

ED WOLMERS

9370 DOMINICAN DR

CUTLER BAY FL. 33189

10/08/2014

To: Cutler Bay Town Clerk, Cutler Bay Town Council

Re: Town Charter & Town Ordinance violations by Mayor, Ed Macdougall.

Violations: Town Charter, Citizen Bill of Rights (A) (14) Misuse of Authority
Cutler Bay Resolution 11-78, Section 2

Madam Clerk and Town Council Members,

I submit this complaint to you and our Town Council and request that this item be placed on the agenda for redress at the next scheduled Town Council meeting set for October 15, 2014. Time is of the essence as this town is facing an election on November 04th.

Our current standing Mayor Ed MacDougall authored and distributed a letter to the residents of this town on or about September 25, 2014 in which the mayor has intentionally misused his position to threaten, harass or otherwise attempt to intimidate any other person including but not limited to any citizen, employee or colleague. This misuse of authority is not only a clear violation of our Town Charter but of also Florida Statutes 104.31 of which will also be addressed in another venue.

The method of distribution of this letter was in the same envelope containing campaign literature of candidate for Mayor Art Nanni which was mailed out to the registered voters of our town and which in and itself is also a violation of the Fair Campaign Practices Ordinance of Miami Dade County.

The Mayors actions further goes on to violate an explicit directive of the council, Resolution 11-78 in which thru his written words creates rhetoric intended to humiliate or question the wisdom of those whose opinions differ from his own opinions. He also goes on in his letter by not speaking truthfully, delivering innuendo and accusations that serve no other purpose but to create distortion of the facts and attempts to influence the outcome of our town elections thru this misuse of authority.

Section 2.2 (B) of our Town Charter grants the authority to our council to censure, reprimand or levy fines as a sanction against any member of the council who has been determined by the council to have intentionally violated any provision of the Town Charter, or any explicit directive of the council. **I submit that a resolution of the town council is an explicit directive of the council.**

I have attached a copy of the letter authored by the mayor, numbered each line, and will outline the matters of concern which create the violations I speak of.

Analysis of letter:

Line 1) Clearly establishes this as a communication from the office of the Mayor of the Town of Cutler Bay.

Line 25 & 26) Signature clearly establishes as an official communication from the Mayor of the Town of Cutler Bay.

Line 6) Creates distortion & innuendos of wrongdoing by two citizens wanting to become elected. (Resolution 11-78)

Line 8) Statement is made that "Charges" were brought by the mayor. The mayor has no authority to file charges as he can only file a complaint. Statement is made that Lobbyist pled "Guilty" which is an untruth as the county ethics records reflect that a plea of "No Contest" was made. Pleading no contest or nolo contendere means you admit no guilt for the crime. The mayor has failed to speak truthfully and has distorted the facts in an attempt to influence, intimidate or harass thru the use of his official position in clear violation of our charter. (Citizens Bill of Rights)

Line 9) Rhetoric created with the sole purpose of accusing Peggy Bell and Ed Wolmers of association with a "Corrupt" lobbyist. (Resolution 11-78)

Lines 11-13) Collectively, further creates rhetoric intended to humiliate the wisdom of candidates Peggy Bell and Ed Wolmers. (Resolution 11-78)

Line 16-17) Creates distortion, rhetoric and speaks untruthfully to any specific event in which the \$6.50 purchase was permissible or not. (Resolution 11-78)

Line 22) Accusation and distortion alleged by mayor in alleging that Peggy Bell and Ed Wolmers are persons without Integrity. (Resolution 11-78)

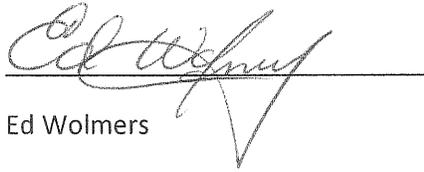
The letter when read as a whole appears to be an official communication from the office of the Mayor of the Town of Cutler Bay which makes it an official communication from the town itself as a whole. Upon further reading of the letter it starts off by endorsing Art Nanni for mayor, alleges acts of corruption by a lobbyist and two candidates for office in the upcoming elections and delivers rhetoric and distortion that serves no other purpose but to humiliate the candidates for office.

The first sentence of the Citizens bill of rights reads as follows, "This government has been created to protect the governed, not the governing."

I respectfully request a full review of the facts set forth within this complaint and if violations are indeed found to have occurred that the maximum fines of \$250 per violation allowed by Ordinance 13-04 be

imposed sending a clear message that violations of our charter and explicit directives of the council by another council member will not be tolerated.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Ed Wolmers", is written over a horizontal line. The signature is fluid and somewhat stylized.

Ed Wolmers

Cutler Bay Resident

1) From: **Ed MacDougall, Mayor of Cutler Bay**

2) Dear Neighbor,

3) Please vote for Art Nanni for mayor and here is why.

4) It has been a great honor to serve the Town of Cutler Bay for the last eight and a half years. Having been
5) involved in our incorporation from the beginning, I take a great deal of pride in seeing our Town bloom. I
6) am most proud of our commitment to honesty. But, I am troubled by use of a lobbyist by two of our
7) citizens wanting to become elected.

8) Jose L. Castillo, a lobbyist that I brought charges against for violation of our lobbying ethics (and he pled
9) guilty) is now the campaign manager for Peggy Bell who is running for mayor and Ed Wolmers, who is
10) running for district one council member.

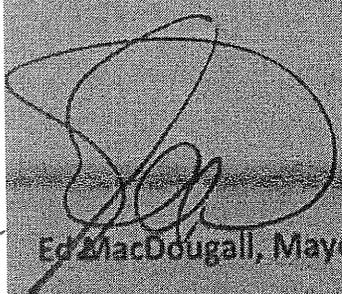
11) Cutler Bay has stayed out of the news for corruption and I hope it stays that way. But, when you have
12) two people who are seeking office using a lobbyist because "he can raise money" as each have stated,
13) there is trouble brewing. I have seen this before and it will not bode well for our Town.

14) Additionally, Peggy Bell voted NO, twice, for transparency when trying to place YOUR Town check book
15) on line. It took three attempts and pressure from the citizens before she allowed you to view **YOUR**
16) **MONEY** spent on line. This came from a council member that would prefer to charge you \$6.50 for her
17) café latte' from Starbucks, instead of paying for it herself.

18) Peggy Bell also pushed for eight year term limits, which I agree with, and now she is running for a **THIRD**
19) four year term. It is always about Peggy Bell, not **YOU!**

20) I did not run again for mayor for the reason of term limits. Although those of us elected originally to the
21) council could run for three terms, it seemed unfair for us to get something no other citizen could get.

22) Please keep the integrity of our Town and vote for **Art Nanni** for mayor. I have known this former police
23) officer for fifty years and you will find no one as honest and honorable as Art. His children and grand
24) children live in Cutler Bay. He loves our Town.

25) 
Ed MacDougall, Mayor

26) Town of Cutler Bay