

IN THE BROWARD COUNTY, FLORIDA, CHARTER SECTION 12.01  
ENFORCEMENT HEARINGS FORUM **OIG Agency Clerk**

JOHN W. SCOTT,  
Broward County Inspector General,  
*Plaintiff,*

CASE NO. EH-15-002

v.

LESA PEERMAN,  
*Defendant.*

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COMPLAINT

Plaintiff JOHN W. SCOTT, the Inspector General in and for Broward County, Florida, by and through the undersigned Ethics Counsel for the Broward County Office of the Inspector General, files this Complaint against Defendant LESA PEERMAN for violations of Section 1-19 of the Broward County Code of Ordinances (“Ethics Code”), as averred herein.

STATEMENT OF JURISDICTION

The Broward County Charter Section 12.01 Enforcement Hearings Forum has jurisdiction over this matter pursuant to Section 12.01.C.(2) of the Broward County Charter.

FACTS UPON WHICH THE PLAINTIFF IS ENTITLED TO RELIEF

1. Plaintiff JOHN W. SCOTT is the Inspector General for Broward County.
2. At all times material to this Complaint, Defendant LESA PEERMAN served as a member of the governing body of a municipality within Broward County or served as a municipal mayor within Broward County, Florida, to-wit: a Commissioner or Mayor for the city of Margate, Broward County, Florida (“the City”).
3. At all times material to this Complaint, Defendant served as a Member of the Board of the City’s Community Redevelopment Agency (“CRA”).
4. In July 2014, Defendant and her spouse arranged to reenact and celebrate their wedding at a reception within the City on August 2, 2014 (“the Reception” or “the Event”).

5. In July 2014, Defendant hired an individual to plan the Reception and to purchase goods and services for the Event.

6. Defendant did not pay the individual referenced in Paragraph 5 or any other person for the personal services of a disc jockey (DJ) at the Reception.

7. W.M. is the manager, owner, or both manager and owner of a restaurant and a bar (two businesses) that are licensed to do business by the City and lease property from the CRA.

8. Defendant and W.M. were acquainted because of Defendant's official status as an elected official.

9. As of August 2, 2014, Defendant considered the businesses referenced in Paragraph 7 to be delinquent in their rent payments to the CRA.

10. In July 2014, W.M. hired and paid \$150 to S.B. to serve as the DJ at the Reception to benefit Defendant.

11. In advance of the Reception, Defendant was aware that S.B. was going to DJ the Event.

12. S.B. performed personal DJ services at the Reception, which services were accepted by the Defendant.

13. The provision of DJ services at the Reception personally benefited Defendant.

14. Defendant did not provide any consideration to W.M. for the DJ services within 90 days of the Reception.

15. Defendant informed Reception invitees that, at the Event, she and her spouse would accept donations to two charitable organizations, Duck Haven, Inc. ("Duck Haven") and 100 Plus Animal Rescue, Inc., the fictitious name for which is 100+ Abandoned Dogs of Everglades Florida ("100 Plus"), in lieu of presents for the couple.

16. Defendant caused to be placed on a table at the Reception two boxes, one labeled for Duck Haven, and one labeled for 100 Plus.

17. During the Event, guests placed money in the boxes labeled for Duck Haven and 100 Plus.

18. Defendant personally remitted these funds to Duck Haven and 100 Plus.

19. Defendant did not timely file with the City clerk any form disclosing the solicitation described in Paragraphs 15 through 17 above.

20. No such filing as described in Paragraph 9 was made available on the City's searchable internet database.

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## RELEVANT LAW

21. Ethics Code Section 1-19(a), "Statement of Policy," states:

"It is the policy of Broward County that the Board of County Commissioners work for the benefit of the citizens of the County and elected officials of municipalities work for the benefit of the citizens of their respective municipalities. County Commissioners and elected municipal officials shall not receive any personal economic or financial benefit resulting from their service on their local governing bodies beyond legally authorized direct compensation. It is the responsibility of each County Commissioner and elected municipal official to act in a manner that promotes public trust and confidence in government with complete transparency and honesty in their services, and to avoid even the appearance or perception of impropriety."

22. Ethics Code Section 1-19(c), "Standards of Conduct," provides:

"In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; Title 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward County Code of Ordinances, sec. 26-67 et seq., the following Standards of Conduct shall apply to each Elected Official."

23. Ethics Code Section 1-19(c)(1), "Acceptance of Gifts," provides in relevant part:

"a. Elected Officials... shall not accept gifts, directly or indirectly, regardless of value, from lobbyists registered with the governmental entity on whose behalf they ... serve, or from any principal or employer of any such registered lobbyist, or from vendors or contractors of such governmental entity. ...

"b. Elected Officials may accept gifts from other sources given to them in their official capacity, where not otherwise inconsistent with the provisions of Florida Statutes Chapter 112, Part III, up to a maximum value of \$50.00 per occurrence. ..."

24. Ethics Code Section 1-19(c)(5), "Solicitation and Receipt of Contributions,"

provides:

"a. Charitable Contribution Fundraising. 1. The solicitation of funds by an Elected Official for a non-profit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect benefit between the parties to the solicitation. 2. To promote the full and complete transparency of any such solicitation, an Elected Official shall disclose, on a form created by the Broward County Attorney's Office, the name of the charitable organization, the event for which the funds were solicited, and the name of any individual or entity that may have promoted the solicitation. The form shall be filed for public inspection. ..."

25. Ethics Code Section 1-19(b), "Definitions," provides in relevant part:

(1) "'Elected Official' means any member of the Board of County Commissioners and any Municipal Official as defined below...."

(4) "'Filed for Public Inspection' means that the form is completed legibly and is filed with the applicable governmental entity's chief administrative official or clerk, with a copy of the form or all information contained thereon inputted into the applicable governmental entity's database, which database shall be searchable by internet. For any municipality that does not maintain a website sufficient to meet the requirements of this paragraph, the form or information may be inputted into a database maintained by the Broward League of Cities, provided that database is searchable by internet."

(9) "'Municipal Official' means any individual serving as a member of the governing body of a municipality within Broward County or serving as a municipal mayor within Broward County...."

"All operative words or terms used in this Code not defined herein shall be as defined, in order of priority in the event of inconsistency, by Part III of Florida Statutes Chapter 112, the Broward County Code of Ordinances, and the Broward County Administrative Code. The term 'relative' shall be as defined in Florida Statutes section 112.3135."

26. Florida Statutes Section 112.312(12), "Definitions," provides in relevant part:

(a) "'Gift,' for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including: ..."

"12. Services provided by persons pursuant to a professional license or certificate.

"13. Other personal services for which a fee is normally charged by the person providing the services. ..."

27. Florida Statutes Section 112.3148(7) provides:

"(a) The value of a gift ... shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. ..."

“(b) Compensation provided by the donee to the donor, if provided within 90 days after receipt of the gift, shall be deducted from the value of the gift in determining the value of the gift.”

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COUNT ONE

(1) Between on or about August 2, 2014, and on or about October 31, 2014, while a member of the governing body or the mayor of the city of Margate, Broward County, Florida, Defendant LESA PEERMAN directly or indirectly accepted from someone other than a lobbyist, vendor, or contractor of the city of Margate, a gift of personal disc jockey (“DJ”) services which was given to her in her official capacity and valued at \$50.00 or more, in violation of Section 1-19(c)(1)b. of the Broward County Code of Ordinances.

COUNT TWO


(2) Between on or about August 2, 2014, and on or about June 9, 2015, while a member of the governing body or the mayor of the city of Margate, Broward County, Florida, Defendant LESA PEERMAN failed to disclose and file for public inspection the name of a charitable organization for whom she solicited funds, to-wit: Duck Haven, Inc., or 100 Plus Animal Rescue, Inc., in violation of Section 1-19(c)(5)a.2. of the Broward County Code of Ordinances.

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DEMAND FOR JUDGMENT FOR RELIEF

WHEREFORE Plaintiff demands judgment against Defendant LESA PEERMAN in the amount of \$500 (for two fines in the amount of \$250 each) for violation of one count of Ethics Code Section 1-19(c)(1)b. and one count of Ethics Code Section 1-19(c)(5)a.2.

Respectfully submitted,

by:   
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