

January 3, 2017

Chairwoman Allison Tant
Florida Democratic Party
214 S Bronough St
Tallahassee, FL 32301

Dear Madam Chairwoman:

We, the undersigned duly elected Precinct Committeemen and Committeewomen of Miami-Dade County make the following Complaint against the Chair of the Miami Dade County Democratic Executive Committee, Mr. Juan Cuba (the Chair), for violation of the bylaws of the Miami Dade DEC, the Bylaws of the Florida Democratic Party, and rules of parliamentary procedure in order to conspire with several known and unknown individuals to bend and break the rules regarding the Special Election held on December 20th and the events leading up to the aforementioned election. Because of the rules violations outlined below, we strongly believe that this election must be immediately overturned, along with the motion to accept the credentials report, and the motion to ratify Bret Berlin's invalid motion at or around midnight on December 6th. Furthermore, because this special election is a prelude to the upcoming F.D.P. elections scheduled for January 14th in Orlando, it is critical that these grievances be immediately and publicly addressed. Our key concerns are summarized below.

Inclusion of Non-Members in Voting Procedures

The motions to accept the credentials report & to ratify Mr. Berlin's December 6th motion are impermissible pursuant to the Miami-Dade DEC's bylaws because they were taken to a vote in which applicants who had not yet been duly elected or sworn in at the time of the motions' consideration were allowed to cast their vote. Hundreds of individuals who had not yet been duly elected or sworn in, were invited to participate in a vote to accept and/or ratify their own membership to the Miami-Dade Democratic Executive Committee. We've spoken to one applicant who voted against her own admission due to her objections to Berlin's motion, but we can only assume based on the results of the Special Election that the overwhelming majority of prospective applicants voted in the affirmative to accept their own membership in order to cast a vote for the candidate of their choice.

Per the Miami-Dade DEC bylaws, "vacancies within the Elected Membership shall be filled...by a majority vote of the County Executive Committee." These same bylaws grant voting rights to elected members, appointed at-large members, automatic members, special at-large members and certain Democratic elected officials. It does not grant voting rights to those applicants who have not yet been accepted or elected by a majority vote of the current members of the Miami-Dade DEC. To allow prospective applicants to vote on their own membership, and to allow said applicants to cast ballots in an intraorganizational Special Election before these applicants have been duly elected is an affront to basic democratic principles, a fundamental

challenge to the legitimacy of the Miami-Dade DEC, patently absurd and completely indefensible. These machinations were allowed to transpire despite multiple calls for points of order, objections, and motions for a roll call vote. All of these were dismissed, and ignored by the Chair and State Representative Joe Geller, who served as General Counsel for the DEC during the proceedings.

Suspect Quorum Proxy Representation

Quorum may not have been met by duly elected members at the time of the commencement of the meeting. The Chair based quorum on the total of all duly elected members in addition to all of the applicants in the room, and therefore it is difficult to know whether a quorum of duly elected members was, in fact, present at the time of the various votes taken on the night of the special election.

Moreover, there are many concerns regard proxy votes, it is unclear as to whether proxies constituted more than 15 percent of the duly elected membership present at the commencement of the meeting. Upon sign-in the proxy's party affiliation and precinct were not verified. There may be issues with persons holding more than one proxy, a clear violation of the bylaws.

Ratification

As you are aware, former Miami-Dade DEC State Committeeman Bret Berlin made a motion at the County Reorganizational meeting on December 6th, that violated both FDP bylaws and Robert's Rules on quorum. At the meeting on December 20th, an attempt was made to ratify that invalid motion. According to Robert's Rules, "[a]n assembly can ratify only such actions of its officers, committees, delegates, or subordinate bodies as it would have had the right to authorize in advance...it cannot ratify anything done in violation of...its own bylaws."

Article V, Section 3.2.1 of the current FDP bylaws states that for county reorganizational meetings specifically outlines a precise agenda for county organizational meetings that leaves no room for new business aside from officer elections. The exact agenda for reorganizational meetings must be: "(1) Invocation (2) Pledge of Allegiance (3) Roll Call (4) Credentials Report (5) Election of Chair (6) Election of State Committeewoman (7) Election of State Committeeman (8) Election of Vice Chair (9) Election of Secretary (10) Election of Treasurer (11) Election of Any Other Officers."

There are no permissible means of ratifying Mr. Berlin's motion to accept these precinct captains with. The motion clearly violated the FDP bylaws and cannot be ratified.

Observers

Fellow Democrats who travelled hundreds of miles to be present at the Special Election were physically blocked from entering the room during the initial motions, though dozens of empty seats were available in the observation area. Article 1, Section 4.1.1 of the FDP Bylaws unequivocally states that "Meetings of the Florida Democratic Party and its components shall be

open to all members of the Democratic Party." The fact that Democrats were physically barred from entry suggests to us that our Chair, Juan Cuba, did not wish for our fellow Democrats to observe the proceedings.

Vacancies

Section 3.3.1 of the Miami-Dade DEC bylaws state that "Vacancies within the Elected Membership shall be filled...by a majority vote of the County Executive Committee." However, despite the clear of language above, there appears to be no consistent procedure for filling precinct committee vacancies. The erratic process for the appointment of precinct leadership indicates that the vacancies maybe subject to the caprice of the Chair in order satisfy certain political ends.

There are multiple instances of seemingly arbitrary behavior by the Chair. For example, since there had been no prior votes by our body on membership as of December 6th, it would appear that the seat in 586 should have been vacant until a majority vote was taken. Why was it filled by Stephen Bittel and not Richard Lobo? It appears that Bittel may have arbitrarily been given the Elected Membership in order to qualify to run for an officer role, as Miami-Dade's bylaws clearly state that "Appointed At-Large Members shall not be eligible to serve as officers of the County Executive Committee."

Conflicts of Interest involving the Miami-Dade DEC Party Chair, Mr. Bittel and applicants

Since many rules violations have arisen during this election process, we are forced to reckon with the possibility that the fact that Mr. Bittel has been funding Juan Cuba's salary may be undermining the fairness of our elections process. According to the Miami Herald, Bittel has "given tens of thousands of dollars to the county party — and to the state party, which means he had a hand in hiring Cuba and paying his salary as the Miami-Dade executive director." Likewise, the Miami-Dade DEC Treasurer Arthur Costa has confirmed that Juan Cuba's salary as Executive Director of the Miami-Dade DEC salary was paid for exclusively by Mr. Bittel. Mr. Cuba and his consulting firm were paid in excess of \$200,000 since 2014. In an act that can only be best described as quid pro quo, Mr. Cuba seems to have exercised his power as Chair of the Miami-Dade DEC to select December 20th, 2016 as the date for the aforementioned special election in an effort specifically designed to exclude Mr. Bittel's strongest opponent, State Senator Dwight Bullard from being able to attend said election.

It was incumbent upon the Chair to come forward with said information and not only notify the members present of the potential conflict of interest, but also hand over the gavel to the Vice Chair or other designated party to conduct to the December 20th proceedings. He did neither of these.

In addition, we met several individuals at the special election who told us that they were employees of Mr. Bittel. We would appreciate your thorough investigation to ensure that no one cast votes, violated Party rules or manipulated our election process because they felt compelled

due to employment or influenced by their financial dependence and/or potential financial gain from Mr. Bittel.

Impropriety and Gaming the System

There is also clear evidence that Mr. Berlin conspired with Mr. Bittel to “stuff the ballot box” with Bittel supporters by his improper motion during the reorganization meeting. The now infamous email from Stephanie Grutman shows her efforts to get 100 applicants who would support Mr. Bittel at a December 19th meeting. Mr. Berlin clearly resigned a day later than she expected since the meeting was ultimately had on December 20th. It is incontrovertible that Mr. Berlin included Mr. Bittel and those 100 applicants in the stack of 138 applications he improperly voted to approve at the end of the reorganizational meeting.

In conclusion, due to the:

- Inclusion of non-members in voting procedures,
- Lack of clarity about the presence of quorum and the percentage of proxies,
- So-called ratification of a prior invalid motion,
- The physical blockade against our observers at the beginning of the meeting when crucial motions were being cast and voted upon,
- Confusion surrounding the precinct committee(wo)man election/appointment in precinct 586, and
- Potential conflicts of interest involving Miami-Dade DEC, Juan Cuba, Mr. Bittel and applicants,

We request that the election be immediately overturned, along with the motion to accept the credentials report, and the motion to ratify Bret Berlin's invalid midnight motion on 12/6. We believe all new members accepted at the 12/20 meeting must undergo a full recredentialing process to ensure that we follow appropriate protocol in cases where multiple individuals apply for a vacant seat that has not yet been voted upon by the Committee. We further request sanctions for and an apology by Juan Cuba for his apparent direction to physically bar fellow Democrats from observing the special elections. Finally, we request an investigation to sort out any confusion in the election/appointment in for precinct committeeman in precinct 586 and any potential conflicts of interest that led to rules violations or manipulations of this election process.

Most urgently, we request that the FDP overturn this election prior to the 1/14 FDP Chair election to ensure this misconduct does not lead to the ascendancy of anyone who may be an illegitimate candidate for the office of FDP Chair.

We do not raise these concerns out of malice or to discourage inclusiveness. We simply want to enforce our rules to ensure fair play, and to build a party that earns and respects the trust of

our voters. If we cannot demonstrate integrity in our own officer elections, we fear that it will undermine our voters' trust in us in local, state and federal elections.

We look forward to your thoughtful, immediate response.

Many thanks,

Victor Nieto

Elected Precinct Committeeman, Miami-Dade Democratic Executive Committee, Precinct 148

Ernesto Fernandez

Elected Precinct Committeeman, Miami-Dade Democratic Executive Committee, Precinct 184

Dawn Grayson

Elected Precinct Committeewoman, Miami-Dade Democratic Executive Committee, Precinct 24

Isabel Loaiza

Elected Precinct Committeewoman, Miami-Dade Democratic Executive Committee, Precinct 23

Andrea Perez

Elected Precinct Committeewoman, Miami-Dade Democratic Executive Committee, Precinct 207

Zenia Perez

Elected Precinct Committeewoman, Miami-Dade Democratic Executive Committee, Precinct 108

Jorge Medina

Elected Precinct Committeeman, Miami-Dade Democratic Executive Committee, Precinct 447

Erika Grohoski Peralta

Outreach Vice Chair, Miami-Dade Democratic Executive Committee

Diana Burnett

At-Large Committeewoman, Miami-Dade Democratic Executive Committee

Eric Rodriguez

Elected Precinct Committeeman, Miami-Dade Democratic Executive Committee, Precinct 701

Carlos Condarco

Elected Precinct Committeeman, Miami-Dade Democratic Executive Committee, Precinct 36

Wendy Sejour

Elected Precinct Committeewoman, Miami-Dade Democratic Executive Committee, Precinct 928

Oliver Torres

Elected Precinct Committeeman, Miami-Dade Democratic Executive Committee, Precinct 429

Cc:

Allison Tant | Chair, Florida Democratic Party | ATant@fladems.com

Scott Arceneaux | Executive Director, Florida Democratic Party | sarceneaux@fladems.com

Alan Clendenin | First Vice Chair, Florida Democratic Party | alan@alanclendenin.com

Nicholas Pellito | Director of Party Affairs, Florida Democratic Party | npellito@fladems.com

Dave Dew | Chair, Judicial Committee, Florida Democratic Party | Davedew@comcast.net

Rick Boylan | Co-Chair, Rules Committee, Florida Democratic Party | Rqboylan@gmail.com

T. Wayne Bailey | Co-Chair, Rules Committee, Florida Democratic Party | wbailey@stetson.edu

Nancy Jacobson | Vice Chair, Rules Committee, Florida Democratic Party | nancyc.jacobson@gmail.com

Juan Cuba | Chair, Miami-Dade County Democratic Executive Committee | jcuba85@gmail.com