

Dennis McDonald
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FLORIDA
COMMISSION ON ETHICS
DEC 22 2015
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ORIGINAL

December 10, 2015

RE: Complaint No. 15-145

The Ethics Commission
P.O.Drawer 15709
Tallahassee, Florida 32317-5709

Dear Commission:

The statements in the petition for costs and attorney fees made by Mr Herron are misleading by professional design. I believe this petition appears to have been prepared by the Flagler County Attorney for Mr Herron. Flagler County Attorney Hadeed stated in the press that he and his staff have done much of the work on this matter. Further to the issue is that all the information stated in this petition is third-hand, undocumented hearsay, at best.

For the record, I do not have any "*cohorts*" as stated by Mr Herron. Can this Commission find me listed on the 19 complaints referenced? I am surprised that this submission did not state that I have been party to every Ethics Commission complaint in all of Florida filed in 2015!

The Ethics Commission should take notice of such unprofessional remarks without supporting facts. The Bar Complaints referred to by Mr Herron apparently have been filed by others against Mr.Hadeed for what, I assume, would be unprofessional behavior. I have witnessed such unprofessional behavior by Mr Hadeed, and am encouraged that

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other members of the public are speaking out and registering requests for investigation.

This complaint states in #5 *"Together Mr McDonald and Mr Richter ran as a ticket for two open county seats both losing in the 8/2014 primary"* To follow the premise of this false statement, does running on the county ballot make us all on the *"Ticket"*? Mr. Herron has not provided one piece of evidence to back up this claim. For your knowledge, I did lose by 209 votes with 6,890 votes cast, less than 3% margin on the Dennis McDonald for Flagler County Commissioner, District 2 "ticket".

Further, this complaint states in #6 *"the intention of the group filing the complaints was to force..."* Please have Mr Herron explain and verify to *"what group"* this complaint is directed. Or is this more unsubstantiated inuendos?

The statement in #7 says that... *"the claims against him and other commissioners ..."* To be clear, I have made claim against Mr McLaughlin, only. And, despite the county attorney's purpose of required findings stated at the Board of County Commissioners meeting, Commissioner McLaughlin did indeed act to benefit **Candidate** McLaughlin.

Item #8 and 9, simply put, Commissioner McLaughlin should have recused himself due to the personal nature of the vote.

My response to the remainder of this filing is addressed below rather than going item for item on items 10 through 27.

To provide an historical context for this submission, County Attorney Hadeed had gone to "battle stations" right after the January 31, 2014, meeting with me, Mr Ruffalo, Mr Bozza, and county information

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officer, Carl Laundry. The subject of that meeting was to inform County Attorney Hadeed that BOCC Chairman Nate McLaughlin had "polled the vote" on the purchase of the \$1.23 million purchase of a blight ridden building, known as the old hospital, made in August, 2013. This building purchase was the same property that was the subject in the Ethics Complaint against Flagler County Commissioner Revels, by Mr. Stevens, that provided for a \$2,500 fine in March of 2015. The information regarding the polling was stated to me and Mr Ruffalo by another sitting County commissioner on three separate occasions. County Attorney Hadeed has been totally confrontational since that meeting.

County Information Officer Laundry left that meeting just prior to its conclusion. When I exited the conference room, I overheard Mr Laundry talking on his phone saying "*they know what happened.*" My belief was that it was in context with our statements he had heard in the meeting that he had just left.

Since County Attorney Hadeed refused to act, I was forced to report what I knew of a possible crime by an elected official. I gave a statement to our States Attorney in 2014 regarding this matter for his investigation.

Since that time Mr Hadeed has become a central figure in what is known as the "*Flagler County SOE Whispering Tape,*" which caused the SOE to be charged criminally. The legal proceedings are forthcoming in January of 2016. There Mr Hadeed will have to tell the Court and citizens who the male commissioner was who he counseled regarding a felony [*his word*] at a Canvassing Board Meeting in a prior year.

I believe from my review of the records at the SOE's office that Mr McLaughlin could have been that commissioner. What further convinces me that is possible, is that on September 18, 2014, Mr. McLaughlin sent me a text message telling me of another commissioner

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who preceded him as a canvassing board member. When I investigated the records at the SOE's office, I found that the party named by Commissioner McLaughlin, Bob Abbott, was never on the canvassing board while Mr Hadeed was the county attorney. For the record, I have not communicated with Mr McLaughlin, since October, 2013, when he threatened me with physical harm at a public meeting.

My Ethics Complaint dated June 2015 is based on facts in evidence from the Florida Elections Commission 14-464.

1. Mr McLaughlin was a 2014 Candidate for re-election, as stated in the FEC Findings of Fact.
2. Mr. McLaughlin entered into a Consent Order voluntarily and agreed that he shall bear his own attorney's fees and costs.
3. The payment for the \$250 FEC fine was made on 3/26/2015 with attorney's check #13385 to the FEC. That same check contains a notation in the bottom left margin in caps, **FLAGLER COUNTY**. No mention of Mr McLaughlin is made. If this matter is truly a personal elections' violation, this notation on the fine check indicates otherwise.
4. From the few facts made available to me by Preferred Insurance and Flagler County through Sunshine requests, I know Attorney Herron represents the county insurance company. This was confirmed by Flagler's Director of HR, Mr Mayer, who handles insurance claims for the county. And in review of payments made on behalf of the county, I have seen payments issued to Attorney Herron.
5. I am of the belief that this insurance company hires a quality attorney. Attorney Herron, therefore must be very competent, and I would have to believe that he thoroughly reviewed check #13385 prior to its submission and approving the payment as written.
6. This check as submitted reflects payment with the only notation being **FLAGLER COUNTY**. In so doing, Attorney Herron, counsel for

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Preferred Insurance, represents Commissioner McLaughlin in a personal matter as stated in the FEC Findings of Fact.

In a Consent Agreement that was clearly stated by the FEC to be regarding Mr McLaughlin's re-election, this check's notation states otherwise. Re-election is clearly not part of any function of a Florida County Commissioner and is a personal matter. This is the reason why the notice of complaint was sent to his home address. And for that same personal reason, it should *not* have been brought to County Attorney Hadeed. Mr McLaughlin's actions further make me believe that there is more than a County Attorney/Commissioner relationship, that also appears personal and at the taxpayers' expense.

Mr McLaughlin voted to have the county taxpayers provide legal representation in his BOCC vote 12/15/2014 for what I believe is the personal matter of re-election in 2014. This fact is confirmed in the Findings of Fact in his FEC consent order. Clearly, Mr McLaughlin must recuse himself in this matter due to a conflict of interest.

As for Mr Herron's and Hadeed's statements regarding the information provided by Sunshine request, I must tell you that the county did everything it could to stymie the process. It was onerous and in violation of the spirit of "Sunshine Law" at best. The insurance company representative stated *"if you want to see our records, you must come to our office in Lake Mary and review them in person."* So much for sunshine !

In conclusion, I have not provided any false statements as the information is from the FEC Consent Order and my belief that Commissioner McLaughlin should not have taken part in a 12/15/2014 vote that would benefit him personally in his re-election bid.

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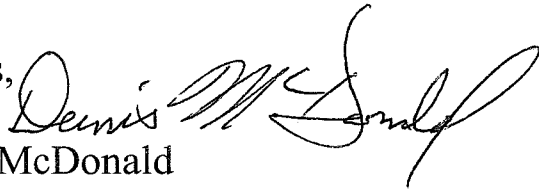
My intents are not malicious, as this whole process would *NEVER* have been known publicly, if Mr McLaughlin had not brought this personal matter to Flagler County Attorney Hadeed, who then made it known at the BOCC public meetings. I believe this is part of a process to discredit me because of the 1/31/2014 meeting regarding Mr McLaughlin's polling. I have been told that this is a very serious crime in Florida, and I believe this is the reason for the intensity of this effort to discredit me.

If you were to review the list of the news releases from Flagler County's information officer on this matter, it is extensive and abusive. I believe the malice in this process is being practiced by Flagler County at Mr. Hadeed's direction.

I thank you for the opportunity to respond and will continue to speak up in the format provided by our great State of Florida. We can not be afraid to speak out in fear of retribution, as was the case this past week in San Bernadino, CA, where a neighbor was afraid to report what she knew about the terrorists that killed 14 and injured 22 innocent people. We must not impede our first amendment rights that so many have given the ultimate sacrifice to guarantee.

Regards,

Dennis McDonald

A handwritten signature in black ink, appearing to read "Dennis McDonald", written over the typed name.