

March 29, 2011

VIA HAND DELIVERY

Brett C. Railey  
Chief of Police, City of Winter Park  
500 North Virginia Avenue  
Winter Park, FL 32789

**Re: Report of Suspected Criminal Violations of Florida Campaign Finance Laws  
During Recent Winter Park City Commission Election**

Dear Chief Railey:

Please accept this correspondence as a written report of suspected criminal violations of Florida campaign finance laws during the City Commission races that were recently held in Winter Park.

**Background**

On Saturday, March 5, 2011 (the Saturday before the Tuesday, March 8 Winter Park City Commission elections), I received in the mail a political advertisement that leveled a number of vicious accusations against then Winter Park City Commission candidate (now Winter Park City Commissioner) Sarah Sprinkel, as well as other members of the Winter Park community. A copy of the political advertisement I received is enclosed for your review.

The political advertisement contained a disclaimer that stated the following:

“Paid political advertisement paid for by William Graves, 3048D George Mason Avenue, Winter Park, FL 32792, independently of any candidate or committee.”

There is significant evidence that the above disclaimer was deceptively and intentionally inaccurate, and that the political advertisement was actually formulated, produced, and financed by an anonymous combination of individuals that together constitute an illegal unregistered political committee under Chapter 106, Florida Statutes.

On March 16, 2011, the Winter Park Maitland Observer published an article entitled “Developer says he was defamed”. A copy of the article is enclosed for your review. According to the article, Mr. Graves, the person whose name was listed on the political advertisement, stated that he was not in fact behind the mailer, but that someone he explicitly trusted assembled the mailer and that he “quickly scanned it” before it went out under his name to thousands of Winter Park residents. The Observer article indicated that Mr. Graves declined to reveal the identity of the author of the mail piece bearing his name.

In addition, on the same date the Observer also published on its website a scanned copy of an eight page open letter written by Mr. Graves. On page 6 of the letter, Mr. Graves stated, "Since I didn't write those words and have yet to receive a copy of the mailer in question, I'll take your word for it that the words 'Carlisle Developer' appeared in the mailer and were used to describe you." In that same writing at page 2, Mr. Graves refers to the involvement of his "colleagues" and states to Mr. David Lamm, to whom the letter was nominally addressed, "Right now, you should be praying that my colleagues don't succeed in talking me into holding out for class action status, a countersuit, and a jury trial."

### **Suspected Criminal Violations of Campaign Finance Laws**

The above-stated facts are clear indications that Mr. Graves' role in the scheme to formulate, produce, and finance the political advertisement referenced above was to serve as a false front to conceal the identities of those who were truly responsible for this political advertisement, in violation of Florida law.

Section 106.011, Fla. Stat., provides in pertinent part:

(1)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a calendar year:  
...
  - b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;
  - c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue....

Section 106.03, Fla. Stat., imposes an affirmative obligation on all combinations of two or more individuals or other persons who meet the statutory definition of "political committee" to file a statement of organization with the appropriate authority within a specified period of time. As the political advertisement at issue concerned a Winter Park City Commission election, pursuant to Section 106.03(3)(c), Fla. Stat., and the Winter Park Code of Ordinances, the appropriate authority was the Winter Park City Clerk.

Section 106.07, Fla. Stat., further imposes numerous requirements upon political committees to file with the City Clerk regular reports of all contributions received and expenditures made on behalf of the political committee, including the full name, address, and occupation of each person who has made contributions to the political committee.

The above-stated facts clearly indicate that William Graves acted as merely a false front to illegally protect the anonymity of a combination of individuals that operated together to act as an illicit and unregistered political committee.

Neither Mr. Graves, nor any group purportedly affiliated with him, has filed a statement of organization with the Winter Park City Clerk. Nor have they filed any reports revealing to the public the full name, address, and occupation of each person who made contributions to this political advertisement.

Section 106.19, Fla. Stat., imposes criminal penalties for the above-stated violations of law, and states in pertinent part:

**106.19 Violations by candidates, persons connected with campaigns, and political committees.**

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

(b) Fails to report any contribution required to be reported by this chapter;

(c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of s. 106.11(4) or any other expenditure prohibited by this chapter;

is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

The facts I have provided above lead me to believe that Mr. Graves, and those for whom he was seeking to act as a false front, have committed criminal violations of at least Sections 106.19(b) and 106.19(c), Fla. Stat., by failing to file the appropriate statement of organization, and by blatantly failing to report the identity of contributors and amount of contributions. As a result of their blatant failure to file, there is no way to know at this point whether they accepted a contribution in excess of the \$500 limitation prescribed by Section 106.08, Fla. Stat. (Section 106.19(a), Fla. Stat.), or whether any prohibited expenditure was made (Section 106.19(d), Fla. Stat.).

Further, Section 106.08(5)(a), Fla. Stat., explicitly prohibits the practice of false fronting in which it appears Mr. Graves and his anonymous associates engaged, stating in pertinent part:

**106.08 Contributions; limitations on.**

...  
(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

Section 106.08(7), Fla. Stat. imposes criminal penalties for this prohibited practice (first degree misdemeanor for making or accepting a single contribution in violation of subsection (5)(a), a third degree felony for making or accepting two or more), stating in pertinent part:

(7)(a) Any person who knowingly and willfully makes or accepts no more than one contribution in violation of subsection (1) or subsection (5) ... commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083... Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084... Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, political party, or electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

### **Why This Is Important**

Let me stress that the apparent criminal violations of Florida's campaign finance laws described above do not bear the marks of mere technical slip-ups. This was not the work of some small group of ill-informed yokels. The political advertisement at issue was professionally designed, printed, and mailed to thousands of homes in Winter Park. The cost to finance the design, printing, and mailing of this political advertisement easily ran into the thousands of dollars. Mr. Graves has already admitted in multiple venues that others were behind this mailer, but that he would not reveal to the public who those persons were. The practice of using an individual as a false front for sending out anonymous political advertisements is little different than failing to disclose any source of the political advertisement whatsoever, a crime that has recently been prosecuted in the very context of Winter Park City Commission elections, and for which Doug Guetzloe was recently charged, tried, convicted, and sentenced.

Allowing this criminal practice of using an individual as a false front to allow moneyed and powerful interests in Winter Park to send essentially anonymous mailers would make a mockery of Florida's campaign finance laws. It would also invite further and more blatant violations of these laws in future elections in Winter Park. If the moneyed and powerful interests

in Winter Park that desire to manipulate the electorate anonymously come to believe that there will be no repercussions for their violations of our laws, one can only imagine the criminal mischief that we will see in future Winter Park campaigns.

In addition, these matters are subject to relatively uncomplicated investigation. It appears possible that Mr. Graves has been merely used as a pawn by the anonymous persons that formulated, produced, and financed the political advertisement. Accordingly, an interview with him and a review of his banking records, if any, would indicate how and in what way others illegally and anonymously participated in the production and dissemination of the political advertisement. Investigation with respect to the professionals involved in the production and mailing of this expensive political advertisement could be easily implemented and fruitful as well. The political advertisement bears Bulk Mail Permit #1, Orlando, FL. I have come to understand that this bulk mail permit number is held by Action Mail Services, Inc. According to their website ([actionmailservices.com](http://actionmailservices.com)), their telephone number is (407) 855-9277. This vendor should be able to point an investigator to the graphic designer or political consultant who designed the advertisement, and through whom payment for mailing services likely flowed. From there, further investigation with these individuals should be able to reveal the additional individuals who were truly behind this mail piece in violation of Florida law.

If you have any further questions, I would be glad to make myself available at any time. If the Winter Park Police Department determines that this matter is too politically sensitive to investigate internally, I completely understand, and I would be glad to make myself available to investigators with the Ninth Circuit State Attorney's Office if it is referred there for investigation. Thank you for your attention to this matter, and I sincerely hope that you will act to investigate this matter fully.

Sincerely,

Peter Weldon