

Response to the State Attorney Report and “Roundtable” / Secret Society Allegations

Statement by Commissioner Jeremy Weinsier at the February 20, 2018 City Council Meeting

I want to start off by saying that I agree with a lot of residents who are disturbed by certain allegations in the report of that investigation. It's concerning for a number of reasons, and its allegations of improper communications between the mayor and members of council paint us all in a negative light. To that extent, I want to apologize and take responsibility. I was always careful after meetings and I don't think we ever discussed any city business – or at least I didn't – but if I did mistakenly at any point I take responsibility for that and apologize for it.

According to the report, certain city officials may have violated the Sunshine Law, or at the very least carefully skirted around it, during their time in office. If true, this allegation is disappointing to me on many levels. Although residents who have attended recent council meetings know the amount of debate and disagreement that goes into each decision we make – with meetings often lasting until late in the night – those who do not attend regularly may start to believe that decisions are being coordinated behind the scenes, undermining public trust in our city government.

But there is another troubling aspect to this report, and it's the clear effect of dissuading lawful grassroots politics by making coordinated campaigning seem unlawful.

There are a lot of reasons that people get involved in politics. For me, it was seeing repeated bad decisions by our city government – often made over the vociferous objections of residents. The attempted creation of a Belle Isle Fire Department, secret council meetings discussing enormous city expenditures, the illegal hiring of an unqualified city manager and illegal firing of a qualified city attorney, just to name a few. After realizing that state officials were not interested in investigating these unlawful acts, the only remaining option was to start a grassroots campaign for change.

But campaigning requires candidates and at that time, Belle Isle had held no open elections for nearly a decade. Finding qualified candidates willing to run against long-time incumbents was not easy. We attended HOA meetings, we attended city functions, and we encouraged all residents to run, regardless of their political views.

After locating a couple of willing candidates, it was time to help them campaign. Campaigning against incumbents – especially those with \$10,000+ budgets for numerous full-color mailers and city-wide robocalls – is not easy. On a shoestring budget, we assisted candidates with designing inexpensive signs and flyers. We delivered everything by hand to save on postage. We coordinated volunteers to ensure that their time was used effectively to get flyers to every doorstep. When the citizens finally voted, it was a close race but both candidates we supported were elected. This is how politics is supposed to work in America and I am very proud of my role in assisting with those campaigns.

Yet somehow, the State Attorney manages to imply in his report that these actions were secret and sinister, as though we rigged the election results instead of just running some effective campaigns. Over the past years, the few candidates that I have supported have all been elected – an achievement I attribute to effective messaging, dedicated volunteers, and residents seeking a change, not to mention some good candidates. There was nothing mysterious about my role in these campaigns, as the State Attorney muses in his report. If the State Attorney is unclear about my role in these events, that is because he repeatedly declined my offers to be interviewed in this matter. It sounds a lot more insidious to report that “the apparent influence held by this individual is perplexing to this investigator” than to print the mundane explanation that getting new commissioners elected took a lot of hard work from a lot of people.

Furthermore, if my actions and those of the concerned citizens I worked with were a secret, then it was the worst kept secret in town. We were called “the Cabal” by supporters of the former mayor and incumbent council members, who repeatedly attacked us online and at meetings for our actions in supporting new candidates and new ideas. Undeterred, we pushed on and were largely successful in campaigning on issues such as better notifications to residents about election qualification procedures and better transparency in city records. Despite careful wording in the State Attorney’s report implying that multiple commissioners were meeting in secret, the testimony and evidence it cites actually reflects the opposite. Residents meeting with a single representative to discuss city business is legal in Florida and is legal everywhere else. In fact, it is the foundation of representative democracy.

And although the State Attorney’s allegation regarding improper communications between the mayor and council members after city meetings is very concerning, the report’s attempt to make organized campaigning appear illegal is much more so. It is not hard to imagine the extreme chilling effect that this report will have on citizens interested in organizing future grassroots campaigns.

In addition to implying that organizing citizen activism is somehow illegal, the State Attorney’s report goes a step further to imply that it is also illegal to challenge an overly-broad investigative subpoena in court. Federal law gives state attorneys broad leeway to request electronic records during the course of an investigation, but it places a few reasonable limits on those requests. On April 20, 2016 the State Attorney attempted to subpoena all of my personal call, text, and email records for a year and a half time period beginning long before I was ever elected. This includes records of private conversations and pictures exchanged between me and my wife as well as communications with clients that have no connection to city business.

The State Attorney made no attempt to limit the subpoenaed records to those related to his investigation, nor did he provide any reason for the subpoena, as required under Federal law. This was an easy issue for him to resolve, but instead of simply amending the subpoena, or

contacting me to resolve the objection, or setting a brief hearing with a judge, the State Attorney instead used the fact that I filed an objection as implicit evidence of wrongdoing. The State Attorney goes so far as to claim that even filing a valid objection to his subpoena could be considered obstruction of justice, despite the fact that every relevant communication from my personal and city accounts had already been provided to the investigator through the records request process. The State Attorney's report further implies that my objection was somehow filed illegally, despite clearly revealing in the report itself that the Clerk of the Court accepted my objection for filing and stamped a copy for my records.

So while you have every right to be concerned and to speak out about the State Attorney's allegations about the mayor and council, bear these facts in mind:

- The State Attorney's report repeatedly makes it appear as though the investigation was stymied by me refusing to provide information. In actuality, State Attorney Jeff Harris rejected – in writing – multiple offers to interview me. This explains many of the report's unanswered questions and glaring factual errors, such as inaccurately identifying me as the “President of the Pine Castle Woman's Club.”
- Being free of “unreasonable searches and seizures” is one of the bedrocks of American society and the U.S. Constitution. The State Attorney alleges in his report that simply filing an objection to an overly-broad subpoena is in itself illegal. Filing a valid objection in court is not obstruction of justice – it's not even close – and this issue could have been easily resolved any number of ways by the State Attorney's office.
- Finally, the State Attorney's report was delivered “anonymously” to former City Manager Keith Severns according to his own words, and provided to Channel 9 News before the city was even notified that the investigation was complete. Conveniently, the report provided to Channel 9 and distributed on Facebook omitted the report's conclusions, which clearly state that the investigation suffered from “significant proof deficiencies” and that no charges would be filed.