



# M U L T I S T A T E

## **Secretary of State investigating Garfield County sheriff for alleged campaign violations** (Colorado)

GARFIELD COUNTY, Colo. (KJCT) - The Garfield County Sheriff is under investigation for possibly breaking campaign finance rules in order to support of U.S Rep Lauren Boebert.

Sheriff Lou Vallario now has ten days to respond.

David Wheeler, with American Muckrakers PAC, filed a complaint with the Secretary of State claiming Vallario improperly used his office's public resources to campaign for Boebert and to quiet her critics.

The complaint is focused on emails the county released to Wheeler under the Colorado Open Records Act.

In one email, the sheriff appears to have sent himself at his taxpayer-owned email a script for campaign call supporting Lauren Boebert for Congress and calling her 2022 primary opponent, Don Coram, "downright horrible for law enforcement" and accusing him of voting to decriminalize fentanyl.

Another email requests special patrols for Boebert as Wheeler was in the area and was a "loon."

Boebert requested and received a Temporary Restraining Order against Wheeler but the judge dismissed the case as Wheeler had not been served.

Wheeler also complained the sheriff violated his civil rights for "purely political purposes." In its notice to Vallario, The Secretary of State reported it does not investigate civil rights claims and would leave that allegation to other agencies where Wheeler filed additional complaints.

Vallario says he cannot comment on the SoS process but added, "Given that I am used to working within a due process environment and the SoS has only received a one-sided complaint, I understand from their point of view that a violation(s) "may" exist. I think it is absolutely appropriate that I now have the opportunity to respond to those allegations. "

## **Investigation finds Phoenix City Councilmember Carlos Garcia likely violated campaign finance laws** (Arizona)

Phoenix City Councilmember Carlos Garcia could be in hot water after an investigation revealed that he likely violated campaign finance laws.

He accepted nearly \$28,000 from the United Food and Commercial Workers union, but it's against state law to accept campaign donations from labor unions.

Garcia is running for a second term in Phoenix's District 8, which encompasses much of south Phoenix, where he's from. He's been a champion of the Latino community there for more than a decade, since he worked as an activist fighting against former Sheriff Joe Arpaio's anti-immigrant efforts.

Jessica Boehm of Axios Phoenix [wrote more about it](#), and she joined The Show to explain what she found.

### [Portland candidate fined \\$77K over campaign office deal](#) (Oregon)

PORTLAND, Ore. (AP) — A man running for a seat on the Portland City Council has been fined \$77,000 for accepting and failing to report a steep discount on campaign office rent.

Since May, Rene Gonzalez's campaign has paid a paltry \$250 a month to rent more than 3,000 square feet in a Portland office building owned by Jordan Schnitzer, Oregon Public Broadcasting [reported](#).

Schnitzer is a real estate mogul and philanthropist who has donated the most money allowed by law, \$250, to the candidate, according to campaign finance reports.

Susan Mottet, Portland's Small Donor Elections program director, wrote in a letter to Gonzalez Tuesday that the fair market value of the office, which comes with a two parking spaces, is about \$6,900 a month. That amounts to an unreported discount of 96%, one that Mottet claimed is an illegal in-kind contribution under the city's public campaign finance program.

Both Gonzalez and his opponent, Commissioner Jo Ann Hardesty, are participating in the Small Donor Elections program, a city effort to remove big money from politics.

Under the program rules, candidates receive a 9-to-1 match on the first \$20 they receive from a donor. That means a donation of \$20 could become \$200 with \$180 from the city. In return, the candidates agree to restrictions including capping the maximum amount they can take from an individual donor at \$250.

They also are not allowed to take in-kind contributions — donations of time, goods, services — from businesses, Mottet said.

So far, Gonzalez has received \$370,000 in city money through the program and now has around \$175,000 in his campaign coffers, according to campaign finance records.

In a statement, Gonzalez campaign manager Shah Smith said the modest rent was not an in-kind contribution, but rather what anyone looking to rent office space would expect to pay downtown, an area that has struggled to rebound from the pandemic.

“We evaluated (city) rules when we entered into the lease and strongly disagree that the rent is too low given the dismal state of downtown,” he wrote. “Landlords are having to offer substantial amounts of free rent months, secured parking and invest in tenant improvements to get tenants to even consider renting,” he said.

Smith also said the campaign plans to appeal.

### **Ex-Regulator Continues Fight Against Lobbyist** (Florida)

A former top Florida financial regulator is continuing his legal battle against a lobbyist he blamed for his ouster — and wants an appeals court to require state Chief Financial Officer Jimmy Patronis to testify in the dispute.

Ronald Rubin, former commissioner of the Florida Office of Financial Regulation, filed a notice Monday that he is appealing to the 1st District Court of Appeal after Leon County Circuit Judge John Cooper rejected Rubin’s allegations of wrongdoing by lobbyist R. Paul Mitchell.

As is common, the notice did not detail arguments Rubin will make in trying to overturn Cooper’s ruling. But the notice also said Rubin will challenge a Cooper decision that shielded Patronis from testifying in a deposition.

Gov. Ron DeSantis and state Cabinet members fired Rubin in July 2019 after a controversy sparked by an employee lodging a sexual harassment complaint against Rubin. Mitchell initially helped Rubin get the job — but later turned against Rubin and pushed for him to leave the post, according to court documents.

Rubin disputed accusations of sexual harassment and other misconduct and, in the lawsuit, alleged tortious interference by Mitchell, defamation and violation of the Florida Racketeer Influenced and Corrupt Organization, or RICO, Act.

But Cooper, in an Aug. 24 ruling, rejected Rubin’s allegations, including that Mitchell was involved in a “pay-to-play” scheme for government jobs and that Mitchell influenced an inspector general’s investigation into Rubin.

“Plaintiff contends that Mitchell fabricated the sexual harassment complaints or had knowledge that they were false,” Cooper wrote in granting summary judgment to Mitchell. “The record does not support the contention.”

Mitchell, a lobbyist with The Southern Group, an influential Tallahassee firm, had ties to Patronis, who nominated Rubin to become commissioner of the Office of Financial Regulation. The state Financial Services Commission, made up of DeSantis and Cabinet members, hired Rubin in early 2019.

Rubin was suspended in May 2019 after an employee filed a complaint about alleged sexual harassment. That prompted the inspector general's investigation and, ultimately, Rubin's firing.

Rubin, who filed the lawsuit in 2019, subpoenaed Patronis to testify in the case, touching off a fight about whether the elected state Cabinet member could be forced to appear at a deposition.

In a November 2021 document, for example, Rubin's lawyers wrote that evidence "including over 170 phone calls, texts and emails between CFO Patronis and defendant R. Paul Mitchell in just the four months between February and May 2019 demonstrates the CFO has unique knowledge central to Rubin's claims."

But in a January 2022 motion, attorneys for Patronis argued that the subpoena should be quashed and that Cooper should issue a protective order shielding the CFO from a deposition. The motion focused on what is known legally as the "Apex Doctrine," which generally allows high-ranking government officials to avoid being deposed if information can be obtained from other sources.

"The Apex Doctrine does not permit unfettered cumulative discovery from agency heads," Patronis' attorneys wrote. "If relevant information is available from another source, testimony from an agency head must be prohibited. Nor are other sources 'unavailable' simply because plaintiff has not secured the answers he seeks."

Cooper granted the motion to prevent the deposition. Rubin's notice of appeal Monday said that decision is related to Cooper's ultimate ruling in favor of Mitchell because it "erroneously limited the scope of discovery."

In the underlying case, Rubin's attorneys contended that Mitchell, Patronis and other people "conspired" to get Rubin appointed as commissioner because they "believed they could control" him, according to a document filed this year in the lawsuit. They alleged, in part, that Mitchell and the others wanted Kim Grippa, whose ex-husband, Tony Grippa, was a Patronis supporter, to be appointed general counsel of the Office of Financial Regulation.

Rubin did not hire Kim Grippa, a move that he alleged helped spur efforts by Mitchell to oust him.

“Rubin was appointed in February 2019, but it soon became apparent that he was not pliable, and Mitchell realized he had chosen the wrong vehicle to repay political favors and increase his influence over Florida’s government,” Rubin’s attorneys wrote in the June 17 document.

But in a motion for summary judgment this year, Mitchell’s attorneys wrote that the only thing discovered in the case was that “Mitchell is a lobbyist, who works with government officials and routinely communicates with them to provide advice, fill jobs and advocate for his clients.”

“No one was out to get plaintiff, there is no criminal conspiracy and Mitchell is not a criminal mastermind,” the May 20 motion said. “Nothing more has been gleaned. There are no documents, no admissions, no exchanges of money, no inexplicable communications, no evidence the women complaining about plaintiff were lying or that the investigators were ‘bought.’ Nothing at all to raise plaintiff’s allegations of being framed by a criminal political ‘pay-to-play’ enterprise above the level of rank speculation. In short, plaintiff has no one to blame for his fall from grace but himself.”