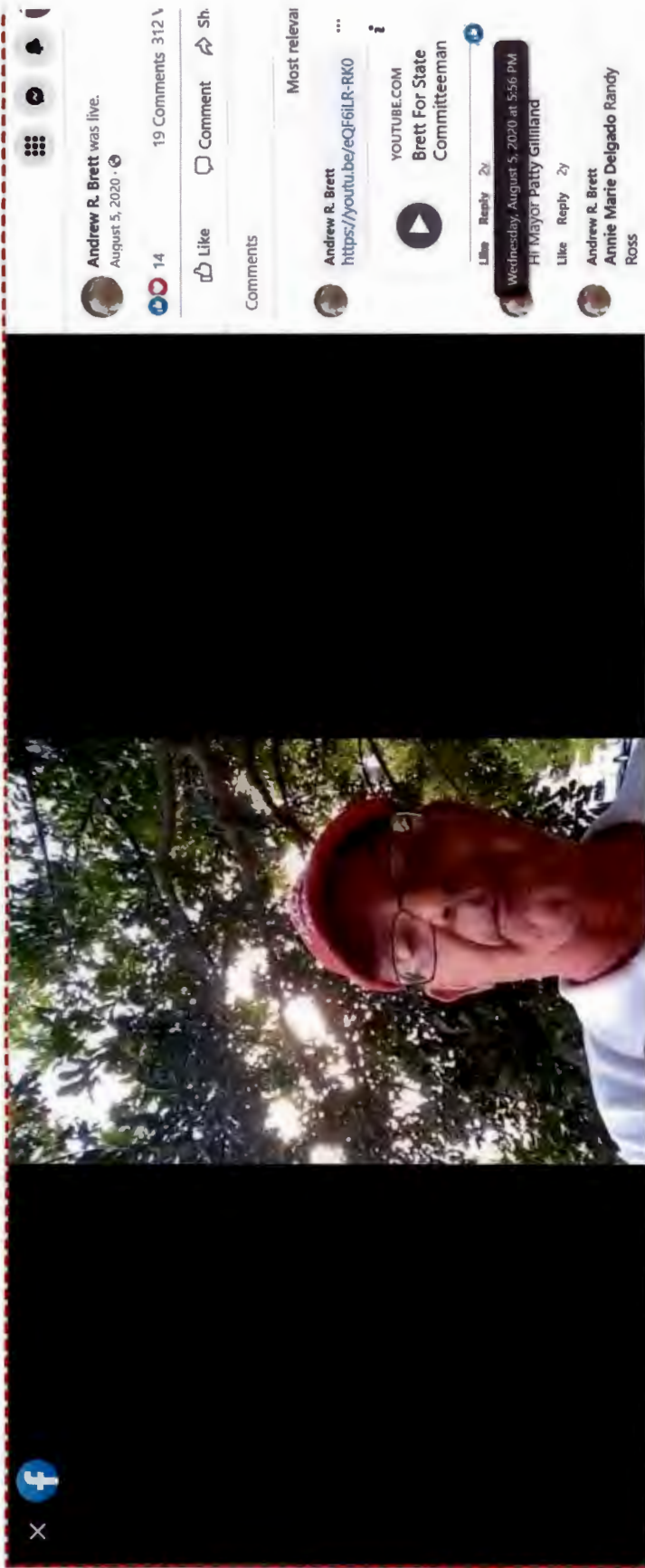


EXHIBIT "B"

11:53

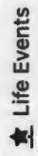


AA

facebook.com



Life Events

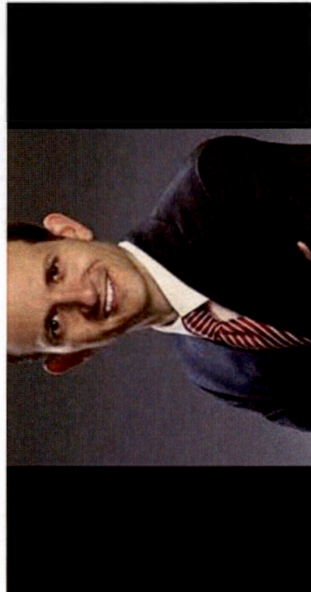


Andrew R. Brett

45 mins · 🌐



<https://www.youtube.com/watch?v=8ISc1bNnpYI>



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING

DeNapoli - LYING - FALSIFYING - DENYING



Like



Comment



Share



Andrew R. Brett

1 hr · 🌐



EXHIBIT "D"



Search Facebook



Andrew R. Brett
August 15, 2020 · 🌐
<https://youtu.be/8l5c1bNINpYI>

YOUTUBE.COM
DeNapoli - LYING - FALSIFYING - DENYING
DeNapoli - LYING - FALSIFYING - DENYING

2 Shares

Like Comment Share

Write a comment...

EXHIBIT "H"

Like Reply 2y

Marty Falk
 I am honored to vote for Richard. He helped me straighten out the county when they would not let me vote as my license was expired (The County is fully booked for August and September. Then he followed up with the county and then helped me get a Republ... See more

Like Reply 2y

Andrew R. Brett
Marty Falk <https://youtu.be/8lSc1bNINpYI> ...

YOUTUBE.COM
 DeNapoli - LYING - FALSIFYING - DENYING

Like Reply 2y

Monday, August 17, 2020 at 4:37 PM

Like Reply 2y Edited

Karen K Hobson
 What a bunch of cry baby lefties in disguise. They can't stand your truth 🇺🇸 too damn bad!

Like Reply 2y

Andrew R. Brett
Karen K Hobson exactly

Like Reply 2y 2

Write a comment...



EXHIBIT "I 2"
 Showing date August 17, 2020

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

RICHARD DENAPOLI,

Plaintiff,

v.

ANDREW BRETT,

Defendant.

CASE NO.:

COMPLAINT

_____ /

Plaintiff, RICHARD DENAPOLI, by and through undersigned counsel, files the instant complaint against defendant ANDREW BRETT and alleges:

JURISDICTION

1. This is an action for damages in excess of \$15,000 exclusive of costs and fees and is within the jurisdictional authority of this Court.
2. Plaintiff, RICHARD DENAPOLI ("Plaintiff") is and was at all times relevant a resident of Broward County, Florida who is over the age of 18 and is otherwise sui juris in all respects.
3. Defendant, ANDREW BRETT ("Defendant") is and was at all times relevant a resident of Broward County, Florida who is over the age of 18 and is otherwise sui juris in all respects.

4. All of the incidents and events alleged in the complaint occurred, originated and/or had direct impacts in Broward County, Florida rendering venue appropriate in the instant Broward County Circuit Court.

FACTUAL BACKGROUND

5. Plaintiff DENAPOLI is a highly qualified attorney, former prosecutor and the Chief Trust Officer and Fiduciary Counsel of a well-known financial institution located in South Florida who has an outstanding personal and professional reputation in the community.
6. In addition to the foregoing, DENAPOLI is also the incumbent Broward Republican Party State Committeeman which is a county-wide position set for election on the public ballot every four years. The next scheduled election for this position is set for August 2020. DENAPOLI was also elected in 2018 and currently serves as the Broward Soil & Conservation District Supervisor.
7. Defendant BRETT, who, upon information and belief is currently unemployed and/or his actual occupation is unknown, is also running for the position of Broward Republican Party State Committeeman in the August 2020 election.
8. Notwithstanding the expected level of vitriol typically associated with the current political climate, defendant BRETT has crossed the lines and torn down the fences of acceptable conduct by his corrupt and immoral “take no prisoners” approach to win this elected but unpaid position.

9. Although defendant BRETT has been a participant in a series of appalling and defamatory incidents, one item stands out far and above the rest and most clearly reflects the defendant's depravity and disturbed state of mind.
10. Remarkably - even by today's standards - the defendant unconscionably sent multiple emails to the financial institution where plaintiff is employed as the Chief Trust Officer claiming, inter alia, plaintiff's involvement with criminal conduct, lying, falsified documents, unethical practices and possible involvement of the financial institution in the plaintiff's actions. Needless to say, each and every allegation was entirely fabricated and false with no evidence or support whatsoever but done solely with the single-minded intention of inflicting damage on the plaintiff regardless of the truth of the allegations or consequences resulting from the lies.
11. The email – which represents a textbook case of *black letter law* defamation per se - was sent directly to plaintiff's Managing Director at the financial institution as well as individually to each and every member of that company's Board of Directors. Not only did this conduct damage DENAPOLI'S reputation and standing at the financial institution overall, but further negatively impacted his personal and professional relationship with the individuals on the board who are extremely influential members of the community.
12. Defendant has also posted numerous defamatory statements on social media including that DENAPOLI "committed crimes" and engaged in "fraud" being the most damaging of the numerous incidents, particularly given plaintiff's role as Fiduciary Counsel and Chief Trust Officer of a well-respected financial institution.

13. As detailed below, BRETT's false and misleading statements constitute defamation per se as they relate directly to plaintiff's character and profession and were intentionally designed to inflict significant harm to plaintiff's reputation in the community.
14. Further, all of the foregoing false and defamatory statements and materials were published to various third parties with actual knowledge of their falsity and/or reckless disregard for the truth or falsity therein.
15. This type of unlawful and unacceptable conduct not only constitutes defamation per se but also demonstrates the precise reason why so many qualified individuals refuse to participate in politics. Permitting such repugnant conduct to go unpunished and thereby allowing political opponents to destroy otherwise pristine and productive careers based on intentionally fabricated and false information is not what this country's founding fathers intended and is why the United States Courts have repeatedly and consistently sanctioned such behavior in the strongest possible terms. As such, both punitive and/or special damages are appropriate to prevent this type of extreme behavior in the future.
16. In addition to the foregoing, defendant's attempts to slander and defame DENAPOLI to his employer and its board of directors is a clear and unmitigated case of tortious interference with contractual relations. As outlined in further detail below, defendant specifically targeted a known business relationship of the plaintiff and intentionally interfered with that relationship for the specific purpose of harming plaintiff and his business relationship which resulted in significant and ongoing damages to the plaintiff.

COUNT I – DEFAMATION PER SE

17. The allegations in paragraphs 1 through 16 above are realleged herein as if set forth in full.
18. As noted above, defendant BRETT published numerous defamatory materials which were posted on Facebook and other social media sites. In at least two of the outrageous and abhorrent postings by defendant, he accuses DENAPOLI of committing “crimes” and “fraud” based on a discredited and phony police report which is clearly marked “inactive” on the original report itself. This fake report - filed by an associate of the defendant – is currently the subject of an active and ongoing investigation by the Palm Beach County Sherriff’s Office for the possible commission of a crime by defendant’s associate who filed the false report.
19. Even more detestably, BRETT published and sent intentionally harmful, defamatory and wholly fabricated emails to DENAPOLI’S place of employment including the Managing Director of his company and the entire Board of Directors of the financial institution. A copy of the letter and Facebook postings are attached hereto and collectively identified as “Exhibit A”.
20. All of defendant’s defamatory statements, postings and emails referenced herein are false and constitute defamation per se as the defendant had full knowledge of the falsity of each and every defamatory statement, posting and email and/or acted with reckless disregard as to their falsity.

21. Each of the above statements, postings and emails also constitutes defamation per se as they directly refer to and impact plaintiff's character, reputation and integrity all of which are essential to each of his chosen professions of law, banking and politics.
22. Additionally, these defamatory statements, postings and emails harmed his personal and professional reputation by alleging conduct that is incompatible with his occupation and by implicating plaintiff's moral character and professional code of ethics as an attorney and highly respected trust officer.
23. Further, defendant unquestionably acted with actual malice by intentionally targeting the top management team at plaintiff's place of employment and utilizing lies and repulsive falsehoods specifically calculated to inflict severe damage to DENAPOLI in his role as Chief Trust Officer of a respected financial institution. As an attorney, fiduciary and top trust officer, prevarications of "lying", "falsified documents" and "unethical practices" could not possibly be any more damaging as even the mere suspicions of these activities could easily result in termination and lifelong blackballing from both professions.
24. Defendants per se defamatory statements, postings and emails are so obviously defamatory and damaging to plaintiff's reputation that they give rise to an absolute presumption both of malice and damage. Notwithstanding, plaintiff has suffered injury and actual damages to his reputation and ability to conduct business which were proximately caused by defendant's defamatory statements, postings and emails.

WHEREFORE, plaintiff respectfully requests this court to enter judgment against defendant and award damages to plaintiff and for such other and further relief as this Court deems just and proper.

**COUNT II – TORTIOUS INTERFERENCE WITH CONTRACTUAL
RELATIONS**

25. The allegations in paragraphs 1 through 16 above are realleged herein as if set forth in full.
26. As noted above, defendant was both aware of and had actual knowledge of plaintiff's existing contractual and business relationship with his employer and further improperly targeted this relationship to inflict the maximum amount of possible damage against DENAPOLI.
27. In violation of all acceptable norms, practices and legal obligations, BRETT blatantly and shockingly interfered with DENAPOLI'S contractual and business relationship with his employer by sending false, defamatory and damaging lies about the plaintiff to the Managing Director and the entire Board of Directors for his company.
28. Defendant's actions were done for the sole purpose of damaging plaintiff and his contractual and business relationship with his employer and was both intentional and unjustified. Apparently, BRETT'S desperate hunger to prevail in the upcoming election justifies in his mind the shameful efforts to destroy DENAPOLI'S career. However, operating under this bizarre premise while running for public office raises the more important question of defendant's overall mental stability and competence as well as his fitness to hold office if elected.
29. As a direct and proximate cause of defendant's unlawful and unjustified interference with plaintiff's contract and business relationship with his employer, DENAPOLI has suffered and continues to sustain significant and ongoing damages as a result thereto.

WHEREFORE, plaintiff respectfully requests this court to enter judgment against defendant and award damages to plaintiff and for such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury of all issues triable as a matter of right in this matter.

/s/ GREGG M. PALEY, ESQ.
Gregg M. Paley, Esq.
FL Bar No.: 867004
Colson & Paley, LLC
49 N. Federal Hwy., #418
Pompano Beach, FL 33062
GPaley@colsonandpaley.com
(561) 302-6977

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR
BROWARD COUNTY, FLORIDA

RICHARD DENAPOLI,

Plaintiff,

CASE NO.: CACE-20-011359

v.

ANDREW BRETT,

Defendant.

_____ /

PLAINTIFF’S VERIFIED MOTION FOR TEMPORARY INJUNCTION

Plaintiff, RICHARD DENAPOLI, by and through undersigned counsel, files the instant Verified Motion for Temporary Injunction pursuant to Rule 1.610 enjoining defendant BRETT from further publication of false and defamatory statements and from tortiously interfering with plaintiff’s business relationships and as grounds therefore alleges:

I. FACTUAL BACKGROUND

1. Plaintiff DENAPOLI is a highly qualified attorney, former prosecutor and the Chief Trust Officer and Fiduciary Counsel of a well-known financial institution located in South Florida who has an outstanding personal and professional reputation in the community.
2. In addition to the foregoing, DENAPOLI is also the incumbent Broward Republican Party State Committeeman which is a county-wide position set for election on the public ballot every four years. The next scheduled election for this position is set for August 2020. DENAPOLI was also elected in 2018 and currently serves as the Broward Soil & Conservation District Supervisor.

3. Defendant BRETT is also running for the position of Broward Republican Party State Committeeman in the August 2020 election.
4. On or about July 22, 2020, defendant was served with the summons and complaint in the underlying lawsuit. The complaint contains detailed allegations of the nefarious activities engaged in by the defendant including multiple defamatory publications and a shocking interference with contractual relations involving plaintiff's employer. Notwithstanding, since being served with the lawsuit defendant has actually accelerated his defamatory and damaging activities as further detailed below.
5. Although plaintiff is an elected official and the current political climate encourages a certain amount of vitriol, defendant's actions have crossed the lines of acceptable conduct and have already caused significant damages to plaintiff and will continue to cause irreparable harm if not immediately enjoined.
6. The most troubling of the activities detailed in the underlying complaint involves defendant's decision to send an outrageous and detestable defamatory email to defendant's employer – a well-known financial institution – as well as each and every member of that bank's board of directors. The allegations contained in the defamatory email are particularly damaging to plaintiff - who is the Chief Trust Officer and Fiduciary Counsel for the bank, a position requiring the utmost integrity and honesty – and included fabricated allegations of criminal conduct, lying, falsified documents, unethical practices and likely conspiracy with the financial institution itself in plaintiff's allegedly illicit activities.
7. As noted above, since being served with the lawsuit defendant's defamatory and illegal activities have dramatically increased and reached unprecedented and unacceptable levels which has compelled the filing of the instant motion for injunctive relief.

8. The most prominent example of defendant's recent unstable meltdown and dangerous conduct is the creation of an audio file which he has emailed to multiple third parties as well as posting a video version on YouTube that literally shocks the conscience and is so appalling that no good faith argument could ever be made that it constitutes protected political speech or anything other than dangerously deranged behavior that must be stopped immediately.

9. Although rife with false, defamatory, damaging and bizarre comments, the most heinous example of defendant's unbridled actions is best exemplified by the following excerpt from the recent audio file and video:

- ***"In 2016, Richard DeNapoli witnessed his mother performing fellatio in the back seat of a car returning from Ft. Lauderdale airport."***

This abominable and atrocious attack obviously has no basis in reality but clearly demonstrates the depths of defendant's depravity and why his actions must be enjoined before any further harm is done to plaintiff and his family.

10. Defendant's unhinged bloviation continues for in excess of 10 minutes on the recent audio and You Tube video and also makes several more additional defamatory claims including:

- That plaintiff ***"ran a prostitution ring from his house and online..."***
- Repeatedly attacking his family and personal relationships by fraudulently alleging for example that his ***"son is autistic"*** and that his ***"girlfriend operates a dating agency..."***
- Bizarrely asserting that DENAPOLI was involved in various conspiracies and assorted illegal activities including ***"ordering the filing of a false police report"*** and ***"the destruction of financial records"*** as well as involvement with ***"extortion", "illicit activity", "intimidating and bullying."***

- That plaintiff is purportedly guilty of “*corruption and deceit*”, “*campaign violations*”, “*filing intentionally misleading applications*” for positions with Governors’ Crist and DeSantis and “*falsifying his address*” with election officials.
 - Dangerously trying to incite violence by falsely asserting that plaintiff is “*homophobic*”, “*racist*”, “*against veterans*” and was involved in “*outing a gay politician*” as well as claiming that plaintiff has a “*pattern of racism, homophobia, anti-veteran, not telling the truth, bullying, intimidating and corruption.*” ***(Audio has not been professionally transcribed so the quotes are accurate but may contain minor discrepancies).*
11. As previously noted, the most recent audio and video attacks occurred after service of the underlying lawsuit and within the past 3-4 days prior to the filing of the instant motion for injunctive relief. Further, defendant has stated in a video posted on August 6, 2020 that he is sending the video to politicians and others throughout the State of Florida. Clearly, defendant has no intention of ceasing his vicious and immoral activities – accordingly, the failure to enjoin the defendant from continuing such conduct will result in irreparable harm to the plaintiff and further encourage the defendant to continue escalating his attacks resulting in the increased risk of personal violence and/or inciting violence by third parties against DENAPOLI.

II. LEGAL ARGUMENT

This Court has broad discretion to grant injunctive relief under rule 1.610 of the Florida Rules of Civil Procedure. *See Weinstein v. Aisenberg, 758 So.2d 705, 706 (Fla. 4th DCA 2000).*

Under Florida law, a trial court may provide temporary injunctive relief if the plaintiff or complainant can adequately demonstrate:

1. The likelihood of irreparable harm;
2. The lack of an adequate remedy at law;
3. A substantial likelihood of success on the merits; and
4. A temporary injunction will serve the public interest.

See, e.g. Hilb Rogal & Hobbs of Fla. Inc. v. Grimmel, 48 So.3d 957, 959 (Fla. 4th DCA 2010); see also Infinity Radio, Inc. v. Whitby, 780 So.2d 248 (Fla. 4th DCA 2005).

In the instant matter, plaintiff meets and exceeds the requirements for each of the above elements as well as additional equitable considerations which also support the application of injunctive relief herein.

1. THE LIKELIHOOD OF IRREPERABLE HARM

Defendant's actions have gone far outside of the political realm and conduct acceptable to society by specifically attacking plaintiff's employment, his mother, family and friends and his fitness and integrity as an attorney. These attacks are particularly damaging to plaintiff both personally and professionally particularly in light of his role as the Chief Trust Officer and Fiduciary Counsel for a large bank in the area. As an attorney, fiduciary and trust officer, prevarications of "lying", "falsified documents" and "unethical practices" could not possibly be any more damaging as even the mere suspicions of these activities could easily result in termination and lifelong blackballing from both professions.

Obviously, significant and irreparable harm has already been caused by the defendant but his recent actions in creating the stunningly abhorrent and defamatory audio and video clearly indicates that he intends to inflict further significant and irreparable harm if not immediately enjoined from such conduct.

2. THERE IS NO ADEQUATE REMEDY AT LAW

The absence of an adequate remedy at law is best exemplified by the defendant's actions since becoming aware of the lawsuit. Rather than stop his defamatory conduct or retain counsel to represent him, defendant has simply ramped up the severity and damaging nature of his attacks despite the existence of the underlying lawsuit. As a result, there is no available or adequate remedy

at law that can prevent defendant from causing further irreparable harm and damages without the injunctive relief requested herein.

3. SUBSTANTIAL LIKELIHOOD OF PREVAILING ON THE MERITS

The underlying lawsuit contains counts for defamation and tortious interference with contractual relations but does not yet include the myriad instances of new defamatory conduct which has occurred since the filing and service of the complaint. Accordingly, plaintiff has both a substantial and significant likelihood of prevailing on the merits of each of its claims.

A. Plaintiff's Claim for Defamation

To state a cause of action for defamation under Florida law, plaintiff must prove:

- 1) Publication;
- 2) Falsity;
- 3) Statements or conduct made with actual knowledge or reckless disregard as to the falsity;
- 4) Damages;
- 5) Statement must be defamatory.

See, e.g., Jews For Jesus, Inc. v. Rapp, 997 So. 2d 1098, 1106 (Fla. 2008); *See also, Thomas v. Jacksonville Television, Inc.*, 699 So.2d 800, 803 (FL DCA 1997); *Cooper v. Miami Herald Publishing Co.*, 31 So.2d 382, 384 (FL 1947). *Accord Richard v. Gray*, 62 So.2d 597, 598 (FL 1953); *Axelrod v. Califano*, 357 So.2d 1048, 1050 (FL DCA 1978).

1) Publication.

As detailed in plaintiff's complaint, "*defendant BRETT published numerous defamatory materials which were posted on Facebook and other social media sites*" and "*even more detestably, BRETT published and sent intentionally harmful, defamatory and wholly fabricated emails to DENAPOLI'S place of employment including the Managing Director of his company and the entire Board of Directors of the financial institution.*" Further, as noted above, the recent audio

and video incidents have similarly been published via multiple emails to third parties and posting on You Tube.

2) / 5) Falsity/Defamatory.

As specified in the underlying complaint in paragraphs 17-24, all of the referenced statements, postings and emails – and soon to be updated to include the recent audio file and video tape are false and defamatory. As detailed therein;

“All of defendant’s defamatory statements, postings and emails referenced herein are false and constitute defamation per se as the defendant had full knowledge of the falsity of each and every defamatory statement, posting and email and/or acted with reckless disregard as to their falsity.”

Further, “each of the above statements, postings and emails also constitutes defamation per se as they directly refer to and impact plaintiff’s character, reputation and integrity all of which are essential to each of his chosen professions of law, banking and politics.

Additionally, these defamatory statements, postings and emails harmed his personal and professional reputation by alleging conduct that is incompatible with his occupation and by implicating plaintiff’s moral character and professional code of ethics as an attorney and highly respected trust officer.”

3) Statements Made with Malice or Reckless Disregard as to Their Falsity.

As alleged in the underlying complaint, defendant has repeatedly and unquestionably acted with actual malice and with full knowledge that all of the allegations referenced hereunder are entirely false. Again, the best example is the most recent vicious attack involving plaintiff’s mother in which defendant obviously, clearly and maliciously had knowledge as to its falsity yet unconscionably proceeded to publish these horrendous lies to numerous third parties solely in an effort to harm and

damage plaintiff and his family. Further, as indicated in paragraph 23 of the underlying complaint, “defendant unquestionably acted with actual malice by intentionally targeting the top management team at plaintiff’s place of employment and utilizing lies and repulsive falsehoods specifically calculated to inflict severe damage to DENAPOLI in his role as chief trust officer of a respected financial institution.”

4) Damages.

As specified in paragraph 24 of plaintiff’s complaint, “defendants per se defamatory statements, postings and emails are so obviously defamatory and damaging to plaintiff’s reputation that they give rise to an absolute presumption both of malice and damage. Notwithstanding, plaintiff has suffered injury and actual damages to his reputation and ability to conduct business which were proximately because by defendant’s defamatory statements emails.”

As a result of the foregoing, plaintiff has a substantial likelihood of prevailing in its defamation count against the defendant.

B. PLAINTIFF’S CLAIM FOR TORTIOUS INTERFERENCE

To plead and prove a case for tortious interference under Florida law, the aggrieved party must establish the following:

1. The existence of a specific and identifiable business relationship;
2. Knowledge of the specific and identifiable business relationship by the defendant;
3. Intentional or unjustified interference with the specific and identifiable business relationship by the defendant;
4. Damage as a result of the breach of the specific and identifiable business relationship.

See, e.g., Linafelt v. Beverly Enterprises-Florida, 745 So.2d 386, 389 (FL 1st DCA 1999); see also Goussard v. Adia Services, Inc. 723 So.2d 182, 184 (FL 1998).

Once again, plaintiff meets and exceeds each of the elements listed above and has a substantial and significant likelihood of prevailing in its count for tortious interference. As detailed in

paragraph 16 of plaintiff's complaint, "*defendant's attempts to slander and defame DENAPOLI to his employer and its board of directors is a clear and unmitigated case of tortious interference with contractual relations. As outlined in further detail below, defendant specifically targeted a known business relationship of the plaintiff and intentionally interfered with that relationship for the specific purpose of harming plaintiff and his business relationship which resulted in significant and ongoing damages to the plaintiff.*

4. A TEMPORARY INJUNCTION WILL SERVE THE PUBLIC INTEREST

The final element to support the imposition of injunctive relief in this matter is the question of whether or not it will serve the public interest. Clearly, there can be no public interest or justification in supporting unwarranted attacks on an individual's family, career, employment and integrity. But in this situation there may even be a more compelling reason and benefit to the public interest which is detailed in paragraph 15 of plaintiff's complaint and further states the importance of granting the requested injunction herein. As provided therein, "*This type of unlawful and unacceptable conduct not only constitutes defamation per se but also demonstrates the precise reason why so many qualified individuals refuse to participate in politics. Permitting such repugnant conduct to go unpunished and thereby allowing political opponents to destroy otherwise pristine and productive careers based on intentionally fabricated and false information is not what this country's founding fathers intended and is why the United States Courts have repeatedly and consistently sanctioned such behavior in the strongest possible terms. As such, both punitive and/or special damages are appropriate to prevent this type of extreme behavior in the future.*

5. EQUITABLE CONSIDERATIONS SUPPORTING INJUNCTIVE RELIEF

In addition to the foregoing, there are equitable considerations which further support the injunctive relief requested by the plaintiff. Initially, plaintiff has acted without delay in bringing the instant action

and has not been involved in any related misconduct that would in any manner support defendant's actions to date. In addition, plaintiff is simply requesting the defendant to refrain from further defamatory conduct rather than requiring any specific affirmative actions to be taken by the defendant. Finally, there will be no hardship to the defendant or any third parties if the injunction is granted and both the practicability of framing and enforcing the order are clear and straightforward. *See, e.g. Davis v. Joyner, 409 So.2d 1193, 1195 (Fla. 4th DCA 1982), citing Restatement Second of Torts 936.*

III. CONCLUSION

Plaintiff has met and exceeded all of the elements and requirements necessary to support the imposition of injunctive relief against defendant to prevent him from any further defamatory conduct, statements, emails and communications of any type involving the plaintiff.

WHEREFORE, plaintiff respectfully requests this court to enter a temporary injunction against defendant and for such other and further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed via the Florida E-Filing Portal this 6th day of August 2020 and served on the defendant via a certified process server at 3930 NW 34th Terrace, Fort Lauderdale, FL 33309.

/s/ GREGG M. PALEY, ESQ.

Gregg M. Paley, Esq.
FL Bar No.: 867004
Colson & Paley, LLC
49 N. Federal Hwy.
Pompano Beach, FL 33062
GPaley@colsonandpaley.com
(561) 302-6977

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged to be true, to the best of my knowledge and belief.

/s/ GREGG M. PALEY

GREGG M. PALEY, ESQ.

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE20011359 DIVISION 21 JUDGE Michele Towbin Singer

Richard DeNapoli

Plaintiff(s) / Petitioner(s)

v.

Andrew Brett

Defendant(s) / Respondent(s)

_____ /

AGREED ORDER

AGREED ORDER ON PLAINTIFF'S VERIFIED MOTION FOR TEMPORARY INJUNCTION

THIS CAUSE having come before the Court on Plaintiff's Verified Motion for Temporary Injunction and the Court having reviewed the Motion and being otherwise duly advised in the premises, it is hereby ORDERED AND ADJUDGED:

1. The defendant ANDREW BRETT shall have no contact with plaintiff's employer or its employees or communicate in any manner by any means, media or method with plaintiff's employer or its employees; and
2. The defendant ANDREW BRETT shall not personally attack or publish comments involving plaintiff's family.

DONE AND ORDERED in Chambers, at Broward County, Florida on August 13, 2020

DONE and **ORDERED** in Chambers, at Broward County, Florida on 08-13-2020.

CACE20011359 08

CACE20011359 08-13-2020 5:37 PM

Hon. Michele Towbin Singer

CIRCUIT JUDGE

Electronically Signed by Michele Towbin Singer

Copies Furnished To:

Andrew Brett , E-mail : arbrett8464@gmail.com

gregg m paley , E-mail : gpaley@colsonandpaley.com

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

RICHARD DENAPOLI,

Plaintiff,

v.

CASE NO.: CACE20011359

ANDREW BRETT,

Defendant.

_____ /

MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

COMES NOW, Plaintiff, RICHARD DENAPOLI, by and through his undersigned counsel, and hereby moves this Honorable Court for Leave to File an Amended Complaint, and in support of this motion states:

1. On August 24, 2021, this Court entered an Order on Defendant's Motion to Dismiss which granted Plaintiff fourteen (14) days to amend his complaint.
2. On September 13, 2021, Defendant filed a Second Motion to Dismiss Plaintiff's Complaint for Failure to Comply with Court's Order, claiming that the Amended Complaint was untimely filed on September 9, 2021.
3. Nothing is shown on the docket for September 9, 2021; however, Attorney Paley did file an Exhibit on September 19, 2021, which is a copy of a pre-suit letter, which .
4. The Amended Complaint does not appear anywhere on the Court's docket, and the undersigned has not been able to obtain a copy. Attorney Paley has yet to provide the undersigned with any documents.

5. The undersigned took over this matter from Attorney Paley, by virtue of Court Order, on October 11, 2021, which was after the deadline imposed by this Court for filing the Amended Complaint.

6. This motion would have been filed sooner, but the undersigned lost two weeks of work due to illness in October 2021.

WHEREFORE, Plaintiff respectfully requests this Court enter an Order deeming the attached Amended Complaint as filed, as of the date of the Order, and any other relief this Court deems just.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, via email, to: Andrew Brett, *Pro Se*, 3930 NW 34th Terrace, Lauderdale Lakes, FL 33309 (arbrett8464@gmail.com), on this 3 day of November, 2021.

ROBERT E. TURFFS, P.A.



Robert E. Turffs, Esquire
Florida Bar No.: 0363391
4837 Swift Road, #100-11
Sarasota, FL 34231
Telephone: (941) 953-9009
Facsimile: (941) 953-5736
Email: turffs.filing@gmail.com
turffs@gmail.com
Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

RICHARD DENAPOLI,

Plaintiff,

v.

CASE NO.: CACE20011359

ANDREW BRETT,

Defendant.

_____ /

AMENDED COMPLAINT

COMES NOW, Plaintiff, RICHARD DENAPOLI, by and through his undersigned counsel, and hereby files this Amended Complaint against Defendant, ANDREW BRETT, and alleges:

Jurisdiction

1. This is an action for damages in excess of thirty thousand dollars (\$30,000.00), exclusive of costs and fees and is within jurisdictional authority of this Court.

2. Plaintiff, RICHARD DENAPOLI ("Plaintiff") is, and was at all times relevant, a resident of Broward County, Florida, who is over the age of eighteen (18) and is otherwise *sui juris* in all respects.

3. Defendant, ANDREW BRETT ("Defendant") is, and was at all times relevant, a resident of Broward County, Florida, who is over the age of eighteen (18) and is otherwise *sui juris* in all respects.

4. All of the incidents and events alleged in this Amended Complaint occurred, originated, and/or had direct impacts in Broward County, Florida, rendering venue appropriate in the instant Broward County Circuit Court.

Factual Background

5. Plaintiff, RICHARD DENAPOLI, is a highly qualified attorney, former prosecutor, and the Chief Trust Officer and Fiduciary Counsel of a well-known financial institution located in South Florida who has an outstanding personal and professional reputation in the community.

6. In addition to the foregoing, Plaintiff, RICHARD DENAPOLI, is also the incumbent Broward Republican Party State Committeeman, which is a county-wide position set for election on the public ballot every four (4) years. The next scheduled election for this position is set for August 2020. Plaintiff, RICHARD DENAPOLI, was also elected in 2018, and currently serves as Broward Soil & Conservation District Supervisor.

7. Defendant, ANDREW BRETT, who, upon information and belief, is currently unemployed and/or his actual occupation is unknown, is also running for the position of Broward Republican Party State Committeeman in the August 2020 election.

8. Notwithstanding the expected level of vitriol typically associated with the current political climate, Defendant, ANDREW BRETT, has crossed lines and torn down the fences of acceptable conduct by his corrupt and immoral “take no prisoners” approach to winning this elected but unpaid position.

9. Although Defendant, ANDREW BRETT, has been a participant in a series of appalling and defamatory incidents, one item stands out far and above the rest and most clearly reflects the Defendant's depravity and disturbed state of mind.

10. Remarkably - even by today's standards - Defendant unconscionably sent multiple emails to the financial institution where Plaintiff is employed as the Chief Trust Officer claiming, *inter alia*, Plaintiff's involvement with criminal conduct, lying, falsified documents, unethical practices, and possible involvement of the financial institution in Plaintiff's actions. Needless to say, each and every allegation was entirely fabricated and false with no evidence or support whatsoever, but done solely with the single-minded intention of inflicting damage on Plaintiff, regardless of the truth of the allegations or consequences resulting from the lies.

11. The email - which represents a textbook case of *black letter law* defamation per se - was sent directly to Plaintiff's Managing Director at the financial institution, as well as individually to each and every member of that company's Board of Directors. Not only did this conduct damage Plaintiff, RICHARD DENAPOLI's reputation and standing at the financial institution overall, but further negatively impacted his personal and professional relationships with the individuals on the board who are extremely influential members of the community.

12. Defendant, ANDREW BRETT, has also posted numerous defamatory statements on social media, including that Plaintiff, RICHARD DENAPOLI,

“committed crimes,” and engaged in “fraud” being the most damaging of the numerous incidents, particularly given Plaintiff’s role as Fiduciary Counsel and Chief Trust Officer of a well-respected financial institution.

13. As detailed below, Defendant, ANDREW BRETT’s false and misleading statements constitute defamation per se, as they relate directly to Plaintiff’s character and profession and were intentionally designed to inflict significant harm to Plaintiff’s reputation in the community.

14. Further, all of the foregoing false and defamatory statements and materials were published to various third parties with actual knowledge of their falsity and/or reckless disregard for the truth or falsity therein.

15. This type of unlawful and unacceptable conduct not only constitutes defamation per se, but also demonstrates the precise reason why so many qualified individuals refuse to participate in politics. Permitting such repugnant conduct to go unpunished and thereby allowing political opponents to destroy otherwise pristine and productive careers based on intentionally fabricated and false information is no what this country’s founding fathers intended, and is why the United States Courts have repeatedly and consistently sanctioned such behavior in the strongest possible terms. As such, both punitive and/or special damages are appropriate to prevent this type of extreme behavior in the future.

COUNT I – DEFAMATION PER SE

17. The allegations in Paragraphs 1 through 16 above are realleged herein as if set forth in full.

18. As noted above, Defendant, ANDREW BRETT, published numerous defamatory materials which were posted on Facebook and other social media sites. In at least two of the outrageous and abhorrent postings by Defendant, he accuses Plaintiff, RICHARD DENAPOLI, of committing “crimes” and “fraud” based on a discredited and phony police report which is clearly marked “inactive” on the original report itself. This fake report – filed by an associate of the Defendant – is currently the subject of an active and ongoing investigation by the Palm Beach County Sheriff’s Office for the possible commission of a crime by Defendant’s associate who filed the false report.

19. Even more detestably, Defendant, ANDREW BRETT, published and sent intentionally harmful, defamatory, and wholly fabricated emails to Plaintiff, RICHARD DENAPOLI’s place of employment, including the Managing Director of his company, and the entire Board of Directors of the financial institution. A copy of the letter and Facebook postings are attached hereto, and collectively identified as “Exhibit A.”

20. All of Defendant’s defamatory statements, postings, and emails referenced herein are false and constitute defamation per se as Defendant had full knowledge of the falsity of each and every defamatory statement, posting, and email, and/or acted with reckless disregard as to their falsity.

21. Each of the above-referenced statements, postings, and emails also constitutes defamation per se as they directly refer to and impact Plaintiff’s character, reputation, and integrity, all of which are essential to each of his chosen professions of law, banking, and politics.

22. Additionally, these defamatory statements, postings, and emails harmed his personal and professional reputation by alleging conduct that is incompatible with his occupation and by implicating Plaintiff's moral character and professional code of ethics as an attorney and highly respected trust officer.

23. Further, Defendant unquestionably acted with actual malice by intentionally targeting the top management team at Plaintiff's place of employment and utilizing lies and repulsive falsehoods specifically calculated to inflict severe damage to Plaintiff, RICHARD DENAPOLI, in his role as Chief Trust Officer of a respected financial institution. As an attorney, fiduciary, and top trust officer, prevarications of "lying," "falsified documents," and "unethical practices" could not possibly be any more damaging as even the mere suspicions of these activities could easily result in termination and lifelong blackballing from both professions.

24. Defendant's per se defamatory statements, postings, and emails are so obviously defamatory and damaging to Plaintiff's reputation that they give rise to an absolute presumption both of malice and damage. Notwithstanding, Plaintiff has suffered injury and actual damages to his reputation and ability to conduct business which were proximately caused by Defendant's defamatory statements, postings and emails.

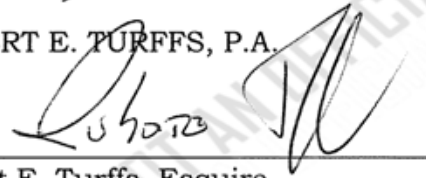
25. Plaintiff has complied with all pre-suit conditions (see attached letter labeled Exhibit B).

WHEREFORE, Plaintiff respectfully requests this Court to enter judgment against Defendant, and award damages to Plaintiff, and any such further relief this Court deems just.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, via email, to: Andrew Brett, *Pro Se*, 3930 NW 34th Terrace, Lauderdale Lakes, FL 33309 (arbrett8464@gmail.com), on this 3 day of November, 2021.

ROBERT E. TURFFS, P.A.



Robert E. Turffs, Esquire
Florida Bar No.: 0363391
4837 Swift Road, #100-11
Sarasota, FL 34231
Telephone: (941) 953-9009
Facsimile: (941) 953-5736
Email: turffs.filing@gmail.com
turffs@gmail.com
Attorney for Plaintiff

Richard DeNapoli

From: John Harris
Sent: Sunday, June 28, 2020 8:59 PM
To: Richard DeNapoli
Subject: Fwd: Richard DeNapoli

FYI

John Harris
Managing Director
Coral Gables Trust Company
Office (305) 443-2544
Cellular (954) 864-9441

Sent from my iPhone

Begin forwarded message:

From: Andrew Brett <arbrett8464@gmail.com>
Date: June 28, 2020 at 8:40:36 PM EDT
To: John Harris <jharris@cgtrust.com>, "Donald A. Kress" <dkress@cgtrust.com>, Larry Riley <LRiley@cgtrust.com>, "ajPekor@cgtrst.com" <ajPekor@cgtrst.com>, "wdpruitt@cgtrust.com" <wdpruitt@cgtrust.com>, "psapp@cgtrust.com" <psapp@cgtrust.com>, "wmeyersohn@cgtrust.com" <wmeyersohn@cgtrust.com>, "jrfield@cgtrust.com" <jrfield@cgtrust.com>, "arcardenas@cgtrust.com" <arcardenas@cgtrust.com>, "dcklevan@cgtrust.com" <dcklevan@cgtrust.com>, "erblumberg@cgtrust.com" <erblumberg@cgtrust.com>, "wiwheelerjr@cgtrust.com" <wiwheelerjr@cgtrust.com>, "rfowler@cgtrust.com" <rfowler@cgtrust.com>, "ajpeck@cgtrust.com" <ajpeck@cgtrust.com>, "gtrief@cgtrust.com" <gtrief@cgtrust.com>, "slevin@cgtrust.com" <slevin@cgtrust.com>
Subject: Richard DeNapoli

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings CGTrust and Board Members,

My name is Andrew Brett and I'm a candidate for Broward County Republican State Committeeman.

My opponent and your employee -Richard Lee DeNapoli- has stated on his campaign website and on numerous public speaking occasions that he has raised over \$500,000.00 for the BREC (Broward Republican Executive Committee).

Numerous local and federal candidates are trying to find what your employee, Mr. DeNapoli has done with this money. NONE of the Broward County Republican candidates have received ANY financial help towards their campaigns from the \$500,00.00 Mr. DeNapoli claims to have raised.

Exhibit A

I have a friend in Texas running for Congress who HAS received financial assistance from BOTH the local Republican Club and State Republican Club. CANDIDATES IN BROWARD COUNTY have received \$0.00 and thus we are asking you to look into and see if Coral Gables Trust CO. is holding Me.DiNapoli's \$500,000.00 that he alleged he has raised.

On the video below, your employee is CLEARLY LYING that he has falsified documents in Palm Beach County along with many other unethical practices within Broward County.

https://www.instagram.com/p/CB8cQOsH_uQ/?igshid=2scfsz2o0vwy&fbclid=IwAR3irejFleTNUkyETmnb0LErbDAjZ7rp95PnblRFs43kxdJp26kiHJ1fbtc

I and the other Republican Candidates truly look forward to hearing from you as to whether Mr. DeNapolio used your bank and his place of employment to funnel these funds that are nowhere to be found.

Best,

Andrew R. Brett
Candidate Broward Republican Committeeman
954-667-5331



Andrew R. Brett

11 mins

FLORIDA SHERIFFS ASSOCIATION
2226 Gun Club Road • West Palm Beach, FL 33409-3001 • (561) 895-8000 • <http://www.flssa.org>

THIS COMPLIES WITH FLORIDA STATE STATUTE §960.001/VICTIM ASSISTANCE ACT
VICTIM/WITNESS RIGHTS AND CASE INFORMATION FORM
(PLEASE PRINT ONLY)

DATE: 10-19-2018 TIME: 1537 PISO CASE REPORT #: 18-134985
 SIGNAL #: 53 TYPE OF OFFENSE: FRAUD
 REPORTING OFFICER: EDWARD J. MANAK ID #: 2786
 OFFICER'S TELEPHONE #: (561) 688-3600 DIST./BUREAU/SECTION: DISTRICT 1

The above includes information you will need if you contact the Sheriff's Office to provide further information about the case or to receive copies of reports.
 Every possible effort will be made to solve the crime, apprehend the perpetrators, and relieve any property you may have lost. You will be contacted if we are able to solve or make any significant progress in solving the case. If you have any information which may assist in solving the case, but have not been contacted by a PISO investigator, and the information is not urgent, please call the District phone number listed below between 8:00 A.M. and 6:00 P.M.
 If this information is urgent, please call the Sheriff's Office at the following locations: West Palm Beach (561) 895-8000 or Belle Glade (561) 995-1670.
 Information disseminated to this agency must be accompanied by the CASE REPORT NUMBER. Copies of most reports may be obtained at our Central Records Section, 2226 Gun Club Road, West Palm Beach, approximately seven to ten days after the date the crime was reported. Call Central Records at (561) 895-3140 for any inquiries regarding copies of reports. Note that certain investigations are not made available until the investigation is completed.

FOR INFORMATION REGARDING THE SERVICES AVAILABLE TO YOU AS
 A CRIME VICTIM OR WITNESS, REFER TO THE REVERSE SIDE OF THIS FORM.
 FOR YOUR VICTIM'S RIGHTS, REFER TO THE REVERSE OF THIS FORM.

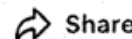
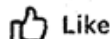
PISO Domestic Violence/Victim Witness Unit	
ADVOCATES (561) 688-4136 • (561) 688-3874 • (561) 688-3875	
Support (561) 688-3872 • Belle Glade (561) 995-1616	
DETROVERS (561) 688-3875 • Belle Glade (561) 995-1015	
County Office (Central Appellate) 561-457-6000 Ext. 159	Families First 561-721-2987
Court-Rescheduling Orders 561-350-8277	Jerome Osteen Center for Behavioral Health 561-983-8000
Court-Respite (BCH, 982) 561-350-8808	South County Mental Health Center 561-737-8400/561-486-0522
Court-Appellate & Family Services 561-350-7438	Women in Transition - YWCA 561-440-9844
CO-Parenting 561-440-8610	
Domestic Violence Center 561-688-8844	ADA Southern PSC 561-385-3900
Family Support Center 1-800-438-8958	YWCA Harmony House (MPS) 800-473-YWCA
Family Support - North 561-425-2908	
Family Support - South 561-350-8116	AAA-Area Agency on Aging Elder Services 561-964-6695
County Council 561-274-1820	Center for Family Services 561-618-1222
Duval 561-485-4871	Children's Home Society of South Central Florida 1-800-433-0070
Flagler (County) 561-381-8072	Belle Harbor 561-687-8115
Franklin 561-427-6173	Children's Healing Institute 561-433-0980
Indian River 561-350-7100	Home Safe 561-433-0980
Osceola 1-800-325-8967	CILCO-Creation for Independent Living Options (Disability) 561-966-4288
St. Johns 377-448-3485	Orlando Housing 561-433-8826
Volusia 561-350-6400	Outreach at UHealth 561-365-8773
Wayne 561-441-8800	Outreach at UHealth 561-425-2540
Yulee 561-433-9999	High Ridge Family Center 561-611-7400
	Hopkins Human Resources 561-555-4663
	Homeless Coalition 561-433-0280
	Home State (State Attorney's Office) 561-683-8888
	MADD 561-641-8800
	Parent Child Center 561-485-0882
	Peace of Hope (Foster Care) 561-433-9090
	SafeNet Program 561-526-9999
	Youth Services 561-526-9999

FOLLOW UP: Victim Witness Coordinator PISO: Contact Records

10/29/2018

Benjamin Bennett 50 mins

REPUBLIC GUARD OBTAINED POLICE REPORT ON THE CRIMES COMMITTED BY BROWARD COUNTY FLORIDA REPUBLICAN STATE COMMITTEEMAN RICHARD DENAPOLI



Great news!

5

1 Comment

Like

Comment

Share



Andrew R. Brett

12 hrs



Benjamin Bennett 12 hrs

TEAM BENNETT THANKS YOU MR PRESIDENT! AND
REPUBLICAN STATE COMMITTEEMAN RICHARD
DENAPOLI WILL BE VOTED OUT OR REMOVED FOR HIS
CRIMES! SALUTE SIR!

3

Like

Comment

Share



Andrew R. Brett

12 hrs



<https://www.bitchute.com/video/UCaDJvIG4RS6/?fbclid=IwAR1UteFxmWtPlpQbOUoE-EZ06Ry1nCcVW8Q-AmjyajiKGIbLHUpHs0lySiA>



*** FILE

M.****



Like Comment Share

Andrew R. Brett

CAMPAIGN TREASURER'S ACCEPTANCE OF APPOINTMENT

Original Appointment Deputy Treasurer Replacement of Treasurer Secondary Campaign

Name of Candidate: **Richard Lee DeNapoli** Address (Include post office box or street, city, state, zip code): **12881 Westhampton Circle, Unit A501, Wellington, FL 33414**

Treasurer (required): **054-205-9121** Party (Further candidates only): **Republican** Office (and district, precinct, group number): **County Commissioner, District 6**

I have accepted the following person to act as my: Campaign Treasurer Deputy Treasurer

Name of Treasurer or Deputy Treasurer: **Robert Wood**

Address (Include post office box or street and street address): **337 Chamberd Terrace** Telephone: **561-778-2504**

City: **Palm Bch Gardens** County: **Palm Beach** State: **FL** Zip Code: **33410**

I have designated the following natural person as my: Primary Depository Secondary Depository

Name of Bank: **Regions Bank** Street Address: **1184 Royal Palm Beach Blvd.**

City: **Royal Palm Beach** County: **Palm Beach** State: **FL** Zip Code: **33411**

Signature of Treasurer or Deputy Treasurer: *Robert Wood* Date: **7/13/16**

Campaign Treasurer's Acceptance of Appointment

I, **Robert Wood**, do hereby accept the appointment as **Primary Treasurer** in the campaign of **Richard Lee DeNapoli** to the office of **County Commissioner** in **Palm Beach** County, Florida.

I declare that I have read the foregoing CAMPAIGN TREASURER'S ACCEPTANCE OF APPOINTMENT and that the facts stated are true.

Signature of Candidate: *Richard Lee DeNapoli* Date: **7/13/16**

Name of Candidate: **Richard Lee DeNapoli** Title: **Republican**

Benjamin Bennett

Republic Guard Reporting This Document Was Signed By Republican State Committeeman Richard Lee DeNapoli and Submitted to The Palm Beach County Supervisor of Elections For County Commissioner District 6 in Palm Beach County!! DeNapoli denied this document even though he clearly signed it! When confronted by Investigative Pod Reporter Chris Nelson, just recently, DeNapoli said it was just speculation??? This application is clearly a Fraud committed by DeNapoli due to the fact he did not live in Palm Beach County but Broward County!

Like Comment Share

Andrew R. Brett

COLSON & PALEY, LLC
49 N. FEDERAL HWY., LLC, #418
POMPANO BEACH, FL 33062

Cell: (561) 302-6977

GPaley@ColsonandPaley.com

**PRE-SUIT NOTICE OF INTENTION TO FILE COMPLAINT FOR DEFAMATION UNDER
FLORIDA STATUTE 770.01 ET SEQ.**

July 3, 2020

VIA US MAIL

Andrew Brett
3930 NW 34th Terrace
Fort Lauderdale, FL 33309

Dear Mr. Brett:

Please be advised that our firm has been retained by Richard DeNapoli to investigate and take legal action against you for making unwarranted and defamatory attacks against him. As you know, Mr. DeNapoli has established a well-founded reputation as a highly respected attorney and trust officer and your unwarranted actions and baseless accusations have damaged that reputation and adversely affected our client's business interests, reputation and integrity.

You have personally published and emailed to his employer and each member of the board of directors willfully false and misleading comments about our client alleging criminal conduct, lying, falsified documents, unethical practices and possible involvement of the financial institution in these actions and fraud amongst other false attacks in addition to posting similar defamatory materials on various social media sites.

All of the foregoing allegations are utterly false and without merit and are defamatory per se in that they are intentionally designed to harm my client's business reputation and personal integrity. As a result of the foregoing, demand is made that you immediately send a retraction to plaintiff's employer and each member of the board of directors and retract all defamatory facebook posts which must be removed in their entirety.

As you might expect, the publication of your defamatory materials about Mr. DeNapoli has resulted in serious and irreparable injury to his reputation and his business interests for which you are directly and proximately responsible. As a result, our client will no longer stand idly by and allow your misconduct to continue and as such you are directed to take the following actions:

1. Immediately cease and desist in publishing defamatory statements about our client, whether the statements are made by you or third parties,
2. Immediately remove all defamatory blog postings, comments and statements made about our client as well as any other blog posts that relate or refer directly or indirectly to Mr. DeNapoli in any way, shape or manner,
3. Publish a retraction and apology to plaintiff's employer and each member of the board of directors who received your defamatory email,
4. Immediate payment to our client for its attorney fees and costs.

This letter constitutes formal notice under Florida Statute 770.01 et seq. that should you refuse to immediately comply with our demands, a lawsuit will be filed against you without any further notice for damages and attorneys' fees and costs incurred by our client as a result of your actions. In addition, please be aware that this letter is copyrighted by our law firm and you are not authorized to publish this letter, utilize for any purposes or reproduce in any fashion without specific court approval.

PLEASE GOVERN YOURSELF ACCORDINGLY.

Regards,

/S/ GREGG M. PALEY

GREGG M. PALEY, ESQ.

Cc: Richard DeNapoli

Filing # 150147952 E-Filed 05/23/2022 06:15:31 PM

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE20011359 DIVISION: 21 JUDGE: Singer, Michele Towbin (21)

Richard DeNapoli

Plaintiff(s) / Petitioner(s)

v.

Andrew Brett

Defendant(s) / Respondent(s)

_____ /

Agreed Order

ORDER ON REHEARING OF COURT'S DISMISSAL

THIS action came before the Court on Plaintiff's Motion for Rehearing of this Court's dismissal on January 10, 2022. Having heard argument from both parties, and having reviewed the record, it is hereby

ORDERED and ADJUDGED that:

1. The dismissal of January 10, 2022 is set aside, and the action is reinstated.
2. The Motion to Amend, filed on November 3, 2021, is granted, and the Amended Complaint attached to that Motion is deemed filed May 23, 2022.
3. Defendant shall have twenty (20) days to respond to the Amended Complaint.

DONE AND ORDERED in Chambers at Broward County, Florida on 23rd day of May, 2022.

CACE20011359 0:

CACE20011359 05-23-2022 2:29 PM
Hon. Michele Towbin Singer
CIRCUIT JUDGE

Electronically Signed by Singer, Michele Towbin (21)

Copies Furnished To:

Andrew Brett , Address : 3930 NW 34th TER Lauderdale Lakes, FL 33309

Andrew Brett , E-mail : arbrett8464@gmail.com

Gabriel Carrera , E-mail : carrera@flalaw.us

Gabriel Jose Carrera , E-mail : Gabe@JustCallGabe.com

Gabriel Jose Carrera , E-mail : CourtFilings@JustCallGabe.com

Kevin P. Tynan , E-mail : ktynan@rtlawoffice.com

Kevin P. Tynan , E-mail : mcrowley@rtlawoffice.com

Robert E. Turffs , E-mail : turffs.filing@gmail.com

Robert E. Turffs , E-mail : turffs@gmail.com

gregg m paley , E-mail : gpaley@colsonandpaley.com

NOT AN OFFICIAL COPY - PUBLIC ACCESS - NOT AN OFFICIAL COPY

Filing # 156201434 E-Filed 08/26/2022 12:33:19 PM

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

RICHARD DENAPOLI,

Plaintiff,

v.

CASE NO.: CACE20011359

ANDREW BRETT,

Defendant.

_____ /

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW, Plaintiff, RICHARD DENAPOLI, by and through his undersigned counsel, and pursuant to Rule 1.420, Florida Rules of Civil Procedure, and hereby dismisses the claims against Defendant, ANDREW BRETT. This Court shall retain jurisdiction regarding enforcement of the Stipulated Settlement Agreement, signed by the parties, as a result of mediation.

THIS SPACE LEFT INTENTIONALLY BLANK.

Filing # 156201434 E-Filed 08/26/2022 12:33:19 PM

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

RICHARD DENAPOLI,

Plaintiff,

v.

CASE NO.: CACE20011359

ANDREW BRETT,

Defendant.

_____ /

NOTICE OF VOLUNTARY DISMISSAL

COMES NOW, Plaintiff, RICHARD DENAPOLI, by and through his undersigned counsel, and pursuant to Rule 1.420, Florida Rules of Civil Procedure, and hereby dismisses the claims against Defendant, ANDREW BRETT. This Court shall retain jurisdiction regarding enforcement of the Stipulated Settlement Agreement, signed by the parties, as a result of mediation.

THIS SPACE LEFT INTENTIONALLY BLANK.

Filing # 156566584 E-Filed 09/01/2022 05:15:12 AM

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE20011359 DIVISION: 21 JUDGE: Singer, Michele Towbin (21)

Richard DeNapoli

Plaintiff(s) / Petitioner(s)

v.

Andrew Brett

Defendant(s) / Respondent(s)

_____ /

AGREED ORDER OF DISMISSAL

THIS COURT, having reviewed the Notice of Voluntary Dismissal, filed by Plaintiffs, and having reviewed the file, and being otherwise fully knowledgeable regarding this matter, it is hereby:

ORDERED and ADJUDGED that:

1. This matter shall be dismissed, and the Clerk shall update the record to reflect that dismissal.
2. This Court shall retain jurisdiction regarding enforcement of the signed Stipulated Settlement Agreement (kept confidential between the parties unless enforcement becomes necessary).

DONE AND ORDERED in Chambers at Broward County, Florida on 31st day of August, 2022.

CACE20011359 08

CACE20011359 08-31-2022 3:03 PM

Hon. Michele Towbin Singer

CIRCUIT COURT JUDGE

Electronically Signed by Michele Towbin Singer

Copies Furnished To:

Case Number: CACE20011359

Andrew Brett , Address : 3930 NW 34th TER Lauderdale Lakes, FL 33309
Andrew Brett , E-mail : arbrett8464@gmail.com
Gabriel Carrera , E-mail : carrera@flalaw.us
Gabriel Jose Carrera , E-mail : Gabe@JustCallGabe.com
Gabriel Jose Carrera , E-mail : CourtFilings@JustCallGabe.com
Kevin P. Tynan , E-mail : ktynan@rtlawoffice.com
Kevin P. Tynan , E-mail : mcrowley@rtlawoffice.com
Robert E. Turffs , E-mail : turffs.filing@gmail.com
Robert E. Turffs , E-mail : turffs@gmail.com
gregg m paley , E-mail : gpaley@colsonandpaley.com

FLORIDA ELECTIONS COMMISSION
PHONE LOG
Case No.: FEC 22-182

Respondent: Andrew Brett

Complainant: Richard DeNapoli

1. **Date and time:** 10/03/22 @ 11:19 a.m.
Name: Claudette Hamilton, Municipal Liaison Broward County SOE
Phone #: (954) 712-1961
Summary: I called the Broward County SOE to inquire about Respondent's Appointment of Treasurer. I spoke with Ms. Hamilton. She stated that the candidates for the State Executive Committee do not usually file an Appointment of Treasurer form with their office. I asked if they filed campaign reports with their office. She answered negatively. She stated that they only file an oath with them.
Entered by: MBW
2. **Date and time:** 10/03/22 @ 2:02 p.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify that Respondent did not file anything with their office. She did not answer.
Entered by: MBW
3. **Date and time:** 10/19/22 @ 10:19 a.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify that Respondent did not file anything with their office. She did not answer.
Entered by: MBW
4. **Date and time:** 10/19/22 @ 10:41 p.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: Ms. Hamilton returned my call. I asked her the usual procedure for candidates running for the office of Committeeman. I asked if they usually file the DS DE 9. She stated that candidates for the office of Committeeman do not usually file a DS DE 9 because they do not usually campaign for office. She stated that the staff notify each candidate verbally when they come in to sign the oath that they need to file the appropriate paperwork if they plan on campaign or collect contributions. The candidate may obtain all the necessary documents from their website. The candidate can also go the DOE website to get the documents. Some candidates just called the SOE office and informed staff that they have decided to campaign, and staff will email the appropriate forms to the candidate. If the candidate comes into the SOE's office, SOE staff will print copies of the forms for the candidate.

Ms. Hamilton affirmed that the report for the candidate for Committeeman/woman is due four days preceding the primary. If the fourth day is on the weekend or a holiday, the report is due the next business day.

Entered by: MBW

5. **Date and time:** 10/19/22 @ 4:06 p.m.
Name: Respondent
Phone #: 954-667-5331
Summary: I called Respondent to give him an opportunity to respond to the allegations in this case. I was sent to his voice mail. I left a message.
Entered by: MBW
6. **Date and time:** 10/19/22 @ 4:08 p.m.
Name: Respondent
Phone #: 954-664-5331
Summary: I called Respondent to give him an opportunity to respond to the allegations in this case. I reached a recording that stated that “this number is not in service.”
Entered by: MBW
7. **Date and time:** 10/24/22 @ 12:13 p.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify the exact date the Committeeman’s report was due. She did not answer. I left a message.
Entered by: MBW
8. **Date and time:** 10/25/22 @ 9:07 a.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I called Ms. Hamilton to clarify the exact date the Committeeman’s report was due. She did not answer. I left message.
Entered by: MBW
9. **Date and time:** 10/25/22 @ 9:30 a.m.
Name: Marlene Marin, witness
Phone #: 954-208-4073 (Number listed in complaint.)
Summary: I called Ms. Marin to ask her about the t-shirts ordered by Respondent. No one answered and there was no voicemail.
Entered by: MBW
10. **Date and time:** 10/25/22 @ 9:34 a.m.
Name: Ryan Murphy, witness
Phone #: 954-889-4088 (Number listed in complaint)
Summary: I called Mr. Murphy to ask about the payment(s) he made to Ms. Marin for the t-shirts for Respondent’s campaign. A male answered the phone, I identified myself and asked for “Ryan Murphy.” He responded, “you have the wrong number.”
Entered by: MBW

11. **Date and time:** 10/25/22 @ 10:44 a.m.
Name: Claudette Hamilton
Phone #: 954-712-1961
Summary: I returned an earlier call from Ms. Hamilton. I asked her about exact date the 2020 report for candidates for Committeeman/woman was due. She stated that the report was due on August 14, 2020. She explained that the report is due four days before the election because a candidate can not accept any contributions five days prior to any election. I asked her about the election results for the 2020 election, she stated that she would email the link to me with the election results.
12. **Date and time:** 10/25/22 @ 1:16 p.m.
Name: Respondent
Phone #: 954-667-5331
Summary: I called Respondent to follow-up his email. He stated in an email that he would provide a response to this case by this morning, but I have not heard from him by phone or email. He did not answer. I left him a message, requesting that he contact me by 1:16 p.m. tomorrow if he plans to provide a response to the case. I also requested that he return my call because I have several questions regarding the allegations in this case. I repeated my name and phone number.
Entered by: MBW
13. **Date and time:** 10/25/22 @ 1:41 p.m.
Name: Marlene Marin, witness
Phone #: 954-208-4073
Summary: I called Ms. Marin to ask her about the t-shirts ordered by Respondent. No one answered and there was no voicemail. It sounds like a fax machine.
Entered by: MBW
14. **Date and time:** 10/26/22 @ 9:47 a.m.
Name: Respondent
Phone #: called me
Summary: Respondent called in response to my email. He stated that he was still in the hospital. He asked if he could start by making a statement. I agreed. H stated that the issues in this case have already been resolved in a lawsuit that Complainant filed against him shortly after he began posting the video. He added that Complainant sues everybody, he sued all of his opponents and the chairman of the BREC. He stated that the case number for the lawsuit is 20-011359. He stated that he feels the lawsuit resolved the issue. He stated that Judge Singer was the presiding judge. He stated that the judge reviewed the original video. She told Complainant that political candidates were “fair game when it comes to free speech.” He explained that the judge took issue with the statements he made regarding Complainant’s mother and Complainant not paying his child support. Respondent stated he reviewed the video to comply with the judge’s order. He stated that he assumed the judge watched the entire video; therefore, he only removed the statement the judge took issue with, he thought everything was okay. He paid another \$250 for the revised video. The judge dismissed the case and Complainant filed a complaint with the FEC. He stated that a man investigated the complaint and said there was nothing wrong; now Complainant sent in a second complaint. (I said the C amended the complaint.) Respondent corrected me, stating that he got a letter saying the first complaint was dismissed for lack of evidence.

I asked R if the video entitled "The truth about Richard DeNapoli" was the video that he paid for. He answered affirmatively. I asked if he recorded it. He stated he did not. He stated he paid a friend \$250 to produce the video. I asked if he wrote the script. He stated that he did. He stated that his friend just read what he wrote. I asked him the name of the person who produced the video, he stated that he did not want to give me their name because he did not feel it was relevant. He stated that everything in the video was true. He insisted that he did not make anything up. I asked him if he still had the documents to support the statements in the video. He stated that he did not. I asked him about the website that he referred to in the video regarding the "prostitution" comment. He stated that the website was not longer active. I asked him who was responsible for verifying that the information in the videos was true. He stated that he was the only person responsible for verifying the statement. He stated that he had the documentation at that time but lost it in storage. I asked him was the video only posted on Facebook and YouTube. He answered affirmatively but added that he sent the videos to the Republican State Representatives and Senators. He stated that he removed all the videos when the first complaint was filed with the FEC. He stated that videos no longer exist. I asked him when he initially posted the video, he stated late July early August. He stated that he did not remember the exact date.

I asked Respondent if he used campaign contributions to pay for the video. He answered affirmatively. I asked him how much he collected in contributions. He stated he received \$1100 in donations. I asked him what other expenditures were made. He stated that he paid for the t-shirts. I asked if he reimbursed "Ryan" for the \$100 he paid, he stated that he did reimburse Ryan. He explained that Ms. Marin owns a t-shirt business. He stated that Ms. Marin told him that she would make the t-shirts for him for \$50. He stated that he thought she was saying that she would donate give him the t-shirts as an in-kind contribution. He stated that when she delivered the t-shirts, she said the cost for the t-shirts was \$200, he added he pay for some signs and to attend a couple Republican functions. I asked him to explain why he did not file a report disclosing the financial activity. He stated that he was told that he did not have to file a report if his contributions did not exceed \$5,000. I asked him who told him that. He stated that he did not recall. I asked did he verify that advise by checking with any resource or calling the SOE. He stated that he did not do anything to verify it. I asked him if he opened a campaign account. He stated that he did not open a campaign account, he just used his personal account. He asked if he needed to file the report when he got out of the hospital. I told him to check with the SOE. I asked if he could email me an itemized list of his contributions, expenditures, and in-kind contributions. He agreed. I asked if he received any in-kind contributions, he stated that the in-kind contribution totaled \$600.

Entered by: MBW

15. **Date and time:**

Name:

Phone #:

Summary:

Entered by:

16. **Date and time:**

Name:

Phone #:
Summary:
Entered by:

17. **Date and time:**
Name:
Phone #:
Summary:
Entered by:

From: [Margie Wade](#)
To: [Andrew Brett](#)
Subject: RE: Andrew Brett
Date: Monday, October 24, 2022 11:57:00 AM

Thanks for letting me know.

Best regards,

Margie E. Wade

Investigation Specialist
Florida Elections Commission
107 W. Gaines St., Suite 224
Tallahassee, FL 32399
Phone: 850-922-4539
Email: Margie.Wade@myfloridalegal.com

From: Andrew Brett <arbrett8464@gmail.com>
Sent: Monday, October 24, 2022 11:44 AM
To: Margie Wade <Margie.Wade@myfloridalegal.com>
Subject: Andrew Brett

Hi Ms.Wade

I'm in the hospital and hope to respond by the end of the tomorrow morning at the latest.

Best,
Andrew R. Brett



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596
Telephone: (850) 922-4539 · Facsimile: (850) 921-0783
FEC@myfloridalegal.com · www.fec.state.fl.us



October 19, 2022

Andrew Brett
4071 N Dixie Hwy
Oakland Park, FL 33334

RE: Case No.: FEC 22-182; Respondent: Andrew Brett

Dear Mr. Brett:

On September 22, 2022, the Florida Elections Commission received an amended complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violation:

Section 104.271(2), Florida Statutes: Respondent, a 2020 candidate for Broward Republican State Executive Committeeman, may have with actual malice made or caused to be made a false statement about an opposing candidate, as alleged in the complaint.

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will prepare and present a written Staff Recommendation (SR) to the Commission as to whether there is probable cause to charge you, the Respondent, with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violation occurred and, if so, the amount of the fine to be imposed upon you. Notice will be mailed to you and the Complainant at least 14 days before any hearing at which your case is to be considered.

Pursuant to Section 106.25(4)(i)3., Florida Statutes, the Commission may enter into a consent agreement with a Respondent to settle a complaint prior to a finding of probable cause. If you are interested in entering negotiations directed towards reaching a consent agreement to resolve this matter, please contact the Commission and request to speak with the attorney assigned to this case.

Please note that all documents related to this matter will be mailed to the above address unless you notify us of a new address.

Pursuant to Section 106.25, Florida Statutes, complaints, investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are

Andrew Brett
October 19, 2022
Page 2
FEC 22-182

confidential until the Commission finds probable cause or no probable cause, unless the Respondent files a written waiver of confidentiality with the Commission. The confidentiality provision does not apply to the Complainant or the Respondent.

Should 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.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website.

If you have additional questions, please contact **Margie Wade**, the investigator assigned to this case, by phone at (850) 922-4539 or by email at Margie.Wade@myfloridalegal.com.

Sincerely,

A handwritten signature in blue ink that reads "Tim Vaccaro". The signature is fluid and cursive, with a large initial "T" and a long horizontal stroke at the end.

Tim Vaccaro
Executive Director

TV/jd



FEC 22-182Richard DeNapoli to: Florida Elections Commission 09/22/2022 02:06 PM

From: "Richard DeNapoli" <rdenapoli@yahoo.com>
To: "Florida Elections Commission" <fec@myfloridalegal.com>
Please respond to "Richard DeNapoli" <rdenapoli@yahoo.com>

1 Attachment



FEC Follow Up Letter DeNapoli FEC 22-182.pdf

Dear Mr. Vaccaro,

I sent the attached materials via Fed Ex on Monday, September 20, 2022 and they were delivered by September 21, 2022 in advance of the deadline. The Fed Ex contained printed materials as well as a Zip Drive and links to an online drive with the information. The link to the online drive can be found here:https://drive.google.com/drive/folders/1u4plJgLGWvzxuBe01_8mmJvPRsowJTze?usp=sharing

Please advise if you have any further questions.

All the best,

--Richard DeNapoli

*This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify me immediately by telephone or by replying to the message and deleting it from your computer.

Thank you *

September 20, 2022

Tim Vaccaro, Executive Director
Florida Elections Commission
107 West Gaines Street, Ste. 224
Tallahassee, FL 32399-6596

RE: Case No. FEC 22-182; Respondent: Andrew Brett

Dear Mr. Vaccaro,

This is a follow up to my complaint that was received by your office via Fed Ex on August 3, 2022, though you referenced it as filed on August 4, 2022. See Exhibit, **Delivery Proof from FedEx showing deliver on August 3, 2022.**

I recently received your letter dated September 8, 2022, and you indicated that I had 14 days to follow up, meaning September 22, 2022. Enclosed please find my "Form 2."

Your letter only deals with the portions of my complaint related to Section 104.271(2), and I trust the other portions of my complaint relating to other violations are being handled separately. I incorporate everything previously submitted in my original complaint and submit new information to back up the legal sufficiency as you have requested.

You have referenced that the links Mr. Brett posted were taken down. Please See Exhibit, **Printout from YouTube showing the original and revised second video taken down. The original web address matches the ones in the Facebook posts ending in RKO. The second link is the one ending in pYI.** Yes, they appear to have recently been taken down by Mr. Brett, but I did make copies of them. Just because he took them down approximately two years later should not negate the fact that they were distributed during the campaign. I have included them as follows, attached herein via a "Zip Drive" as well as housed on a Google Drive that you can access herein. You can see from the images posted below that the videos which are linked herein were posted on the dates indicated. Clearly the content of these video shows "actual malice" These videos are not generalized statements of opinion and name calling, but contain false accusations that I have committed crimes and or being involved in corrupt and illicit activities. The citations in the video, when followed, do not back up the allegation, so Mr. Brett had knowledge that these statements were false. There are so many false accusations with these citations that do not back up the allegation that clearly show that Mr. Brett at a minimum had reckless disregard of whether the statements were true or false.

Please see the following link to the google drive folder with the evidence:

https://drive.google.com/drive/folders/1u4plJgLGWvzxuBe01_8mmJvPRsowJTze?usp=sharing

1. The original Brett YouTube Video posted on 8-4-2020 10 minutes in length for the video ending in RKO
2. The audio version of the original video that he initially released on August 3, 2020

3. The second version of the video posted on 8-12-2020 redacting the comments about my mother and children, now 9:27 in length, for the video ending in pYI
4. A video that Mr. Brett posted on Facebook Live on August 5, 2020 talking about how he posted the YouTube video and sent it around to many people throughout the state of Florida. He says it is a “factual documented video exposing Richard DeNapoli for the fraud, lies and deceit that he has done for over 20 years in Broward county and that I will share the video when I am done with this video.” He does post the video ending in RKO as a comment. This video also makes false claims that I am a homosexual. He says he has sent the video to every Republican State Senator.

Additionally, I have provided dated posts of the images contained in my original complaint, as well as further dated images still on Facebook to this day relating to the allegations in my original complaint.

- A. Andrew Brett Facebook post dated August 4, 2020, of the Original YouTube video. “It shows “Brett for State Committeeman” and “ANIT (sp) RICHARD.” He meant to state “ANTI RICHARD.” You can see the link ends in RKO, matching the one YouTube shows as taken down.
- B. Still Shot of Image of Andrew Brett’s Facebook Live Post dated August 5, 2020 (referenced in #4 above) showing his further post of the YouTube video post about me, which he posted therein on August 5, 2020 at 5:56 PM which is seen when hovering over the date.
- C. Image of Andrew Brett Facebook Page dated August 3, 2020, where he writes “Stay Tuned for upcoming documentary “DeNapoli – Lying, Denying and Falsifying!” by Andrew R. Brett your next elected State Committeeman!”
- D. Brett Facebook post on August 12, 2020 of the Anti DeNapoli YouTube Video. It is titled “DeNapoli – Lying – Falsifying – Denying.” This post is not dated but is included to show what it originally looked like.
- E. August 17, 2020 Facebook post stating “See anything in common Broward County Republicans?? 1 is yet to be convicted...in due time...” showing a picture of Richard DeNapoli next to Bernie Madoff, claiming Richard DeNapoli is “yet to be convicted.” I have never even been charged with any crime let alone convicted.
- F. Parts F1, F2, F3, F4. More still shots of Andrew Brett’s Facebook post dated August 4, 2020 whereupon he posted the original Anti-Richard YouTube video. I am including this so you can view the comments, whereupon one person posts that “Andrew R. Brett, these are serious allegations against Richard. I’m very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.” Andrew Brett messages back “pmd you!” meaning “private-messaged” you.
- G. Brett August 4 2020 Facebook post claiming that DeNapoli lies. He says “My oponet (sp) on the other hand lies AGAIN” in reference to military service. The post he links, however, is entitled “HD 74 Hopeful Richard DeNapoli responds attacks brief military service.”
- H. August 15 2020 post of the Brett YouTube video, this time the one ending in pYI.

- I. Parts I1 and I2. Brett August 17 2020 post where in comments Brett posts the YouTube video ending in pYI. Image I2 shows the date of the comment as August 17, 2020, at 4:37PM in a screenshot which appears when you click the time where it says “2y.”

I notice on my submission in Allegation #1 that “Brett failed to file a report of all contributions he received and all expenditures made during his State Committeeman campaign, which report was required under Florida Statute 106.0702 and due on the 4th day immediately preceding the primary election, or August 14, 2020,” that some of the images provided did not include dates. Hence, I supply them herein.

- a. This is a post providing further evidence of not filing campaign finance reports despite raising money. It is dated August 9, 2020.
- b. b1 – b5. This is an earlier Brett post dated June 11, 2020 saying “Thank you for the Huge Donation!! You know who you are XOXO #winning.” This is included to provide evidence that he should have filed a campaign finance report later in time as required by Florida Statute. The image marked b5 shows the date of the comment.

Thank you for your time and courtesy herein. I am emailing, including the link above, and printing as much of this information as possible.

Sincerely,



Richard DeNapoli

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224,
Tallahassee, FL 32399-1050

ADDITIONAL COMPLAINT INFORMATION

Case Number: FEC 22-182

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

STATE OF FLORIDA

COUNTY OF Miami Dade

I swear or affirm that the information in the attached statement is true and correct to the best of my knowledge.

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 20 day of September, 2022.

[Signature]
Signature of Officer Authorized to Administer



Oaths or Notary Public
Michelle Viteri

(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.



FED EX
PROOF OF DELIVERY
September 20, 2022
AUGUST 3, 2022

Dear Customer,

The following is the proof-of-delivery for tracking number: 777557465825

Delivery Information:

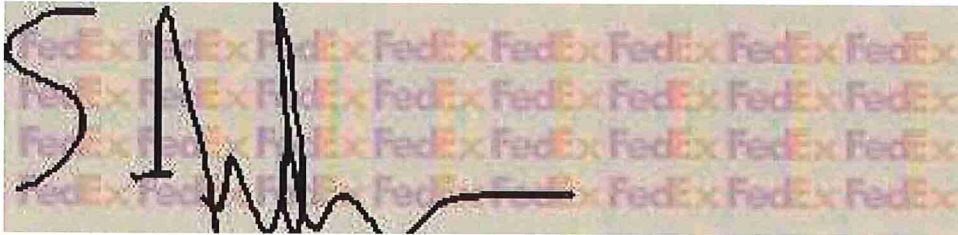
Status:	Delivered	Delivered To:	Shipping/Receiving
Signed for by:	S.ANDERSON	Delivery Location:	107 W GAINES ST
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday		TALLAHASSEE, FL, 32399
		Delivery date:	Aug 3, 2022 09:32

Shipping Information:

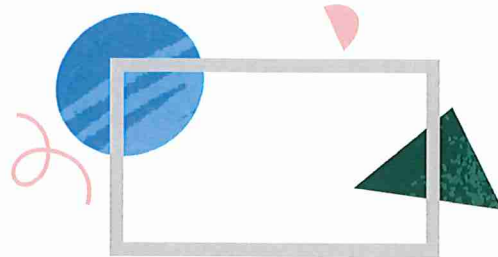
Tracking number:	777557465825	Ship Date:	Aug 2, 2022
		Weight:	0.5 LB/0.23 KG

Recipient:
Florida Elections Commission,
107 West Gaines Street
Ste. 224
TALLAHASSEE, FL, US, 32399

Shipper:
Richard DeNapoli,
255 Alhambra Circle
333
Coral Gables, FL, US, 33134



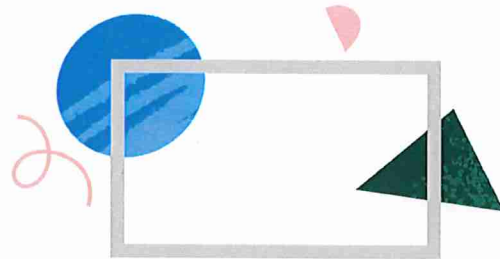
Thank you for choosing FedEx



This video isn't available anymore

GO TO HOME

← ending is RKO
same as Facebook
posts of
1st ANTI
RICHARD
VIDEO



This video isn't available anymore

GO TO HOME

ending in
PM1, for second revised
ANTI RICHARD
VIDEO

7:26



← Andrew R. Brett



20



1



Andrew R. Brett

Aug 4, 2020 · 🌐

<https://youtu.be/eQF6iLR-RK0>

Please SHARE!

EXHIBIT "A"
showing RKO video
link



YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD



1



6

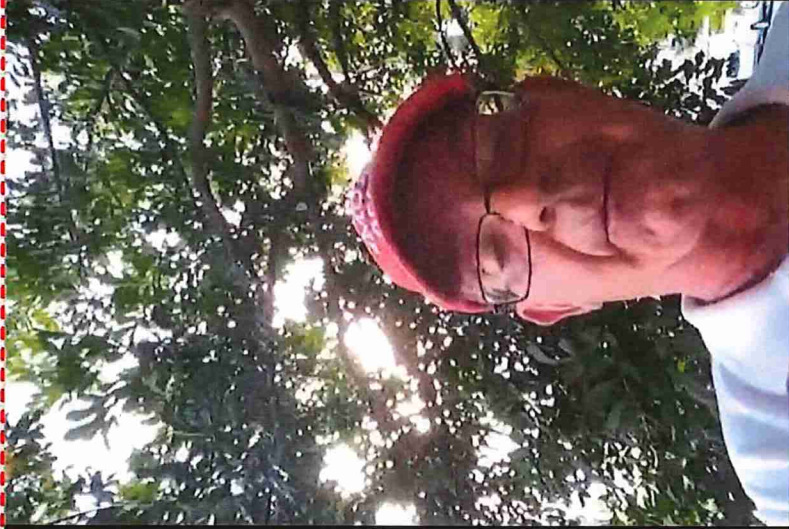


Andrew R. Brett

Aug 4, 2020 · 🌐

Thank you Ryan for the BEST BDAY GIFT 🎁👍

facebook.com



Facebook interface showing a post by Andrew R. Brett. The post includes a video player with a play button, a link to a YouTube video, and several comments. The comments are from users like Annie Marie Delgado and Randy Ross.

Andrew R. Brett was live.
August 5, 2020 · 14 · 19 Comments 312

Like Comment Share

Comments

Most relevant

Andrew R. Brett
<https://youtu.be/eQf6iLR-RK0>

YOUTUBE.COM
Brett For State
Committeeman

Like Reply 2d

Wednesday, August 5, 2020 at 5:56 PM
Hi Mayor Patty Gilliland

Like Reply 2y

Andrew R. Brett
Annie Marie Delgado Randy
Ross

EXHIBIT "B"



EXHIBIT "C"

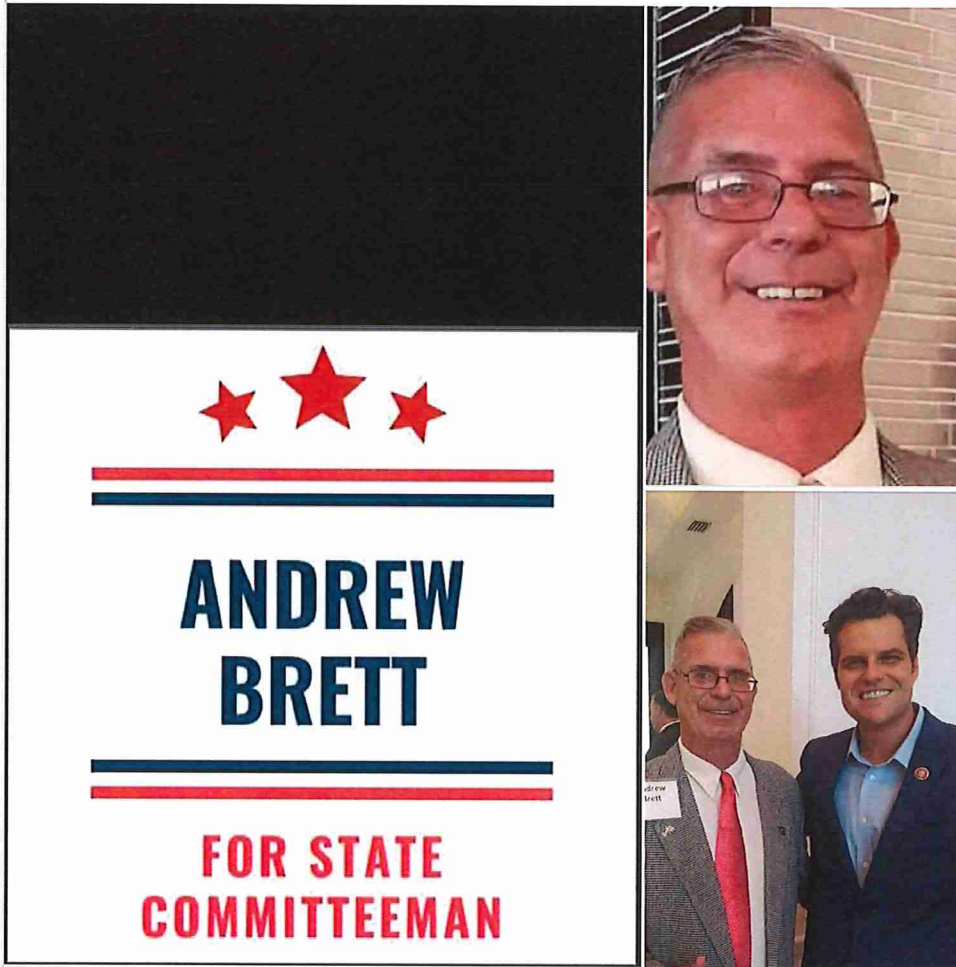


Andrew R. Brett

August 3, 2020 · 🌐



Stay tuned for upcoming documentary..
"DeNapoli - Lying, Denying and Falsifying!!"
By Andrew R.Brett you next elected State Committeeman!



👍 9

1 Comment 5 Shares

👍 Like

💬 Comment

➦ Share



Andrew R. Brett
Scott Newmark Darlene Swaffar Jill Cueni-Cohen Robert
W. Sutton Celeste Shank Elich Mary Sturm Janet
Klomburg Chris Nelson Diana Lynn Taub Lida Pols Diane
Kushner Peter Feaman Ken Baker

Like Reply 2y



Write a comment...



11:53



AA

facebook.com



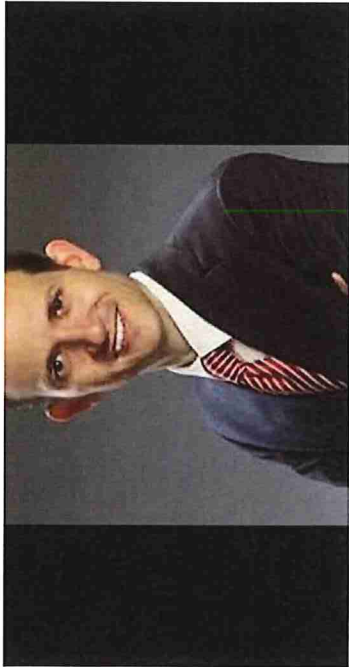
Photos Life Events



Andrew R. Brett
45 mins · 🌐



<https://www.youtube.com/watch?v=8ISc1bNNpYI>



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING
DeNapoli - LYING - FALSIFYING - DENYING



Like



Comment



Share



Andrew R. Brett
1 hr · 🌐



EXHIBIT 'D'

9:25



← Andrew R. Brett

Posts

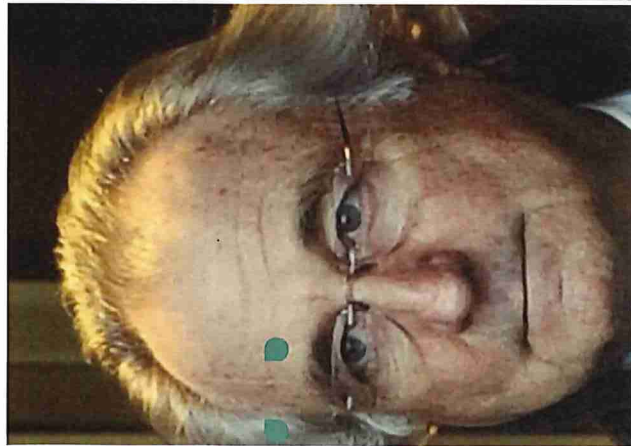


Andrew R. Brett

Aug 17, 2020 · 🌐

See anything in common Broward County Republicans?? 1 is yet to be convicted..in due time...

10:38 📶 📶 📶 100% 🔊



4



4



2



Andrew R. Brett

Aug 17, 2020 · 🌐

...

🔒 facebook.com

EXHIBIT "E"

9:29



Andrew R.'s post



Andrew R. Brett

Aug 4, 2020 · 🌐

<https://youtu.be/eQF6iLR-RK0>

Please SHARE!

EXHIBIT F1

YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD



1



6



Valeria LovestheOcean

Andrew R. Brett, these are serious allegations against Richard. I'm very



Write a comment...



AA

facebook.com



Facebook
Open in the Facebook app

Facebook
Open in the Facebook app

OPEN

← Replies



Valeria LovestheOcean

Andrew R. Brett, these are serious allegations against Richard. I'm very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.

2 yrs Like Reply



Andrew R. Brett

Valeria LovestheOcean pmd you!

2 yrs Like Reply



Valeria LovestheOcean

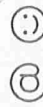
Andrew R. Brett thank you

2 yrs Like Reply

EXHIBIT F 2



Write a reply...



AA

facebook.com



9:29



← Andrew R.'s post



Andrew R. Brett

Aug 4, 2020 · 🌐

<https://youtu.be/eQF6iLR-RK0>

Please SHARE!

...

EXHIBIT F3

YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD



1



6



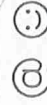
Valeria LovestheOcean

Andrew R. Brett, these are serious allegations against Richard. I'm very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.

2 yrs Like Reply



Write a comment...



facebook.com

9:30 ↗



← Andrew R.'s post

YOUTUBE.COM

Brett For State Committeeman
ANIT RICHARD



1



6



Valeria LovestheOcean

Andrew R. Brett, these are serious allegations against Richard. I'm very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.

EXHIBIT F4

2 yrs Like Reply



Andrew R. Brett Valeria LovestheOc...



Valeria LovestheOcean Andrew R. ...



Janet Klomburg

Shared

2 yrs Like Reply



1



Bryan Dixon

Wow, he is a slime ball but still you have 3 candidates and him. If he gets 30% of the vote he can still win because you and the other two will split the other 70%.

2 yrs Like Reply



Write a comment...



facebook.com

9:30



← Andrew R. Brett

23

5

8



Andrew R. Brett

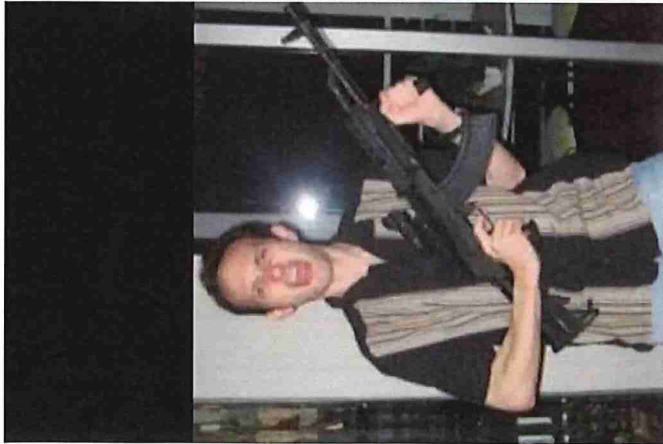
Aug 4, 2020 · 🌐

...

I truly wanted to serve our country in the Air Force, but due to my hemophilia and poor eye site I couldn't.

My oponent on the other hand lies AGAIN.. 🐱
<https://saintpetersblog.com/hd-74-gop-hopeful-richard-denapoli-responds-attack-brief-military-service/>

EXHIBIT "C"



6

6

2

8

facebook.com



Search Facebook



Andrew R. Brett

August 15, 2020 · 🌐

<https://youtu.be/8lSc1bNNpYI>



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING

DeNapoli - LYING - FALSIFYING - DENYING

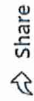
2 Shares



Like



Comment



Share



Write a comment...



EXHIBIT "H"



EXHIBIT I 1



Andrew R. Brett

August 17, 2020 · 🌐



Once AGAIN..poor little Richard Napoleon DeNapoli..has his feelings hurt with TRUTH N FACTS..AND SUBPOENA NOT ONLY ME BUT 2 OTHER STATE COMMITTEEMEN CANDIDATES TRYING AGAIN TO SUPPRESS THE 1ST AMENDMENT FREEDOM OF SPEECH...GUESS RICHARD DENAPOLI FAILED THE CONSTITUTIONAL COURSE IN LAW SCHOOL??



👍 😡 😬 11

7 Comments 2 Shares

👍 Like

💬 Comment

➦ Share

Most relevant ▾



Tony Suriani
What happened?

Like Reply 2y



EXHIBIT I 1 cont



Andrew R. Brett
Scott Newmark Celeste Shank Ellich Michelle Lubin
Terris Jody Platt Steinlauf Familia Reyes. Annie Marie
Delgado Randy Ross Raymond DiTomasso Richard
Bryant Janet Klomburg Chris Nelson Javier Manjarres
Hilda Ramirez Gainza Magfret Juan Evans Juan Gainza
Jessica Wihlborg

Like Reply 2y



Barbara Vadala
Little Richard needs his head examined when she say

Like Reply 2y



Marty Falk
I am honored to vote for Richard. He helped me
straighten out the county when they would not let me
vote as my license was expired (The County is fully
booked for August and September. Then he followed up
with the county and then helped me get a Republ... See
more

Like Reply 2y



Andrew R. Brett
Marty Falk <https://youtu.be/8ISc1bNNpYI>

	YOUTUBE.COM	
	DeNapoli - LYING - FALSIFYING - DENYING	

Like Reply 2y



Write a reply...



Karen K Hobson
What a bunch of cry baby lefties in disguise. They can't
stand your truth 🇺🇸🇺🇸 too damn bad!

Like Reply 2y Edited

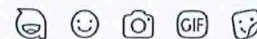


Andrew R. Brett
Karen K Hobson exactly

Like Reply 2y 2



Write a comment...





Like Reply 2y

Marty Falk

I am honored to vote for Richard. He helped me straighten out the county when they would not let me vote as my license was expired (The County is fully booked for August and September. Then he followed up with the county and then helped me get a Republ... See more

Like Reply 2y



Andrew R. Brett
Marty Falk <https://youtu.be/8ISc1bNINpYI> ...



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING

Like Reply 2x

Monday, August 17, 2020 at 4:37 PM



Karen K Hobson

What a bunch of cry baby lefties in disguise. They can't stand your truth 🇺🇸 too damn bad!

Like Reply 2y Edited



Andrew R. Brett
Karen K Hobson exactly

Like Reply 2y



Write a comment...



*EXHIBIT "I 2"
Showing date August 17, 2020*

← Andrew R. Brett



Andrew R. Brett
Aug 9, 2020 · 🌐



I WANT TO THANK ALL OF YOU FOR YOUR BIRTHDAY WISHES AND CONCERN FOR MY MOTHER!!

IF ALL WHO LIKED OR COMMENTED WOULD TAKE A MOMENT AND DONATE \$5.00 OR MORE TO MY CAMPAIGN FOR A FINAL MEDIA PUSH THIS COMING WEEKEND !

<https://www.brettforflorida.com/donate.html>

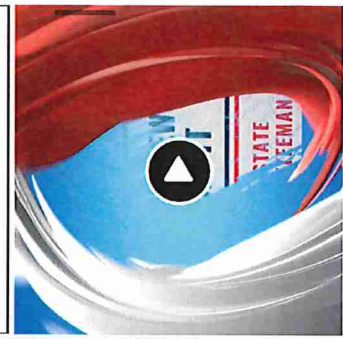


EXHIBIT "a"

👍❤️ 11

🔒 facebook.com

9:34



← Andrew R. Brett



Robert W. Sutton and 36 others

👍 37

💬 5

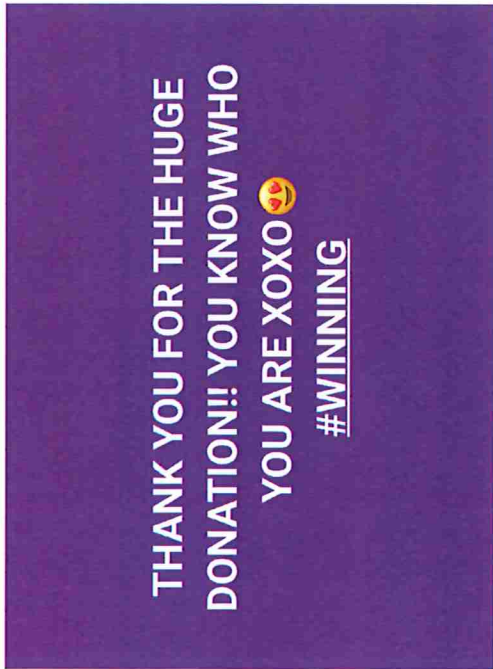
➦ 3



Andrew R. Brett

Jun 11, 2020 · 🌐

...



👍 13

💬 5

➦



Andrew R. Brett

Jun 11, 2020 · 🌐

...



🔒 facebook.com

EXHIBIT b1

9:35



Facebook
Open in the Facebook app

Facebook
Open in the Facebook app

OPEN

← **Replies**



Scott Newmark

just tell us. Why make us wait for the public finance reports.

2 yrs Like Reply 🗨️ 2



Andrew R. Brett

A Gay Conservative outside of Broward will have to surface for now!!

2 yrs Like Reply ➕ 2

EXHIBIT b 2



Write a reply...



AA

facebook.com



Andrew R.'s post



13

13 likes, 5 comments, share icon

Scott Newmark just tell us. Why make us wait for the public finance reports.

2 yrs Like Reply 2

Andrew R. Brett A Gay Conservativ...

Richard Bryant Your welcome but I didn't think I would call \$20 huge 🤔

2 yrs Like Reply

Andrew R. Brett Thank you Richard...

Richard Bryant Andrew R. Brett yea...

Write a comment... @

AA facebook.com



EXHIBIT B3

9:35



Facebook
Open in the Facebook app

OPEN



Replies



Richard Bryant

Your welcome but I didn't think I would call \$20 huge 😊

2 yrs Like Reply



Andrew R. Brett

Thank you Richard I just got your donation today xxxxxxxx

2 yrs Like Reply 1



Richard Bryant

Andrew R. Brett yeah I just read..



2 yrs Like Reply 1

EXHIBIT b4



Write a reply...



AA

facebook.com





Search Facebook



Like



Comment



Share

Most relevant ▾



Scott Newmark

just tell us. Why make us wait for the public finance reports.



Like

Reply

2y



2



Andrew R. Brett replied · 1 Reply



Richard Bryant

Your welcome but I didn't think I would call \$20 huge 😊



Like

Reply

2y



Andrew R. Brett

Thank you Richard I just got your donation today

XOXOXOXOXO

Like

Reply

2y



Friday, June 12, 2020 at 1:59 PM

Andrew R. Brett yeah I just read.. 😊👍👍



2y



Like

Reply

2y



Write a reply...

Like

Reply

2y



Like

Reply

2y



EXHIBIT 65



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



September 8, 2022

Richard DeNapoli
Coral Gables Trust
401 E. Las Olas Blvd. #1510
Fort Lauderdale, FL 33301

RE: Case No.: FEC 22-182; Respondent: Andrew Brett

Dear Mr. DeNapoli:

The Florida Elections Commission received your complaint alleging a violation of Section 104.271(2), Florida Statutes. Pursuant to Rule 2B-1.0041, Florida Administrative Code, this allegation requires an expedited review process. Other allegations, if any, are processed as a separate complaint and do not require an expedited process.

Complainant essentially alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an opposing candidate which is false. Such statements must be made with actual malice.

The United States Supreme Court established the standard that a candidate for public office must meet before his opposing candidate can be held accountable for making a false statement against him in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). The Court emphasized the “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Id.* at 270. The Court said that neither erroneous statements nor statements injuring an official’s reputation forfeit the First Amendment protection, which should provide “breathing space” for freedom of expression. The Court held that “actual malice” requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false.

This complaint was filed on August 4, 2022; therefore, only allegations occurring on or after August 4, 2020, were considered pursuant to Section 106.25(2), F.S. The allegations relate to statements allegedly made by Respondent in a video and audio file, for which Complainant provided a lengthy transcript and various links. Complainant highlighted and took issue with the veracity of approximately 46 statements within the transcript.

Complainant provided a copy of an email sent by Respondent on August 4, 2020, to another individual and copied to Complainant. The email is titled, “DeNapoli – A Documentary of Lying – Denying – and – Falsifying.” The message stated, “Worth 10 Minutes of your time!!” Two files were attached: an mp3 file “Brett Audio Project (1)” and a png file “Capture (1) (3).” Complainant also provided an email sent by Respondent on August 5, 2020, to another individual but not copied to Complainant. It was titled, “Re: DeNapoli – A Documentary of Lying – Denying – and – Falsifying [sic] by Andrew

Richard DeNapoli
September 8, 2022
Page 2
FEC 22-182

R Brett.” The message stated, “video version.” On the same date, that email was forwarded to Complainant, who replied by stating, “Thank you for sending it. A defamation case has been filed.”

The August 5, 2020, email contained a link allegedly leading to the referenced video, which Complainant asserts was posted by Respondent on YouTube on August 4, 2020. Complainant alleged the video was “revised and republished” on or about August 12, 2020, and Complainant claimed that the revised version is still on YouTube. However, none of the links or attachments provided in the complaint led to an audio or video recording; they appear to have been taken down or are no longer available at any of the specified links. Because no files or videos were provided with the complaint, the accuracy of the transcript and whether the alleged false statements were made cannot be ascertained.

Complainant also provided a series of images showing posts allegedly made by Respondent after Complainant filed suit against Respondent in July 2020. However, the posts are all undated, so it cannot be determined if they fall within the two-year limitations period under Section 106.25(2), F.S. Regardless, the only statement by Respondent in the images that appears relevant to the allegations is, “DeNapoli – Lying – Falsifying – Denying,” which is essentially identical to the statements made in the email subjects previously discussed. At most, they appear to be generalized, statements of opinion and name-calling.

For these reasons, I find this complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Tim Vaccaro
Executive Director

TV/jd

Enclosure: Additional Complaint Information Form 2
cc: Andrew Brett, Respondent w/out Enclosure

23-182

THE AMENDED
COMPLAINT INCLUDES A
USB THUMB DRIVE WITH
VIDEO MATERIALS.

FOR A COPY, PLEASE
CONTACT THE AGENCY
CLERK at 850-922-4539 or
fec@myfloridalegal.com

September 20, 2022

Tim Vaccaro, Executive Director
Florida Elections Commission
107 West Gaines Street, Ste. 224
Tallahassee, FL 32399-6596

RE: Case No. FEC 22-182; Respondent: Andrew Brett

Dear Mr. Vaccaro,

This is a follow up to my complaint that was received by your office via Fed Ex on August 3, 2022, though you referenced it as filed on August 4, 2022. See Exhibit, **Delivery Proof from FedEx showing deliver on August 3, 2022.**

I recently received your letter dated September 8, 2022, and you indicated that I had 14 days to follow up, meaning September 22, 2022. Enclosed please find my "Form 2."

Your letter only deals with the portions of my complaint related to Section 104.271(2), and I trust the other portions of my complaint relating to other violations are being handled separately. I incorporate everything previously submitted in my original complaint and submit new information to back up the legal sufficiency as you have requested.

You have referenced that the links Mr. Brett posted were taken down. Please See Exhibit, **Printout from YouTube showing the original and revised second video taken down. The original web address matches the ones in the Facebook posts ending in RKO. The second link is the one ending in pYI.** Yes, they appear to have recently been taken down by Mr. Brett, but I did make copies of them. Just because he took them down approximately two years later should not negate the fact that they were distributed during the campaign. I have included them as follows, attached herein via a "Zip Drive" as well as housed on a Google Drive that you can access herein. You can see from the images posted below that the videos which are linked herein were posted on the dates indicated. Clearly the content of these video shows "actual malice" These videos are not generalized statements of opinion and name calling, but contain false accusations that I have committed crimes and or being involved in corrupt and illicit activities. The citations in the video, when followed, do not back up the allegation, so Mr. Brett had knowledge that these statements were false. There are so many false accusations with these citations that do not back up the allegation that clearly show that Mr. Brett at a minimum had reckless disregard of whether the statements were true or false.

Please see the following link to the google drive folder with the evidence:

https://drive.google.com/drive/folders/1u4plJgLGWvzxuBe01_8mmJvPRsowJTze?usp=sharing

1. The original Brett YouTube Video posted on 8-4-2020 10 minutes in length for the video ending in RKO
2. The audio version of the original video that he initially released on August 3, 2020

3. The second version of the video posted on 8-12-2020 redacting the comments about my mother and children, now 9:27 in length, for the video ending in pYI
4. A video that Mr. Brett posted on Facebook Live on August 5, 2020 talking about how he posted the YouTube video and sent it around to many people throughout the state of Florida. He says it is a “factual documented video exposing Richard DeNapoli for the fraud, lies and deceit that he has done for over 20 years in Broward county and that I will share the video when I am done with this video.” He does post the video ending in RKO as a comment. This video also makes false claims that I am a homosexual. He says he has sent the video to every Republican State Senator.

Additionally, I have provided dated posts of the images contained in my original complaint, as well as further dated images still on Facebook to this day relating to the allegations in my original complaint.

- A. Andrew Brett Facebook post dated August 4, 2020, of the Original YouTube video. “It shows “Brett for State Committeeman” and “ANIT (sp) RICHARD.” He meant to state “ANTI RICHARD.” You can see the link ends in RKO, matching the one YouTube shows as taken down.
- B. Still Shot of Image of Andrew Brett’s Facebook Live Post dated August 5, 2020 (referenced in #4 above) showing his further post of the YouTube video post about me, which he posted therein on August 5, 2020 at 5:56 PM which is seen when hovering over the date.
- C. Image of Andrew Brett Facebook Page dated August 3, 2020, where he writes “Stay Tuned for upcoming documentary “DeNapoli – Lying, Denying and Falsifying!” by Andrew R. Brett your next elected State Committeeman!”
- D. Brett Facebook post on August 12, 2020 of the Anti DeNapoli YouTube Video. It is titled “DeNapoli – Lying – Falsifying – Denying.” This post is not dated but is included to show what it originally looked like.
- E. August 17, 2020 Facebook post stating “See anything in common Broward County Republicans?? I is yet to be convicted...in due time...” showing a picture of Richard DeNapoli next to Bernie Madoff, claiming Richard DeNapoli is “yet to be convicted.” I have never even been charged with any crime let alone convicted.
- F. Parts F1, F2, F3, F4. More still shots of Andrew Brett’s Facebook post dated August 4, 2020 whereupon he posted the original Anti-Richard YouTube video. I am including this so you can view the comments, whereupon one person posts that “Andrew R. Brett, these are serious allegations against Richard. I’m very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.” Andrew Brett messages back “pmd you!” meaning “private-messaged” you.
- G. Brett August 4 2020 Facebook post claiming that DeNapoli lies. He says “My oponet (sp) on the other hand lies AGAIN” in reference to military service. The post he links, however, is entitled “HD 74 Hopeful Richard DeNapoli responds attacks brief miliary service.”
- H. August 15 2020 post of the Brett YouTube video, this time the one ending in pYI.

- I. Parts I1 and I2. Brett August 17 2020 post where in comments Brett posts the YouTube video ending in pYI. Image I2 shows the date of the comment as August 17, 2020, at 4:37PM in a screenshot which appears when you click the time where it says “2y.”

I notice on my submission in Allegation #1 that “Brett failed to file a report of all contributions he received and all expenditures made during his State Committeeman campaign, which report was required under Florida Statute 106.0702 and due on the 4th day immediately preceding the primary election, or August 14, 2020,” that some of the images provided did not include dates. Hence, I supply them herein.

- a. This is a post providing further evidence of not filing campaign finance reports despite raising money. It is dated August 9, 2020.
- b. b1 – b5. This is an earlier Brett post dated June 11, 2020 saying “Thank you for the Huge Donation!! You know who you are XOXO #winning.” This is included to provide evidence that he should have filed a campaign finance report later in time as required by Florida Statute. The image marked b5 shows the date of the comment.

Thank you for your time and courtesy herein. I am emailing, including the link above, and printing as much of this information as possible.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard DeNapoli", is written over a light blue rectangular background.

Richard DeNapoli

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224,
Tallahassee, FL 32399-1050

REC'D: FL ELECTIONS CO
22 SEP '22 PM 3:53

ADDITIONAL COMPLAINT INFORMATION

Case Number: FEC 22-182

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

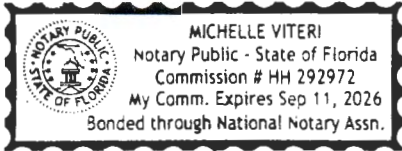
STATE OF FLORIDA
COUNTY OF Miami Dade

I swear or affirm that the information in the attached statement is true and correct to the best of my knowledge.

[Signature]
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 20 day of September, 2022.

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



Michelle Viteri
(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.



FED EX
PROOF OF DELIVERY
September 20, 2022
AUGUST 3, 2022

Dear Customer,

The following is the proof-of-delivery for tracking number: 777557465825

Delivery Information:

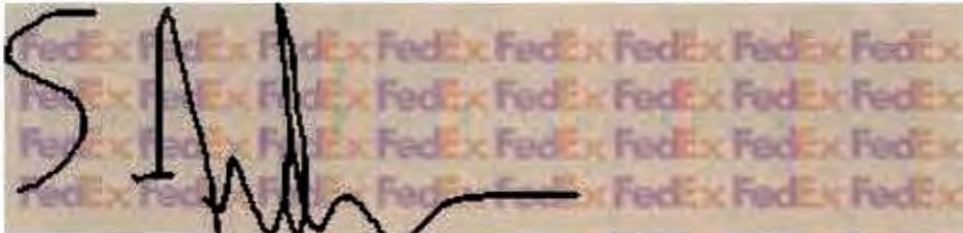
Status:	Delivered	Delivered To:	Shipping/Receiving
Signed for by:	S.ANDERSON	Delivery Location:	107 W GAINES ST
Service type:	FedEx Priority Overnight		
Special Handling:	Deliver Weekday		TALLAHASSEE, FL, 32399
		Delivery date:	Aug 3, 2022 09:32

Shipping Information:

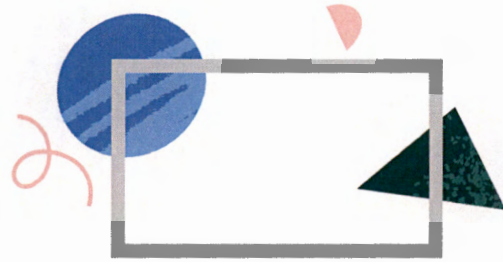
Tracking number:	777557465825	Ship Date:	Aug 2, 2022
		Weight:	0.5 LB/0.23 KG

Recipient:
Florida Elections Commission,
107 West Gaines Street
Ste. 224
TALLAHASSEE, FL, US, 32399

Shipper:
Richard DeNapoli,
255 Alhambra Circle
333
Coral Gables, FL, US, 33134



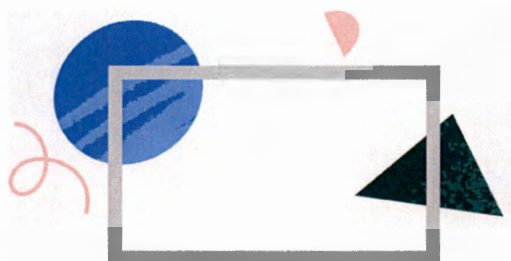
Thank you for choosing FedEx



This video isn't available anymore

GO TO HOME

← ending in RKO
same as Facebook
posts of
1st ANTI
RICHARD
VIDEO



This video isn't available anymore

GO TO HOME

ending in
PM1, for second revised
ANTI RICHARD
VIDEO

7:26



← Andrew R. Brett



🤔👍😱 20

👍 20

💬 3

➦ 1



Andrew R. Brett

Aug 4, 2020 · 🌐

...



<https://youtu.be/eQF6iLR-RK0>

Please SHARE!

EXHIBIT "A"
showing RKO video link

YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD

👍 1

👍 1

💬 6

➦



Andrew R. Brett

Aug 4, 2020 · 🌐

...

Thank you Ryan for the BEST BDAY GIFT 🥰🥰

🔒 facebook.com



Facebook post interface for Andrew R. Brett. At the top right are icons for grid, activity, notifications, and profile. The main post text reads: "Andrew R. Brett was live. August 5, 2020". Below this are engagement metrics: 14 likes, 19 comments, and 312 views. Action buttons for "Like", "Comment", and "Share" are visible. A "Comments" section is partially visible, showing a "Most relevant" comment by Andrew R. Brett with a YouTube link: <https://youtu.be/eQF6iLR-RK0>. Below the link is a video player thumbnail for "YOUTUBE.COM Brett For State Committeeman". A comment from Wednesday, August 5, 2020 at 5:56 PM reads: "Hi Mayor Patty Gilliland". Another comment by Andrew R. Brett mentions "Annie Marie Delgado Randy Ross".

EXHIBIT "B"

EXHIBIT "C"



Andrew R. Brett

August 3, 2020 · 🌐



Stay tuned for upcoming documentary..
"DeNapoli - Lying, Denying and Falsifying!!"
By Andrew R.Brett you next elected State Committeeman!



👍 9

1 Comment 5 Shares

👍 Like

💬 Comment

➦ Share



Andrew R. Brett
Scott Newmark Darlene Swaffar Jill Cueni-Cohen Robert
W. Sutton Celeste Shank Ellich Mary Sturm Janet
Klomburg Chris Nelson Diana Lynn Taub Lida Pols Diane
Kushner Peter Feaman Ken Baker

Like Reply 2y



Write a comment...



11:53



AA

facebook.com



Photos

Life Events



Andrew R. Brett

45 mins · 🌐



<https://www.youtube.com/watch?v=8ISc1bNNpYI>



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING

DeNapoli - LYING - FALSIFYING - DENYING



Like



Comment



Share



Andrew R. Brett

1 hr · 🌐



EXHIBIT "D"

9:25



← Andrew R. Brett

Posts



Andrew R. Brett

Aug 17, 2020 · 🌐



See anything in common Broward County
Republicans?? 1 is yet to be convicted..in due time...

10:38 🗨️ 📧 📧 📧 -

📶 📶 100% 🔋



👍 🤔 🤔 4

👍 4

💬 2



Andrew R. Brett

Aug 17, 2020 · 🌐



EXHIBIT "E"

9:29 ↵



Andrew R.'s post



Andrew R. Brett

Aug 4, 2020 · 🌐



<https://youtu.be/eQF6iLR-RK0>

Please SHARE!

EXHIBIT F1

YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD



1



1



6



Valeria LovestheOcean

[Andrew R. Brett](#), these are serious allegations against Richard. I'm very



Write a comment...



AA



facebook.com



9:29



Facebook

Open in the Facebook app

OPEN



Replies



Valeria LovestheOcean

Andrew R. Brett, these are serious allegations against Richard. I'm very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.

2 yrs Like Reply



Andrew R. Brett

Valeria LovestheOcean pmd you!

2 yrs Like Reply



Valeria LovestheOcean

Andrew R. Brett thank you

2 yrs Like Reply

EXHIBIT F 2



Write a reply...



AA

facebook.com



9:29



Andrew R.'s post



Andrew R. Brett

Aug 4, 2020 · 🌐



<https://youtu.be/eQF6iLR-RK0>

Please SHARE!

EXHIBIT F3

YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD



1



1



6



Valeria LovestheOcean

Andrew R. Brett, these are serious allegations against Richard. I'm very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.

2 yrs Like Reply



Write a comment...



facebook.com



Andrew R.'s post

YOUTUBE.COM

Brett For State Committeeman

ANIT RICHARD

👍 1

👍 1

💬 6



Valeria LovestheOcean

Andrew R. Brett, these are serious allegations against Richard. I'm very disturbed by this and I think you should think about the consequences if these allegations are proved to be false.

2 yrs Like Reply



Andrew R. Brett Valeria LovestheOc...



Valeria LovestheOcean Andrew R. ...



Janet Klomberg

Shared

2 yrs Like Reply ❤️ 1



Bryan Dixon

Wow, he is a slime ball but still you have 3 candidates and him. If he gets 30% of the vote he can still win because you and the other two will split the other 70%.

2 yrs Like Reply

EXHIBIT F4



Write a comment...



9:30 ↵



← Andrew R. Brett

👍 23

💬 5

↻ 8



Andrew R. Brett

Aug 4, 2020 · 🌐



I truly wanted to serve our country in the Air Force, but due to my hemophilia and poor eye site I couldn't.

My oponent on the other hand lies AGAIN.. 🐱

<https://saintpetersblog.com/hd-74-gop-hopeful-richard-denapoli-responds-attack-brief-military-service/>



👍 6

👍 6

💬 2

↻ 8

🔒 facebook.com

EXHIBIT "G"



LIFE AND POLITICS FROM THE SUNSHINE STATE'S BEST CITY

In bitter HD 74 race, Richard DeNapoli responds to attack on brief military service

— by Peter Schorsch

Richard DeNapoli denies the latest charges made by his Republican opponent in a combative House District 74 GOP primary that took another dark turn.

“In politics, the last gasps of a losing campaign are desperate, erratic, and false attacks,” DeNapoli said in an email on Monday. “Julio Gonzalez has hit rock bottom – and done it early.”

At issue is a new TV ad running in the south Sarasota County region of Osprey, Venice and of North Port and Englewood, where Gonzalez, a Venice orthopedic surgeon, took aim at the Nokomos Republican for his brief service in the United States Marine Corps.



Menu



focuses on a time the candidate served – for a short period – in the Marines. A serious injury sidelined his desire to serve in the military.

To support Gonzalez’s assertion is an email distributed in 2010 by A-Jay Eddy of the Gay Activist Log Cabin Republicans of Broward County, as well as an excerpt of a letter addressed to the Broward Republican Executive Committee.

Signed by DeNapoli, the letter seeks soliciting support for the BREC Treasurer position. The letter is also prominent on called

www.thetruthaboutdenapolimarineservice.com, an attack website sponsored by Floridians For Liberty 2014, the group which also produced the ad.

In the email, DeNapoli wrote: “In my earlier career, I served in the United States Marine Corps, and while I don’t currently practice, I am a licensed attorney.” Later, in a South Florida Sun Sentinel article dated Nov. 2010, DeNapoli said he “spent a short period of time in the United States Marine Corps Officer Candidates School before being injured while training.”



titled “Stolen Valor,” takes the claim to task, by pointing out DeNapoli actually attended in 2002 what is otherwise known as a “US Marines Mini-Officer Candidates School,” a three-day camp to give prospective Marines a taste of training in the Corps.

“It is not Officer Candidates School,” says Gonzalez, a Navy veteran.

In his response, DeNapoli makes it very clear about his short-lived service in the USMC.

“The truth is, I did,” he says, “but was given an Entry Level Separation (ELS) due to serious injury. I wish things had been different.”

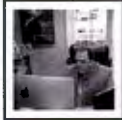
ELS is defined as a discharge option available to commanders, given only to service members in entry-level status – within their first 180 days of continuous active military service.

Elegibility for an ELS means the commander did not have enough time to make a fair decision as to the overall service characterization.

Julio desperately does, is offensive, untrue, and beyond the pale,”DeNapoli adds.

The Republican primary in House District 74 is Aug. 26.

PETER SCHORSCH LATEST POSTS



Peter Schorsch is the President of Extensive Enterprises and is the publisher of some of Florida’s most influential new media websites, including SaintPetersBlog.com, FloridaPolitics.com, ContextFlorida.com, and Sunburn, the morning read of what’s hot in Florida politics. SaintPetersBlog has for three years running been ranked by the Washington Post as the best state-based blog in Florida. In addition to his publishing efforts, Peter is



Search Facebook



Andrew R. Brett

August 15, 2020 · 🌐



<https://youtu.be/8fSc1bNNpYI>

YOUTUBE.COM



DeNapoli - LYING - FALSIFYING - DENYING

DeNapoli - LYING - FALSIFYING - DENYING

2 Shares



Like



Comment



Share



Write a comment...

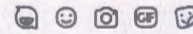


EXHIBIT "H"



EXHIBIT I 1



Andrew R. Brett

August 17, 2020 · 🌐



Once AGAIN..poor little Richard Napoleon DeNapoli..has his feelings hurt with TRUTH N FACTS..AND SUBPOENA NOT ONLY ME BUT 2 OTHER STATE COMMITTEEMEN CANDIDATES TRYING AGAIN TO SUPPRESS THE 1ST AMENDMENT FREEDOM OF SPEECH...GUESS RICHARD DENAPOLI FAILED THE CONSTITUTIONAL COURSE IN LAW SCHOOL??



👍👎😂 11

7 Comments 2 Shares

👍 Like

💬 Comment

➦ Share

Most relevant ▼



Tony Suriani
What happened?

Like Reply 2y



EXHIBIT I I cont



Andrew R. Brett
Scott Newmark Celeste Shank Ellich Michelle Lubin
Terris Jody Platt Steinlauf Familia Reyes. Annie Marie
Delgado Randy Ross Raymond DiTomasso Richard
Bryant Janet Klomburg Chris Nelson Javier Manjarres
Hilda Ramirez Gainza Magfret Juan Evans Juan Gainza
Jessica Wihlborg

Like Reply 2y



Barbara Vadala
Little Richard needs his head examined when she say

Like Reply 2y



Marty Falk
I am honored to vote for Richard. He helped me
straighten out the county when they would not let me
vote as my license was expired (The County is fully
booked for August and September. Then he followed up
with the county and then helped me get a Republ... See
more

Like Reply 2y



Andrew R. Brett
Marty Falk <https://youtu.be/8lSc1bNNpYI>

YOUTUBE.COM

DeNapoli - LYING - FALSIFYING
- DENYING

Like Reply 2y



Write a reply...



Karen K Hobson
What a bunch of cry baby lefties in disguise. They can't
stand your truth 🇺🇸🇺🇸 too damn bad!

Like Reply 2y Edited

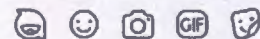


Andrew R. Brett
Karen K Hobson exactly

Like Reply 2y 2



Write a comment...





Search Facebook



Like Reply 2y



Marty Falk

I am honored to vote for Richard. He helped me straighten out the county when they would not let me vote as my license was expired (The County is fully booked for August and September. Then he followed up with the county and then helped me get a Republ... See more

Like Reply 2y



Andrew R. Brett

Marty Falk <https://youtu.be/8ISc1bNNpYI>



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING

Like Reply 2y

Monday, August 17, 2020 at 4:37 PM



Karen K Hobson

What a bunch of cry baby lefties in disguise. They can't stand your truth 🇺🇸 too damn bad!

Like Reply 2y Edited



Andrew R. Brett

Karen K Hobson exactly

Like Reply 2y



Write a comment...



EXHIBIT "I 2"
showing date August
17, 2020

9:29



← Andrew R. Brett



Andrew R. Brett

Aug 9, 2020 · 🌐

⋮



I WANT TO THANK ALL OF YOU FOR YOUR BIRTHDAY WISHES AND CONCERN FOR MY MOTHER!!

IF ALL WHO LIKED OR COMMENTED WOULD TAKE A MOMENT AND DONATE \$5.00 OR MORE TO MY CAMPAIGN FOR A FINAL MEDIA PUSH THIS COMING WEEKEND !

<https://www.brettforflorida.com/donate.html>

EXHIBIT "a"



👍❤️ 11

🔒 facebook.com

9:34



← Andrew R. Brett



Robert W. Sutton and 36 others

37

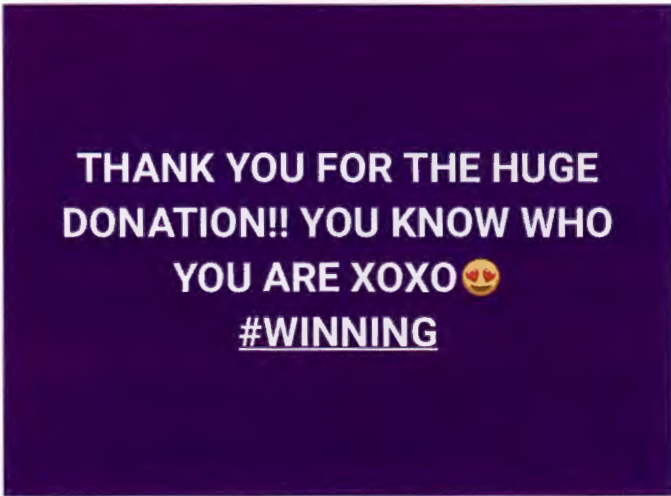
5

3



Andrew R. Brett

Jun 11, 2020 ·



13

13

5



Andrew R. Brett

Jun 11, 2020 ·



facebook.com

EXHIBIT b 1

9:35



Facebook

Open in the Facebook app

OPEN



Replies



Scott Newmark

just tell us. Why make us wait for the public finance reports.

2 yrs Like Reply 🙄 2



Andrew R. Brett

A Gay Conservative outside of Broward will have to surface for now!!

2 yrs Like Reply 👍 2

EXHIBIT B 2



Write a reply...



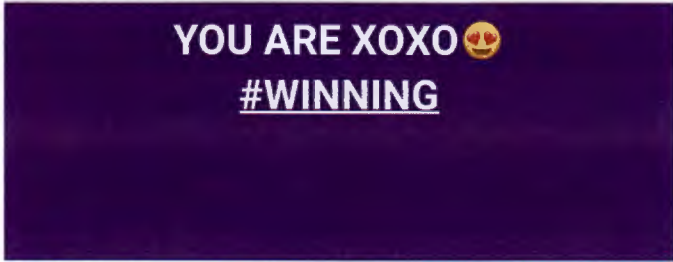
AA

facebook.com





Andrew R.'s post



👍 13

👍 13

💬 5



Scott Newmark

just tell us. Why make us wait for the public finance reports.

2 yrs Like Reply 🤗 2



Andrew R. Brett A Gay Conservativ...



Richard Bryant

Your welcome but I didn't think I would call \$20 huge 🤗

2 yrs Like Reply



Andrew R. Brett Thank you Richard...



Richard Bryant Andrew R. Brett yea...



Write a comment...



AA

facebook.com



EXHIBIT b3

9:35



Facebook

Open in the Facebook app

OPEN



Replies



Richard Bryant

Your welcome but I didn't think I would call \$20 huge 🙄

2 yrs Like Reply



Andrew R. Brett

Thank you Richard I just got your donation today xoxoxoxo

2 yrs Like Reply 1



Richard Bryant

Andrew R. Brett yeah I just read..



2 yrs Like Reply 1

EXHIBIT B4



Write a reply...



AA

facebook.com





Search Facebook



Like

Comment

Share

Most relevant ▾



Scott Newmark
just tell us. Why make us wait for the public finance reports.

Like Reply 2y



2

↳ Andrew R. Brett replied · 1 Reply



Richard Bryant
Your welcome but I didn't think I would call \$20 huge 🤔

Like Reply 2y



Andrew R. Brett
Thank you Richard I just got your donation today
XOXOXOXO

...

Like Reply 2y



Friday, June 12, 2020 at 1:59 PM

Andrew R. Brett yeah I just read.. 🤔🤔🤔

Like Reply 2y



Write a reply...

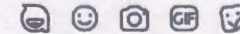


EXHIBIT "65"



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



September 8, 2022

Richard DeNapoli
Coral Gables Trust
401 E. Las Olas Blvd. #1510
Fort Lauderdale, FL 33301

RE: Case No.: FEC 22-182; Respondent: Andrew Brett

Dear Mr. DeNapoli:

The Florida Elections Commission received your complaint alleging a violation of Section 104.271(2), Florida Statutes. Pursuant to Rule 2B-1.0041, Florida Administrative Code, this allegation requires an expedited review process. Other allegations, if any, are processed as a separate complaint and do not require an expedited process.

Complainant essentially alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an opposing candidate which is false. Such statements must be made with actual malice.

The United States Supreme Court established the standard that a candidate for public office must meet before his opposing candidate can be held accountable for making a false statement against him in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). The Court emphasized the “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Id.* at 270. The Court said that neither erroneous statements nor statements injuring an official’s reputation forfeit the First Amendment protection, which should provide “breathing space” for freedom of expression. The Court held that “actual malice” requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false.

This complaint was filed on August 4, 2022; therefore, only allegations occurring on or after August 4, 2020, were considered pursuant to Section 106.25(2), F.S. The allegations relate to statements allegedly made by Respondent in a video and audio file, for which Complainant provided a lengthy transcript and various links. Complainant highlighted and took issue with the veracity of approximately 46 statements within the transcript.

Complainant provided a copy of an email sent by Respondent on August 4, 2020, to another individual and copied to Complainant. The email is titled, “DeNapoli – A Documentary of Lying – Denying – and – Falsifying.” The message stated, “Worth 10 Minutes of your time!!” Two files were attached: an mp3 file “Brett Audio Project (1)” and a png file “Capture (1) (3).” Complainant also provided an email sent by Respondent on August 5, 2020, to another individual but not copied to Complainant. It was titled, “Re: DeNapoli – A Documentary of Lying – Denying – and – Falsifying [sic] by Andrew

Richard DeNapoli
September 8, 2022
Page 2
FEC 22-182

R Brett.” The message stated, “video version.” On the same date, that email was forwarded to Complainant, who replied by stating, “Thank you for sending it. A defamation case has been filed.”

The August 5, 2020, email contained a link allegedly leading to the referenced video, which Complainant asserts was posted by Respondent on YouTube on August 4, 2020. Complainant alleged the video was “revised and republished” on or about August 12, 2020, and Complainant claimed that the revised version is still on YouTube. However, none of the links or attachments provided in the complaint led to an audio or video recording; they appear to have been taken down or are no longer available at any of the specified links. Because no files or videos were provided with the complaint, the accuracy of the transcript and whether the alleged false statements were made cannot be ascertained.

Complainant also provided a series of images showing posts allegedly made by Respondent after Complainant filed suit against Respondent in July 2020. However, the posts are all undated, so it cannot be determined if they fall within the two-year limitations period under Section 106.25(2), F.S. Regardless, the only statement by Respondent in the images that appears relevant to the allegations is, “DeNapoli – Lying – Falsifying – Denying,” which is essentially identical to the statements made in the email subjects previously discussed. At most, they appear to be generalized, statements of opinion and name-calling.

For these reasons, I find this complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Tim Vaccaro
Executive Director

TV/jd

Enclosure: Additional Complaint Information Form 2
cc: Andrew Brett, Respondent w/out Enclosure

FedEx®

RT865
1030
3494
A

ORIGIN ID:JDMA (954) 488-1890
RICHARD DENAPOLI
255 ALHAMBRA CIRCLE
333
CORAL GABLES, FL 33134
UNITED STATES US

SHIP DATE: 20SEP22
ACTWGT: 0.50 LB
CAD: 5168339/INET4530

BILL SENDER

TO FLORIDA ELECTIONS COMMISSION

107 WEST GAINES STREET
STE. 224
TALLAHASSEE FL 32399

(850) 922-4539

REF: FEC FOLLOW UP

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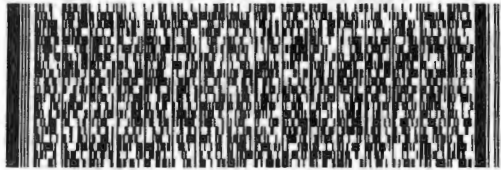
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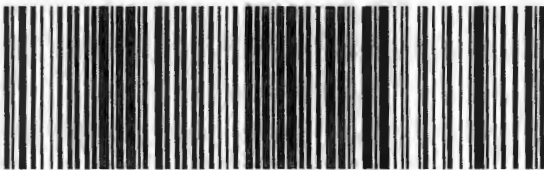


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PRIORITY OVERNIGHT

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REC'D: FL ELECTIONS COM
22 SEP '22 PM 8:45

9/20/22, 6:13 PM



Brett Case No. FEC-22-182Richard DeNapoli to: Florida Elections Commission 09/19/2022
03:07 PM
From: "Richard DeNapoli" <rdenapoli@yahoo.com>
To: "Florida Elections Commission" <fec@myfloridalegal.com>
Please respond to "Richard DeNapoli" <rdenapoli@yahoo.com>

Dear Mr. Vaccaro,

I just left you a voicemail. I received your letter dated September 8th for which I have until September 22, 2022 to respond. You have asked for some evidence relating to audio and video files. How can I get these to you? Shall I send a Jump drive or attempt to send them via email?

--Richard DeNapoli

*This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify me immediately by telephone or by replying to the message and deleting it from your computer.

Thank you *



Florida Elections Commission

107 West Gaines Street, Suite 224 Tallahassee, Florida 32399-6596

Telephone: (850) 922-4539 · Facsimile: (850) 921-0783

FEC@myfloridalegal.com · www.fec.state.fl.us



September 8, 2022

Richard DeNapoli
Coral Gables Trust
401 E. Las Olas Blvd. #1510
Fort Lauderdale, FL 33301

RE: Case No.: FEC 22-182; Respondent: Andrew Brett

Dear Mr. DeNapoli:

The Florida Elections Commission received your complaint alleging a violation of Section 104.271(2), Florida Statutes. Pursuant to Rule 2B-1.0041, Florida Administrative Code, this allegation requires an expedited review process. Other allegations, if any, are processed as a separate complaint and do not require an expedited process.

Complainant essentially alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an opposing candidate which is false. Such statements must be made with actual malice.

The United States Supreme Court established the standard that a candidate for public office must meet before his opposing candidate can be held accountable for making a false statement against him in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). The Court emphasized the “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials.” *Id.* at 270. The Court said that neither erroneous statements nor statements injuring an official’s reputation forfeit the First Amendment protection, which should provide “breathing space” for freedom of expression. The Court held that “actual malice” requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false.

This complaint was filed on August 4, 2022; therefore, only allegations occurring on or after August 4, 2020, were considered pursuant to Section 106.25(2), F.S. The allegations relate to statements allegedly made by Respondent in a video and audio file, for which Complainant provided a lengthy transcript and various links. Complainant highlighted and took issue with the veracity of approximately 46 statements within the transcript.

Complainant provided a copy of an email sent by Respondent on August 4, 2020, to another individual and copied to Complainant. The email is titled, “DeNapoli – A Documentary of Lying – Denying – and – Falsifying.” The message stated, “Worth 10 Minutes of your time!!” Two files were attached: an mp3 file “Brett Audio Project (1)” and a png file “Capture (1) (3).” Complainant also provided an email sent by Respondent on August 5, 2020, to another individual but not copied to Complainant. It was titled, “Re: DeNapoli – A Documentary of Lying – Denying – and – Falsifying [sic] by Andrew

Richard DeNapoli
September 8, 2022
Page 2
FEC 22-182

R Brett.” The message stated, “video version.” On the same date, that email was forwarded to Complainant, who replied by stating, “Thank you for sending it. A defamation case has been filed.”

The August 5, 2020, email contained a link allegedly leading to the referenced video, which Complainant asserts was posted by Respondent on YouTube on August 4, 2020. Complainant alleged the video was “revised and republished” on or about August 12, 2020, and Complainant claimed that the revised version is still on YouTube. However, none of the links or attachments provided in the complaint led to an audio or video recording; they appear to have been taken down or are no longer available at any of the specified links. Because no files or videos were provided with the complaint, the accuracy of the transcript and whether the alleged false statements were made cannot be ascertained.

Complainant also provided a series of images showing posts allegedly made by Respondent after Complainant filed suit against Respondent in July 2020. However, the posts are all undated, so it cannot be determined if they fall within the two-year limitations period under Section 106.25(2), F.S. Regardless, the only statement by Respondent in the images that appears relevant to the allegations is, “DeNapoli – Lying – Falsifying – Denying,” which is essentially identical to the statements made in the email subjects previously discussed. At most, they appear to be generalized, statements of opinion and name-calling.

For these reasons, I find this complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Tim Vaccaro
Executive Director

TV/jd

Enclosure: Additional Complaint Information Form 2
cc: Andrew Brett, Respondent w/out Enclosure

FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224,
Tallahassee, FL 32399-1050

ADDITIONAL COMPLAINT INFORMATION

Case Number: FEC 22-182

Pursuant to Rule 2B-1.0025, Florida Administrative Code, if you have additional information to correct the ground(s) of legal insufficiency stated in the attached letter, please explain in a concise narrative statement. Attach the statement and any relevant documentation to this form:

STATE OF FLORIDA

COUNTY OF _____

I swear or affirm that the information in the attached statement is true and correct to the best of my knowledge.

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this _____ day of _____, 20_____.

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.

FEC Form 2 (5/17)

Rules 2B-1.0025 & 2B-1.009, F.A.C.

COMPLAINT

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 it is brought.

1. PERSON BRINGING COMPLAINT:

Name: Richard DeNapoli Work Phone: (786) 497-1216
Address: c/o Coral Gables Trust, 401 E. Las Olas Blvd., #1510 Home Phone: (954) 488-1890
City: Fort Lauderdale County: Broward State: FL Zip Code: 33301

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

If you intend to name more than one individual or entity, please file multiple complaints. A person can be an individual, political committee, political party, electioneering communication organization, club, corporation, partnership, company, association, or other type of organization.

Name of individual or entity: Andrew Brett
Address: 4071 N Dixie Hwy Apt 26 Phone: (954) 667-5331
City: Oakland Park County: Broward State: FL Zip Code: 33334

If individual is a candidate, list the office or position sought: Broward Republican State Committeeman

Have you filed this complaint with the State Attorney's Office? (check one) Yes No
Are you alleging a violation of Section 104.271(2), F.S.? (check one) Yes No
Are you alleging a violation of Section 104.2715, F.S.? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please attach a **concise** narrative statement in which you 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 provisions of Chapter 104 and Chapter 106, Florida Statutes. Please include the following items as part of your attached statement:

- The facts and actions that you believe support the violations you allege;
- The names/telephone numbers of persons whom you believe may be witnesses to the facts;
- A copy or picture of any political advertisement(s) you mention in your statement;
- A copy of each document you mention in your statement;
- An explanation of why you believe information you reference from websites is relevant; and
- Any other evidence supporting your allegations.

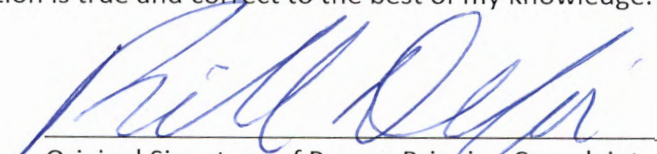
SEE REVERSE SIDE OF DOCUMENT FOR ADDITIONAL INFORMATION

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.

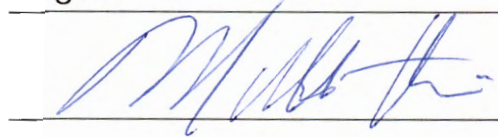
4. OATH:

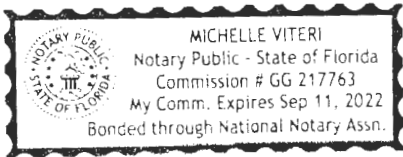
STATE OF FLORIDA
COUNTY OF MIAMI-DADE

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


Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 2nd day of
August, 20 22


Signature of Officer Authorized to Administer Oaths or Notary Public



Michelle Viteri
(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known Or Produced Identification
Type of Identification Produced _____

5. IMPROPERLY COMPLETED COMPLAINT FORMS MAY BE RETURNED:

- You **MUST submit this** completed complaint **form** in order to file a complaint.
- You **MUST** complete **ALL FOUR** of the above sections of this form. **DO NOT** leave any blanks.
- You **MUST** submit the **ORIGINAL** complaint form. Copied/faxed/emailed forms are returned.
- Each complaint can only be filed against **ONE PERSON** or **ENTITY**. If you wish to file against multiple parties, you **MUST** submit a complaint form **for each party** you wish to file against.
- **DO NOT** submit multiple complaint forms with one set of attachments applying to multiple complaints. You **MUST** attach **copies** of attachments to **each complaint** to which they apply.
- **MAKE SURE** the alleged violation(s) of **Chapters 104 or 106** occurred within the last **2 years**.
- **MAKE SURE** your complaint is **sworn** and there is **no defect** to the **notarization** in Section 4.

FLORIDA ELECTIONS COMMISSION COMPLAINT

AGAINST ANDREW BRETT

This is a complaint by Richard DeNapoli (hereinafter “me”, “I”, or “DENAPOLI”), elected Broward Republican State Committeeman, against Andrew Brett (hereinafter “BRETT”), candidate for Broward Republican State Committeeman in the election that took place on August 18, 2020. While I understand that the statute of limitations is two years, I have included some information here as reference that is from slightly prior to the two-year period. However, the substance of the following alleged violations of Chapter 104 and Chapter 106 are all still within the two-year period and I believe there exists probable cause for each of these, that they were willful violations, and ask that the Commission refer my complaint as appropriate to the Broward State Attorney. This complaint contains three allegations which would all be violations of Florida Statutes.

Allegation #1:

BRETT’s failure to file a report of all contributions he received and all expenditures made during his State Committeeman campaign, which report was required under Florida Statute 106.0702 and due on the 4th day immediately preceding the primary election, or August 14, 2020. The statute of limitations for failure to file this report would thus end on August 14, 2022.

This report was required to be filed by “an individual seeking a publicly elected position on a political party executive committee who receive a contribution or makes an expenditure...” Brett was seeking such a position, did claim to have received contributions via social media, and failed to file the report with the Broward Supervisor of Elections.

Pursuant to Section (7)(a) of 106.0702, “A reporting individual who fails to file a report on the designated due date is subject to a fine, and such fine shall be paid only from personal funds of the reporting individual. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater. The fine shall be assessed by the supervisor, and the moneys collected shall be deposited into the general revenue fund of the political subdivision.”

BRETT first claimed on June 11, 2020 via Facebook and email the following: “Whatever amount of money you can donate to help fund my campaign is deeply appreciated. Please make your campaign donations out to “Brett for Florida” and mail them to BRETT FOR FLORIDA 3930 NW 34th Terrace, Lauderdale Lakes, FL 33309...Paid for an Approved by Brett for Florida and Andrew R. Brett, Broward Republican State Committeeman. This is sent from a no-cost email and or messenger platform.” Brett omitted the “for” in Andrew Brett for State Committeeman. (See Exhibit 1.)

BRETT also on June 11th wrote on Facebook “THANK YOU FOR THE HUGE DONATION!! YOU KNOW WHO YOU ARE XOXO #WINNING” (See Exhibit 2 and 2B.)

In the comment there is a post by Richard Bryant saying “You welcome but I didn’t think I would call \$20 huge” to which BRETT wrote back “Thank you Richard I just got your donation today xoxoxoxoxo” (See Exhibit 2B.)

BRETT then claimed on June 16th via Facebook: “Thank you to those who are sending in donations for my campaign...every dollar helps...please if you can \$5 \$10 \$1000 Make Checks payable to BRETT FOR FLORIDA 3930 NW 34th Terrace, Lauderdale Lakes, FL...” (See Exhibit 3)

Later Marlene Marin on Facebook wrote: “Don’t vote for Andrew Brett as a committeeman...He is a lyer and thief ... he ordered shirts from me for his campaign. I delivered them to his house on a Tuesday. He told me ill zelle you the money by Saturday...he never paid me. and then when I asked him again he blocked me. Then I called his partner ryan who paid me 100 dollars out of his own money so now he still owes me 100. ANDREW BRETT IS A SCAMMER AND A LYER DONT TRUST HIM FOR COMMITTEEMAN.” BRETT wrote that “I was advised that the 24 t-shirts were an in kind contribution and wasn’t made aware till 10 minutes till she arrived at my home it was \$200....” (See Exhibits 4, 4B, Marin post and Facebook response post by BRETT).

Despite the above evidence that he did receive and/or expend funds for his campaign, BRETT did not file a campaign finance report on August 14, 2020, as required. **BRETT’s failure to file the report would also be a violation of F.S. 106.19(1)(b), regarding knowing and willful failure to report a contribution by a candidate.**

Names/telephone numbers of persons whom I believe may be witnesses to the facts of Allegation #1:

Marlene Marin, 954-208-4073

Richard Bryant, 954-668-0062

Ryan Murphy, 954-889-4088

Broward Supervisor of Elections Joe Scott, 954-357-8683, who was not in office as Supervisor of Elections at the time, but who can validate that no campaign report was received from BRETT.

Allegation #2:

BRETT violated F.S. 104.271(2) when he, a candidate who, in a primary election or other election, with actual malice made or caused to be made any statement about me, an opposing candidate, which is false is guilty of a violation of this code. The statute reads that

“an aggrieved candidate may file a complaint with the Florida Elections Commission pursuant to s. 106.25. The commission shall adopt rules to provide an expedited hearing of complaints filed under this subsection. Notwithstanding any other provision of law, the commission shall assess a civil penalty of up to \$5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the state.

BRETT, during the election for Broward Republican State Committeeman in 2020, did with actual malice make or cause to be made multiple statements that were false about me, Richard DeNapoli, in violation of this code. These false statements involved a video which is transcribed below, as well as various Facebook posts, and emails, all made during the election which concluded on August 18, 2020.

These violations began during the 2020 election and are continuous to this day, since the video remains up. Even after I filed litigation against BRETT in July 2020, he still continues to publish these falsehoods.

While BRETT had made some posts and contacted my employers making false accusations that resulted in my initial lawsuit against Brett served on him on or about July 22, 2020, it was on August 4, 2020, that he produced a defamatory audio file. He previewed his actions on August 3, 2020, when he posted on Facebook “Stay tuned for the upcoming documentary .. “DeNapoli – Lying, Denying and Falsifying!!” by Andrew R. Brett you next elected State Committeeman!” (See Exhibit 5, Brett Facebook post dated 8/3/2020)

As stated above, it was on August 4, 2020, that BRETT produced a defamatory audio file titled “Brett Audio Project (1).mp3.” (See Exhibit 6)

This was followed up with a video that same day. The video is entitled “DeNapoli – LYING – FALSIFYING – DENYING”. BRETT posted the video on his YouTube channel on August 4, 2020. BRETT emailed out the video on August 5, 2020. (See Exhibit 7, email to John Hume)

You can find the original video here that was posted on August 4, 2020, which I downloaded to my personal Google Drive. This video was later revised and republished.

<https://drive.google.com/file/d/1eipxprISfSBBaZ3N-N0ZBqw9HBrfle-p/view?usp=sharing>

You can find the revised Brett video still on his YouTube channel, published August 12, 2020, with over 2,800 views, at <https://youtu.be/8lSc1bNNpYI>

I have provided a transcript of the Audio/Video below *in italics*, which my notes in **boldfaced [brackets] containing the reason why the statements he made are false:**

BEGINNING OF TRANSCRIPT OF BRETT’S VIDEO AGAINST ME CONTAINING NUMERABLE FALSEHOODS ###:

“The following is documented proof about Richard DeNapoli from 1) the Palm Beach County Sheriff’s Office, 2) the Florida court documents lawsuit and case numbers, 2) six reports from the Hollywood police department, 4) national and local media documents Richard’s under achievements, 5) affidavits, and 6) prior to 2006 while living in New York City Richard DeNapoli was a registered Democrat and interned at the Clinton White House.” [This sentence contains multiple false statements.] “A Democrat. In 2006, Richard DeNapoli filed to run for Palm Beach County Commission. He falsified an address in Wellington.” [I made no falsification of an address. The screen of the video shows Palm Beach Sheriff’s office Case # 18-134985, which is an allegation by Benjamin Bennett, another State Committeeman candidate, marked “inactive.”] “Investigators went to the address listed. The occupants never

heard of Richard or much less knew him.” [This gives the impression of a criminal case, when there was no follow up and the case was marked “inactive.”] “He actually was living in Hollywood. Palm Beach County Sheriff’s Office Case #18-134985. In 2006 Richard DeNapoli didn’t win the Palm Beach race [I withdrew in qualifying week so did not actually run] and decides to run for Hollywood City Council and lost.” [False, I withdrew from the race and was not defeated.]

“In 2007 Richard DeNapoli applied for an appointment with Governor Crist. He misled or omitted on the application a complete or correct address.” [False.] “He was not appointed and a huge supporter of Crist and not Marco Rubio.” [False: I was in fact appointed to the Florida Real Estate Commission in 2007, and this is easily found in a simple google search. Also, this false statement alludes to the Crist v. Rubio Senate race in 2010, which is three years after 2007, in which I did in fact support Rubio in the general election.]

“In 2010, he was Chairman of the Broward Republican Executive Committee and declined to run for a second term due to lack of leadership.” [False: I got a job on the west coast of Florida and chose not to run for this volunteer position.] “In 2010, Richard DeNapoli made racist remarks regarding Colonel Allen West saying he wouldn’t become a Congressman because he was black.” [False: there is no evidence whatsoever of me making such a statement, I would never make such a statement, and I was in fact a strong and very public and financial supporter of Allen West and his campaign.]

“In 2011, BREC Chairman Richard DeNapoli instructed BREC Treasurer Mark McCarthy to file a false police incident report in order to try to instigate a false wire tapping claim.” [False: I never did such a thing and there is no basis or evidence for this claim, and BRETT is aware of this.] “On July 7, 2011, BREC Chairman Richard DeNapoli wanted former BREC Chairman and current Broward County Commissioner Chip LaMarca to file the report but Lamarca did not want to get involved with this illicit activity and refused. [False: Chip LaMarca was not a current Broward County Commissioner as of 2020 when this video was aired and there was no illicit activity whatsoever in 2011.] “Since resigning as Chairman of BREC, LaMarca was elected to represent District 4 of the Broward County Commission.”

“Corruption. In 2012, Richard DeNapoli claims to have served in the Marines but he cannot provide a DD214.” [False: I did a voluntary drop after injury from USMC Officer Candidate School (OCS) in Quantico, VA. Per materials I received from the Department of the Navy in November 2013, records showed that I enlisted in the Platoon Leader Course of the Marine Corps Reserve on October 3, 2002. I performed active duty for training from January 19, 2003 to February 10, 2003. I was disenrolled from the program on February 25, 2003 as an entry level separation.]

“In 2015, Richard DeNapoli ordered BREC Treasurer Mark McCarthy to destroy all BREC financial records from 2015 back.” [False.] “Why, what was incriminating that needed to be destroyed?” [Brett implies incriminating behavior.]

“In 2016, Richard DeNapoli ran for office in Sarasota and falsified his address in Venice Florida when he still lived in Hollywood.” [False. This election was in 2014 and I owned

since 2013 and still own to this day a home at 624 Alhambra Rd., Venice, FL 34285. There was no falsification of my address and this is easy to verify with a property records search and BRETT can easily find this out.] *“In 2016, Richard DeNapoli as a candidate called opponent Benjamin Bennett at 9 PM on a Sunday night from Mangos on Las Olas Boulevard in Fort Lauderdale intoxicated stating it costs lots of money to run that you don’t have. Why don’t you reconsider not running.”* [False. I never made these statements and have never called Benjamin Bennett while intoxicated.]

“In 2016, Richard DeNapoli is elected State Committeeman.”

(The following section appears in the original BRETT Video posted to his YouTube account on August 4, 2020, which he also emailed out and posted on Facebook. This section was removed and the video was otherwise reposted with the same content on August 12, 2020, after an emergency injunction court hearing in Broward County Court hearing.)

At 3:04 in the original Brett video ... *“In 2016, Richard DeNapoli witnesses his mother performing fellatio in the back seat of the car coming home from the Fort Lauderdale airport. The witness’s name is protected. In 2017, during Richard DeNapoli’s divorce, he refused to pay child support, alimony or pay for his autistic child’s speech therapy. Ordered by State Judge to ante-up Case No. FMCE 17-0052030(33).”* [These attacks are not only false but atrocious.]

“In 2017, John Doe, aka Jeffrey Brown per Richard DeNapoli sent harassing emails to Republican business and BREC Members.” [False: I did no such thing.] *“One in particular email was sent to a business outing a BREC member as a gay man whose name is protected who is employed there and tried extortion which failed. Case # CACE 17-019487”* [False: I had no involvement as a plaintiff or defendant in this matter, and this video falsely claims otherwise as this BRETT video is clearly about me. This is a case by Kevin Tynan, Plaintiff, versus Jeffrey Brown, Defendant. It included “John Doe” as a placeholder defendant and then Jeffrey Brown was added. I was subpoenaed in this case as a non-party and had nothing to do with the subject matter of the suit.]

“In 2017, Hollywood police were called to Richard DeNapoli’s home for domestic violence two times however were called four previous times to the same address per Hollywood police records number 331770408916 and 331704079506.” [Police were called to my house by my then wife for a “domestic disturbance” specifically identified on the report as “non crime.” The second record number cited was just a follow up to the same original call per the records. See Exhibits 8 and 8B. There was no evidence of any physical violence and even the judge in my divorce case stated that “Wife raised, for the first time at trial, the unsupported allegation that Husband physically assaulted her. The Court rejects this claim as not credible and false.” The “four previous times” the police were called to my address in Hollywood were related to two separate burglary matters where I was the victim and a renter contacting the police while I was living in Sarasota.]

“In 2017, Richard DeNapoli ran a prostitution ring from his home and website pay for play per a website search.” **[This is absolutely false with no basis in fact. I have not done any such thing and do not understand where Brett would ever come up with these allegations.]**

“In 2017, Richard DeNapoli paid Rico Petrocelli \$75,000 from the BREC Treasury...for what?” **[False: I had no such control over the BREC Treasury and the Supervisor of Elections records can easily show that this allegation never occurred. Brett is likely conflating two different periods in time. Rico Petrocelli served as the Executive Director of BREC from 2010-2012, whereupon during the course of those two years he was paid approximately \$75,000 by BREC after being hired through a vote by the BREC Executive Board. Additionally, Brett posts a picture of Anthony Weiner during this moment in the video making further implications.]**

“In 2017, Rupert Tarsey, business partner and Richard DeNapoli are bedfellows of a corruption and deceit documented by BREC records and national media.” **[False: BRETT claims “corruption and deceit” and provides no details as there was neither committed by me.]**

“In 2017 Richard DeNapoli twice verbally assaulted a Navy Veteran and Vice Chairwoman of BREC, Celeste Ellich.” **[False: There was no “assault” is this false claim was debunked long ago. I have never been arrested nor charged for any “assault”, which is a misdemeanor under Chapter 784, Florida criminal Statutes. This is yet another false claim by BRETT that can easily be debunked.]**

“In 2017 Richard DeNapoli at Stingers in Pompano Beach. Broward Sheriff’s office was called for continued assaults by Richard DeNapoli on Vice Chairwoman BREC Committeewoman Celeste Ellich.” **[False: This restates the prior sentence and claims that I performed the crime of continued “assaults” when I did not. BRETT is aware of how his friend Ben Bennett made the call to the police, and that no arrests or charges were filed because this claim was false.]**

“In 2018, Richard DeNapoli sold a Republican list to Democrats for \$500 paid to the order of Praetorian Counseling to 6722 NW 122nd Ave., Parkland FL 33076. Candidate Judge Walter Dale Miller came forward and declined to purchase that list. How many others did purchase it?” **[False: I sold no such list and do not have anything to do with that address. This is another false claim that Brett knows was debunked and states the claim as a fact when it is false.]**

“In 2018, Richard DeNapoli gave State Representative Chip LaMarca \$29,000 for flat screen TVs, why?” **[False: This is a ludicrous claim that has no basis in fact.]**

“In 2019, Richard DeNapoli again applied for an appointment with Governor DeSantis. Again he misled or omitted the application with incomplete addresses. Word on the street is from protected source, Richard will never be appointed by Governor DeSantis for anything.” **[False: I made no applications with omitted or incomplete addresses, and Brett makes further claims of hearsay acting as if he is a reporter.]**

“In 2019, Richard DeNapoli willingly refused to charter a trump club with BREC per Chairman Moraitis and refused with other club applications as well.” **[Here Brett once again claims without providing evidence that either 1) Chairman Moraitis is claiming I refused to charter a Trump club with BREC when in fact I am but one of three votes or 2) alternatively and falsely that I have some influence over Moraitis and caused him to make that decision. It is difficult to ascertain what Brett’s claims are here when he frequently uses the “per Richard DeNapoli” statement.]**

“In 2019, Richard DeNapoli willingly brought a high-ranking Democrat from Chicago and friend of president of Obama Broward School Superintendent Robert Runcie to speak as a guest speaker at a BREC meeting. Again, proof Richard DeNapoli and the entire executive committee were supporting Democrats. We need Nancy Cooke’s secretary report showing there was nobody voting against this.” **[False: I had nothing to do with bringing Runcie to the BREC meeting. He was invited by Chairman Moraitis. The fact that Brett says he needs the secretary report shows BRETT is making the claim without evidence.]**

“In 2019, Richard DeNapoli willingly did not file the Log Cabin Republicans of Broward charter to the Republican Party of Florida.” **[False: I am not responsible for filing this charter nor did I have the application to file. It was BRETT’s responsibility to do this.]**

“In 2020, Chairman George Moraitis and Richard DeNapoli tried to silence the Log Cabin Republicans of Broward and President Andrew R. Brett by not using the Log Cabins of Broward when this club is a chartered member of the national Log Cabin Republicans organization and Andrew R. Brett is recognized as the organization’s current president. Are the Chairman George Moraitis and Richard DeNapoli homophobic, racist and against veterans?” **[Brett here falsely claims that myself and Moraitis tried to “silence” him and the club. I am aware of an emailed takedown notice from Moraitis dated June 24, 2020, to Andrew Brett asking him to cease using the word “Republican” in his club title because his organization had not submitted the paperwork for rechartering despite repeated requests. Additionally, somehow BRETT manages to imply that Moraitis and me are “homophobic, racist, and against veterans.” Once again, the takedown notice was not even sent by me. See Exhibit 9]**

“In 2020, Richard DeNapoli claims to have raised \$500,000 for BREC. Where is it?” **[I made it clear that I helped raise this money during my many years with the organization and serving as chair or co-chair of various fundraising events. All fundraising is on the Broward Supervisor of Elections reports.]**

“In 2020, Richard DeNapoli’s campaign site says if you donate \$20 or more you’ll get a Make Broward Great Again Hat. The FEC States you cannot do this. It’s a campaign violation.” **[FALSE: There is no prohibition to such a practice, as it is commonly done by state and federal candidates. Brett’s accusation is thus a violation of 104.271(1), where Brett is “willfully charging [me,] an opposing candidate participating in such election with a violation of any provision of this code [Chapter 104], which charge is known by the candidate making such charge to be false or malicious...” Brett is making so many charges in this video and in other mediums that it is malicious.**

“In 2020, Richard DeNapoli continues false claims of being endorsed by Republican organizations. This fact is checked and its more lies.” **[False. I was endorsed by many people and groups.]**

“In 2020, the BREC office is closed normal business hours during the primary.” **[While not directly relating to me, this was likely false. I was not in charge of the BREC office during this time.]**

“In 2020, current girlfriend Shea Donahue runs a dating agency in Palm Beach County, www.revolutiondating.com.” **[False: Ms. Donahue worked for the dating agency through the later part of 2019 but never owned or ran the agency. She was an employee among many.]**

“In 2020, Broward County is last out of 67 Florida counties for Republican registrations. Again, a failure showing Richard DeNapoli’s lack of leadership.” **[False: in raw numbers, I am sure Broward had more new Republican registrations than other counties in Florida, and as I am not the party chairman, I don’t know why this is directed at me.]**

“In 2020, he has filed two frivolous lawsuits against Republican candidates Andrew Russell Brett and Benjamin Bennett, for exposing the real Richard DeNapoli.” **[While I did file these lawsuits in Broward County, they were not deemed frivolous by the Court.]** *“Is Richard DeNapoli against the first amendment, freedom of speech in the political arena? Another tactic of Richard DeNapoli, intimidation and bullying.”* **[It is not intimidation or bullying to protect oneself against defamation.]**

Gold Coast Republicans was formed by Richard DeNapoli with three members. Where are the financials? **[Here, Brett implies that this Republican club is a reporting entity, when in fact it is not required to file reports.]**

“Richard DeNapoli’s campaign website states he created many Republican clubs. That’s one club....and declined to add other chartered club applications, picking and choosing clubs to add and discriminating against others.” **[My campaign website stated that I “founded and co-founded Republican Clubs in Broward!” I founded the Republican Club of Greater Hollywood, and co-founded the Gold Coast Republican Club, and assisted in chartering many others. I certainly did not “discriminate” against others, and in fact assisted the Log Cabin Republican Club over the years, which BRETT was and is aware of.]**

“Richard DeNapoli clearly has a pattern of racism, homophobia, anti-veterans, not telling the truth, bullying, corruption and intimidation.” **[False on all counts.]**

“Richard DeNapoli has violated the Republican Party of Florida loyalty oath many times and cannot be brought up on said charges as he’s the chairman of the Grievance Committee.” **[False: There has never been any conviction of me by the Republican Party of Florida for a loyalty oath violation. BRETT is aware that prior accusations by political opponents of mine were dismissed by the Grievance Committee when I was not a member of the Grievance Committee. Yes, I am the Chairman of the Grievance Committee currently but there is a process for someone making a complaint against me if need be.]**

“Richard DeNapoli was appointed by Republican Party of Florida Chairman Joe Gruters to be Chairman of the Grievance Committee where many grievances has been filed against Richard DeNapoli and have never been heard.” **[False: a grievance was re-filed against me on or about the day I was appointed Grievance Chair in what was most assuredly a political stunt. This grievance against me had just been dismissed by the prior Grievance Committee and thus was invalid as there is no such process to re-file a grievance for the same accusation when the matter has already been heard.]**

“Seeing a pattern here of corruption and deceit within the Republican Party of Florida and BREC? BREC has refused to provide Broward State Committee candidates the BREC Membership List. Folks, you can see by the factual, documented, evidence facts that Richard DeNapoli has a history of lying, denying and falsifying during his career representing Broward County.” **[False: these accusations are not based in fact, and I have not done the things Brett accused me of.]**

“The time has come to remove this virus and elect Andrew Russell Brett as your next Broward County State Committeeman. Remember to vote on August 18th.”

END OF TRANSCRIPT ###.

BRETT posted these audio/video attacks after he was served with my suit. (See Exhibit 10, containing various images.) He even posted in a video on the night of August 6, 2020 that he was sending the attack to other politicians throughout the state of Florida. He also caused the video to be texted to many people throughout the state of Florida who could not even vote in the election. This was all meant to damage my reputation.

BRETT knew these claims in the audio/video/posts were false. The sheer volume of falsities shows their maliciousness, as well as the fact that I had sued BRETT for defamation in July 2020 and this video was produced after the suit was filed. Even after the emergency court hearing held regarding this video on August 12, 2020, which was filed on August 6, 2020, BRETT continued to post these attacks when he knew that I was claiming they were false. Some of BRETT’s accusations involve criminal activity, such as running a prostitution ring, for which there is no evidence whatsoever and for which I obviously did not do. On their face, such accusations are false and defamatory.

BRETT’s citation to various documents shows that he was well aware of their content and how to research the background of his claims. Anyone researching these matters can easily find out that they were false as I have never been arrested let alone charged for anything outside of civil infractions for traffic tickets. I am an attorney in good standing with the Florida Bar as well as the Chief Trust Officer of a Florida-chartered trust company regulated by the Florida Office of Financial Regulation and have a clean record.

The documents BRETT cited on their face disprove the claims he is making as he can clearly research the outcome of the claims, which are all merely allegations made. BRETT states these claims and allegations as facts in his audio/video attack, which is why his claims are false and in violation of F.S. 104.271.

ALLEGATION #3

BRETT violated F.S. 104.271(1) when he, a candidate who, in a primary election or other election, willfully charged me, an opposing candidate participating in such election with a violation of any provision of this code, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree.

As referenced above in the Transcript of the Audio/Video, BRETT claimed that *“In 2020, Richard DeNapoli’s campaign site says if you donate \$20 or more you’ll get a Make Broward Great Again Hat. The FEC States you cannot do this. It’s a campaign violation.”* This statement is false as there is no prohibition to such a practice, as it is commonly done by state and federal candidates as well as political committees. Governor DeSantis currently is offering similar items on his website. Brett’s accusation is thus a violation of 104.271(1), where Brett is “willfully charging [me,] an opposing candidate participating in such election with a violation of any provision of this code [Chapter 104], which charge is known by the candidate making such charge to be false or malicious...” Brett is making so many charges in this video and in other mediums that it is malicious and he shows his awareness of things by citing various documents that easily disprove what he is claiming.

General Witness to Allegations #2 and #3:

Michele Merrell, 954-540-0366

John Hume, recipient of the video via email: 954-493-7927

Evan Power, 850-519-1062

CONCLUSION

I would like the Florida Elections Commission to investigate and prosecute these above claims and believe there to be ample evidence supporting them.

Sincerely,



Richard DeNapoli

← Greetings, Patriots, As you may know, I a...



Andrew R. Brett

5 hrs · 🌐



Greetings, Patriots,

As you may know, I am running for State Committeeman in Broward County against Richard DiNapoli. Why now? It has become abundantly apparent that Broward County needs a candidate who is TRULY 100% committed to Governor DeSantis, to President Trump, and to the REPUBLICANS OF BROWARD COUNTY.

This is a critically necessary battle for the meaningful, TRUE Broward County Republican change that is NOW needed! YOUR financial help and support will enable me to prevail to become your new State Committeeman in Broward County. A relentless, staunch Republican advocate, I seek your financial support as I am starting at "GROUND ZERO" today to meet this challenge! TOGETHER, we can build TRUE Republican Broward County representation! However, "time is of the essence" as we have VERY LITTLE TIME to raise funds and to assure that my web site and social media are functionally capable of meeting this critically needed Republican campaign challenge. (NOTE: Absentee ballots are sent this July 18. and this August 18 for the Primary vote.)

Whatever amount of money you can donate to help fund my campaign is deeply appreciated. Please make your campaign donations out to "Brett for Florida" and mail them to:

BRETT FOR FLORIDA
3930 NW 34TH TERRACE LAUDERDALE LAKES, FL 33309
Best,

Andrew
Andrew Brett, Republican Candidate, Broward State Committeeman
Arbrett8464@gmail.com or brettforflorida@gmail.com
954-664-5331

Paid for and Approved by Brett For Florida and Andrew R Brett, Broward Republican State Committeeman. This is sent from a no-cost email and or messenger platform.



4

EXHIBIT 1

12:31



AA

facebook.com



Andrew R. Brett

June 11 at 1:57 PM · 🌐



THANK YOU FOR THE
 HUGE DONATION!! YOU
 KNOW WHO YOU ARE
 XOXO 😊
 #WINNING



👍 Like

💬 Comment

➦ Share

👍 13



Scott Newmark

just tell us. Why make us wait for the public finance reports.



3 wks Like Reply More



Andrew R. Brett replied · 1 reply



Richard Bryant

Your welcome but I didn't think I would call \$20 huge 😊



3 wks Like Reply More



EXHIBIT 2

12:31



AA

facebook.com



THANK YOU FOR THE
 HUGE DONATION!! YOU
 KNOW WHO YOU ARE
 XOXO 😊
 #WINNING

Like

Comment

Share

13



Scott Newmark

just tell us. Why make us wait for the public finance reports.

2

3 wks Like Reply More



Andrew R. Brett replied · 1 reply



Richard Bryant

Your welcome but I didn't think I would call \$20 huge 😊

3 wks Like Reply More



Andrew R. Brett

Thank you Richard I just got your donation today xoxoxoxo

1

3 wks Like Reply More



EXHIBIT 2B

9:26

LTE

AA

facebook.com

Y'all need to be talking about Act Blue the way y'all talk about the 2nd collection plate and the love offering for the visiting pastors in church... But no, you will continue to let the people come in your pulpits to offer false hope and lies before the congregation every four years.

If you donate to BLM and think that your coin is truly helping a... [More](#)



Like



Comment



Share



Andrew R. Brett

15 mins ·

THANK YOU TO THOSE WHO ARE SENDING IN DONATIONS FOR MY CAMPAIGN...

EVERY DOLLAR HELPS... PLEASE IF YOU CAN \$5 \$10 \$1000

MAKE CHECKS PAYABLE TO:

BRETT FOR FLORIDA

3930 NW 34TH TERRACE

LAUDERDALE LAKES, FL.... [More](#)

X



2

1 Share



Like



Comment



Share

EXHIBIT 3





Marlene Marin

2h · 👤



Do not vote for Andrew Brett as a committeeman. He is a lyer a thief and will use you for what he can get. He ordered shirts from me for his campaign. . I delieved them to his house on a Tuesday. He told me ill zelle you the money by Saturday. I waited all day . figured i would trust him since he was a friend. I asked him Saturday and never saying anything. he never paid me. and then when I asked him again he blocked me. Then I called his partner ryan who paid me 100 dollars out of his own money so now he still owes me 100. . ANDREW BRETT IS A SCAMMER AND A LYER DONT TRUST HIM FOR COMMITTEEMAN

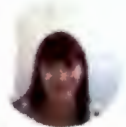
👍👎👤 10

8 Comments 2 Shares

👍 Like

💬 Comment

💬 Send



Janet Klomburg

You gotta be kidding me!



Marlene Marin

Janet I wish i was. when i told him when will i expect the money he bloc... See More

EXHIBIT 4

8:13



facebook.com



Andrew R. Brett

1 hr · 🌐



It's appalling and extremely disingenuous that a fellow Republican and Ambassador For Americans For Trump can be so callous and mean spirited to me. Those who KNOW ME can and will attest that I AM NOT those as she claims and described!! FACT

I was advised that the 24 t-shirts were an in kind contribution and wasn't made aware till 10 minutes till she arrived at my home it was \$200. If I knew at the onset-- I sure would NOT have moved forward whatsoever! FACT!!

Due to her antics and blasphemy, I have requested to President of Americans For Trump Scott Newmark that she and her husband be banned today from the organization and both be stripped from their Ambassador status.

She also contacted me to write a FALSE review of her daughter's pet sitting business which I know nothing about nor her daughter nor how she treats animal's! Again, I DON'T lie and did not write the review.

Now moving forward 😊

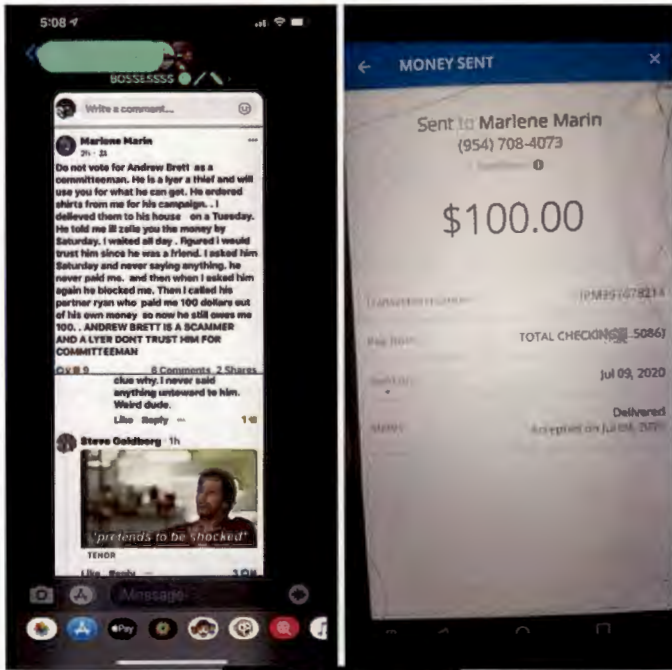
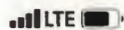


EXHIBIT 4B

10:08



facebook.com



2

7 Shares



Like



Comment



Share



Andrew R. Brett

1 hr · 🌐



Stay tuned for upcoming documentary..

"DeNapoli - Lying, Denying and Falsifying!!"

By Andrew R.Brett you next elected State Committeeman!



9

1 Comment 7 Shares



Like



Comment



Share



Olive Simmons ▸ Andrew R. Brett

1 hr · 🌐



Happy Birthday Andrew!

1 Comment

EXHIBIT 5

8/2/22, 1:06 AM



DeNapoli- A Documentary of Lying- Denying - and - Falsifying - Yahoo Mail

DeNapoli- A Documentary of Lying- Denying - and - Falsifying

rdenapoli@yahoo.../Inbox

Aug 4, 2020 at 3:13 PM



Andrew Brett <arbrett8464@gmail.com>
To: **Mary Sturm** <marysturm22@gmail.com>
Bcc: rdenapoli@yahoo.com

Worth 10 Minutes of your time!!

2 Files 9.1MB



Brett Audio Project (1).mp3
9MB



Capture (1) (3).PNG
22kB



EXHIBIT 6

Re: DeNapoli- A Documentary of Lying - Denying - and - Falsifying by Andrew R Brett

rdenapoli@yahoo.../Sent



Richard DeNapoli <rdenapoli@yahoo.com>
To: **John Hume** <johnhume@comcast.net>

Aug 5, 2020 at 2:08 PM

Thank you for sending it. A defamation case has been filed.

—Richard DeNapoli

*This email is intended only for the use of the party to which it is addressed and may contain information that is privileged, confidential, or protected by law. If you are not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, copying or distribution of this email or its contents is strictly prohibited. If you have received this message in error, please notify me immediately by telephone or by replying to the message and deleting it from your computer. Thank you *

On Aug 5, 2020, at 1:52 PM, John Hume <johnhume@comcast.net> wrote:

FYI
john

From: Andrew Brett [mailto:arbrett8464@gmail.com]
Sent: Wednesday, August 05, 2020 1:27 PM
To: johnhume@comcast.net
Subject: Re: DeNapoli- A Documentary of Lying - Denying - and - Falsifying by Andrew R Brett

video version

https://www.youtube.com/watch?v=eQF6iLR-RK0&feature=youtu.be&fbclid=IwAR2HcC5qSjuZrO9RcVRAmYws_ZTF9BggrvU5jIVSvEpMSrYtgGs3tlwwho

On Tue, Aug 4, 2020 at 4:29 PM Andrew Brett <arbrett8464@gmail.com> wrote:
WITH THE 10 MINUTES... PLEASE SHARE



Virus-free. www.avast.com

EXHIBIT 7

REPORTING OFFICER NARRATIVE

Hollywood Police Department

Victim

Offense

DOMESTIC DISTURBANCE (NON-CRIME)

OCA

33-1704-078916

Date / Time Reported

Wed 04/26/2017 18:44

ON 4/26/2017 AT APPROXIMATELY 1845HRS I RESPONDED TO 4416 JACKSON ST IN REFERENCE TO A DOMESTIC DISTURBANCE.

CONTACT WAS MADE WITH REPORTEE, BRIGITA DENAPOLI. DENAPOLI STATED SHE SERVED HER HUSBAND, IDENTIFIED AS RICHARD DENAPOLI, WITH DIVORCE PAPERS THIS MORNING. BRIGITA STATED RICHARD CAME HOME AND BEGAN TO ARGUE. BRIGITA STATED SHE CALLED POLICE UPON HIS ARRIVAL. BRIGITA STATED THE INCIDENT WAS CONTAINED TO A VERBAL ARGUMENT ONLY.

CONTACT WAS MADE WITH RICHARD DENAPOLI. RICHARD STATED HE RETURNED HOME TO GRAB SOME OF HIS BELONGINGS AND HIS WIFE, BRIGITA, BEGAN CALLING POLICE. RICHARD STATED THE INCIDENT WAS CONTAINED TO A VERBAL ARGUMENT ONLY. RICHARD STATED HE WOULD SPEND THE EVENING AT A FRIENDS HOUSE.

NO MARKS OR BRUISING WERE OBSERVED ON ANY PARTIES. IT APPEARS THE INCIDENT WAS CONTAINED TO A VERBAL DISPUTE AT THIS TIME.

BOTH PARTIES WERE PROVIDED WITH A HOLLYWOOD POLICE DEPARTMENT CASE NUMBER AND INFORMATION ON HOW TO OBTAIN A RESTRAINING ORDER.

EXHIBIT 8

CASE SUPPLEMENTAL REPORT

Printed: 08/02/2022 10:04

Hollywood Police Department

OCA: 331704078916

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: INACTIVE

Case Mng Status: INACTIVE

Occurred: 04/26/2017

Offense: DOMESTIC DISTURBANCE (NON-CRIME)

Investigator: QUINTERO, V. (3461)

Date / Time: 04/27/2017 16:17:32, Thursday

Supervisor: ZEIDELL, J. (2815)

Supervisor Review Date / Time: 05/10/2017 20:36:05, Wednesday


Contact:

Reference: Follow Up

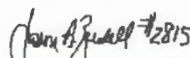
COMPLAINANT ADVISED HE HAD LEFT HIS RESIDENCE ON 4/26/17 IN ORDER TO AVOID A FUTURE ALTERCATION WITH HIS WIFE IN REFERENCE TO A PREVIOUS DOMESTIC DISTURBANCE. OFFICERS STOOD BY HIS RESIDENCE AT 4612 JEFFERSON STREET WHILE HE SPOKE TO HIS WIFE. BOTH PARTIES ADVISED THEY WOULD BE RESIDING TOGETHER UNTIL THE DIVORCE IS FINALIZED.

NO FURTHER ACTION WAS TAKEN.

EXHIBIT 8 B

 3461

Investigator Signature

 2815

Supervisor Signature

EXHIBIT 9

Letter to Andrew Brett

From: George Moraitis Jr (gmoraitisjr@mcklaw.com)

To: brexecec@gmail.com

Cc: flpowers@bellsouth.net; rdenapoli@yahoo.com; mmerrell3@msn.com; jeffb@topofgoogle.com; cookenancy@aol.com

Date: Wednesday, June 24, 2020 at 01:53 PM EDT

Lauren,

Please format this as email from my chairman@browardgop.org account and blind copy the members of the board. After reviewing this again and seeing some of what Nancy showed me I think we are past the point of needing to be overly polite and the language Richard proposes strikes the right tone. I did make Jeff's correction and please send this out on my behalf.

Sincerely,
George

Dear Mr. Brett,

We have noticed that you are representing yourself as the President of the Log Cabin Republicans of Broward, or other similar names, in repeated emails, Facebook pages, and online methods. We have pasted a recent example below.

Unfortunately, you cannot use the name, abbreviation and symbols of the Republican Party in any format whatsoever unless your organization has gone through the chartering process, which you have failed to do, despite repeated requests from BREC to finish your paperwork. This is an immediately effective takedown notice of all your claims to be President of a Republican club or that the club itself is currently a Republican Club. We write this with no ill will towards the organization, but the fact remains that you have not gone through the chartering process. In the event you do not wish to complete the chartering process, then you must change the name of your organization to remove reference to the name, abbreviations and symbols of the Republican Party.

**RULE 1 - Chartering Process for
Republican Clubs**

**A. Restrictions on Use of the Name,
Abbreviations, and Symbols of the
Republican Party**

No person or group of persons may use the name, abbreviations, or symbols of the Republican Party in connection with any club, group, association, or organization of any kind unless approval and permission have been given by the Republican Party of Florida in the form of a written charter issued under this Rule.

We have also noticed that you as the purported President of this organization have posted numerous accusations against BREC and its officers.

Even if you were a chartered club, which you are not, then these attacks and promotions of your own campaign would not be permitted per Article VIII of the required bylaws for chartered clubs as well as the Party Rules of Procedure of the Republican Party of Florida. Any customization of individual club bylaws cannot conflict with the Model bylaws or Party Rules listed herein. You are not a chartered club at this time, but even if you were then this activity would not be allowed under the rules.

I am sure this is an oversight, and since the rules are clear this is to officially request an immediate takedown of these materials since they are all in violation of party rules.

SAMPLE BYLAWS

**ARTICLE VIII- ENDORSEMENTS &
INTRA-PARTY DIFFERENCES**

Pursuant to the Republican Party of Florida Rules of Procedure, no chartered club or organization using the name Republican shall participate in intra-party differences, nor shall it, as an organization, seek to influence the nomination or election of any Republican over

another Republican unless the County Executive Committee has endorsed one Republican over another. Then the Club may seek to influence the election of the candidate endorsed by the County Executive Committee. Chartered clubs shall not entertain motions to adopt platform positions on issues or endorse candidates except that they may entertain such motions to take the same position or endorse the same candidate as the County Executive Committee has taken. Under no circumstances shall a chartered club invite a non-Republican to be a guest speaker at a club meeting or function without prior approval of the County Republican Executive Board. The Chairman of the Republican Party of Florida shall be the authority with respect to internal disputes referred by any Club or member of a Club chartered under this rule.

PARTY RULES OF PROCEDURE
REPUBLICAN STATE EXECUTIVE
COMMITTEE OF FLORIDA

D. Restrictions on Activities by
Chartered Republican Clubs

Chartered Republican clubs must conduct their affairs in compliance with applicable state and federal election and campaign finance laws. No chartered club, group, association, or organization may adopt by-laws that are inconsistent with state or federal law, the Constitution or Party Rules of Procedure of the Republican State Executive Committee, or the Republican Party of Florida County Model Constitution. No chartered club, group, association, or organization may participate in intra-party differences, nor may it, in its official capacity as a chartered organization, support the nomination of one Republican candidate over another

unless the Republican Party has voted to endorse that candidate under Rule 8. No chartered club, group, association, or organization may invite a non-Republican to be a guest speaker at an official meeting or function without the approval of the Chairman of the County Republican Executive Committee.

Best regards,

George Moraitis, Chairman, Broward Republican Party

Sincerely,
George

George R. Moraitis, Jr.
Moraitis, Cofar, Karney, Moraitis & Quailey
915 Middle River Dr. Suite 506
Fort Lauderdale, FL 33304
(T) 954-563-4163
(F) 954-563-5913
gmoraitisjr@mcklaw.com
www.mcklaw.com

11:53



AA

facebook.com



Photos

Life Events



Andrew R. Brett

45 mins · 🌐



<https://www.youtube.com/watch?v=8lSc1bNNpYI>



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING

DeNapoli - LYING - FALSIFYING - DENYING



Like



Comment



Share



Andrew R. Brett

1 hr · 🌐



EXHIBIT 10

Like Reply More



Benjamin Bennett

And the truth shall set you free 🇺🇸 1

1 hr Like Reply More



Benjamin Bennett

OOOOORRRRRAAAAA! 🇺🇸 1

1 hr Like Reply More



Patty Gilliland

Hello from Clearfield

1 hr Like Reply More



Andrew R. Brett

<https://youtu.be/eQF6iLR-RK0>



Brett For State Committeeman

youtube.com

1 hr Like Reply More



Andrew R. Brett

Hi Mayor **Patty Gilliland**

1 hr Like Reply More



Duane Coker

Amen sir

9 mins Like Reply More



Duane Coker

DiNapoli continually verbally assaults Celeste. I wish I would have been in that room. Would not have needed BSO.

6 mins Like Reply More



Write a comment...

Post



12:20



AA

youtube.com



Andrew Brett



Andrew Brett

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Uploads

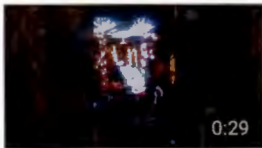


DeNapoli - LYING - FALSIFYING - DENYING

7 views · 1 hour ago



9:28



December 8, 2019

5 views · 8 months ago



0:29



It's A Rainy Afternoon

3 views · 1 year ago



2:05



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Trending



Library



11:53



AA

facebook.com



Photos

Life Events

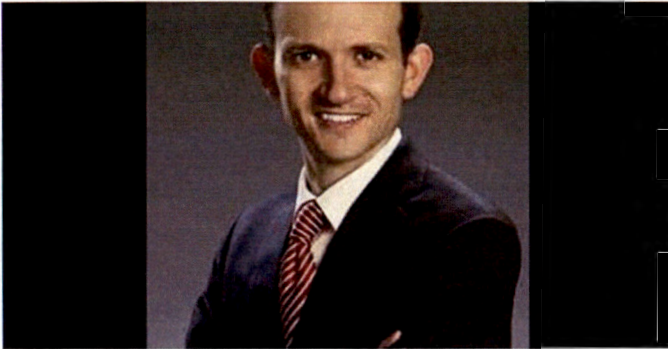


Andrew R. Brett

45 mins ·



<https://www.youtube.com/watch?v=8lSc1bNNpYI>



YOUTUBE.COM

DeNapoli - LYING - FALSIFYING - DENYING

DeNapoli - LYING - FALSIFYING - DENYING



Like



Comment



Share



Andrew R. Brett

1 hr ·



11:20



AA youtube.com

Andrew Brett



Andrew Brett

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Uploads



Brett For State Committeeman

207 views · 3 days ago



10:01



December 8, 2019

5 views · 8 months ago



0:29



It's A Rainy Afternoon

3 views · 1 year ago



2:05



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9,216 videos



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Trending



Library



ORIGIN ID: JDMA (954) 488-1890
RICHARD DENNAPOLI

255 ALHAMBRA CIRCLE
333
CORAL GABLES, FL 33134
UNITED STATES US

SHIP DATE: 02AUG22
ACTWGT: 0.50 LB
CAD: 5168339/N/E14490

BILL SENDER

TO FLORIDA ELECTIONS COMMISSION

107 WEST GAINES STREET
STE. 224

TALLAHASSEE FL 32399
REF: (850) 922-4539

PO: DEPT:



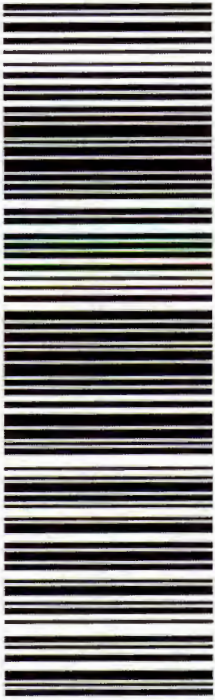
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After printing this label:

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

Warning: Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

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