



M U L T I S T A T E

**Heastie makes new appointment to ethics panel** (New York)

Assembly Speaker Carl Heastie is nominating attorney Dolly Caraballo to the state's new ethics and lobbying watchdog after one of his previous appointees was rejected by a panel of law school deans.

Caraballo is a civil litigator and member of the Latino Judges Foundation Board. She has previously served as a member on the New York City Mayor's Advisory Committee on the Judiciary and was nominated by former Chief Judge Judith Kaye to the post. She has also served as the president of the Puerto Rican Bar Association.

One of Heastie's previous appointments to the new commission, retired state Supreme Court Judge Robert Torres, was rejected by a review committee of law school deans after the panel failed to reach a consensus on approving him. Torres' appointment was rejected alongside nominees by Senate Minority Leader Robert Ort and state Attorney General Letitia James.

The new Commission on Ethics and Lobbying in Government was created to replace the Joint Commission on Public Ethics, meant to oversee and regulate ethics and lobbying in state government.

Unlike the prior commission, top officials in New York must have their appointments to the new panel reviewed and approved by law school deans following a vetting process.

**Portland City Council hopeful demands waiver of \$77K fine** (Oregon)

PORTLAND, Ore. (AP) — A Portland City Council candidate has formally asked elections officials to waive a \$77,000 fine, arguing that a deeply discounted downtown office space he received from a wealthy backer doesn't go against the city's campaign finance rules. Since May, Rene Gonzalez's campaign has paid a \$250 a month to rent the space in a downtown building owned by real estate mogul Jordan Schnitzer.

Portland's Small Donor Elections program director Susan Mottet has said the fair market value of the office and two parking spaces is about \$6,900 a month, and calls the discount an illegal in-kind contribution.

Both Gonzalez, a lawyer challenging incumbent Commissioner Jo Ann Hardesty are participating in the Small Donor Elections program, a city effort to remove big money from politics. He has received more than \$370,000 from the small donor program for his City Council race.

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 not take donations of time, goods and services, from businesses.

In a letter to the city Tuesday, the Gonzalez campaign contends that assessment of downtown rental rates is grossly exaggerated, The Oregonian/OregonLive reported. "Once upon a time, in happier days, this amount might have been accurate in that a willing tenant would gladly pay it," the letter said.

The Gonzalez campaign said the space it's renting had been vacant since 2020, objecting to the city's claims that the discounted office space constitutes an in-kind contribution that exceeds the \$5,000 limit.

Mottet also erred because listings alone aren't enough to determine what is fair market, the campaign alleged.

Mottet said the city expects to respond to Gonzalez's challenge within the coming days.

### [Lawsuit seeks to strike key plank of NY ethics law](#) (New York)

ALBANY — A lawsuit is seeking to strike down a key provision of New York's revamped ethics law that Gov. Kathy Hochul has touted as creating greater independence for the state's new watchdog panel.

The lawsuit challenging the new commission's confirmation process was filed in state Supreme Court in Onondaga County last Thursday by Gary Lavine, a Syracuse attorney who was nominated to serve on the new commission by Republican Senate Minority Leader Robert Ort. Lavine's nomination was rejected by a panel established to scrutinize candidates.

In April, Hochul and the Democratic leaders of the Legislature reached a compromise creating the Commission on Ethics and Lobbying in Government, which held its first meeting two weeks ago.

Top New York lawmakers still appoint the 11 members of the new commission, a feature that has brought criticism of past state ethics panels. But in a new wrinkle pushed by Hochul, lawmakers'

nominees must go through a confirmation process conducted by an "Independent Review Committee" comprised of the deans of New York's 15 accredited law schools.

The Times Union recently obtained more than 200 pages of documents from the Independent Review Committee that provide insight into their vetting processes and the nominees it has confirmed.

An aspect of the new panel that has received attention is whether it will break from the secrecy that characterized its predecessor, the Joint Commission on Public Ethics. In questionnaire responses, many of the seven people confirmed to serve on the new body professed their reluctance to speak to the media or to publicly air disagreements.

But the details of why certain nominees are being confirmed to serve on the body, while others have been rejected, remain unclear.

#### Legal dispute

Lavine's nomination was rejected by the vetting panel on Sept. 1, and he filed the lawsuit with Ortt's support — although as a formality, Ortt is listed along with other leaders of the Legislature as a defendant. Hochul and the Independent Review Committee also are named as defendants.

Lavine is seeking a declaratory judgment that giving a "committee of private citizens" power to confirm or veto nominees violates three articles of New York's constitution, including one reserving that confirmation power for the state Senate.

"There is no circumstance in which a panel of private citizens can statutorily be granted the Senate's prerogatives to advise and consent with respect to appointments," Lavine wrote.

Unlike the public confirmation hearing process in the state Senate, Lavine argues, the review committee's deliberations are "conducted in secret and not recorded — a modern Star Chamber."

Hochul's office did not respond to a request for comment. The review committee declined comment on the litigation.

The Independent Review Committee has so far rejected three nominations, while confirming seven others. In his lawsuit, Lavine is not only seeking to strike down the law creating the vetting panel, but an injunction immediately seating all three rejected nominees.

The stated reasons for Lavine's rejection are known: Ort's office provided the Times Union with the vetting panel's rejection letter earlier this month.

But two Democrats who also had nominees rejected — Attorney General Letitia James and Assembly Speaker Carl E. Heastie — have declined to share copies of their nominees' rejection letters. And in response to the Times Union's Freedom of Information Law request, the Independent Review Committee also declined to provide those records, contending the enabling legislation that created their panel "only permits the IRC to disclose records for those candidates confirmed and appointed."

The nominees of Heastie and James were both former longtime state Supreme Court justices; it's not clear what basis existed for their rejections.

Letters sent to state lawmakers approving their nominees were provided to the Times Union by the vetting panel. Those letters state no reasons, however, why those nominees were approved.

In early June, Hochul's office encouraged the vetting panel to go further in suppressing information about nominees that might be rejected.

Hochul's deputy counsel, Pei-Pei Cheng de Castro, emailed the chair of the review body, New York Law School Dean Anthony Crowell, and asserted that a rule the deans were considering implementing in their nomination protocols — requiring lawmakers to publicly disclose the identities of the people they were nominating — was "not in compliance with the statute."

"Reason being so as not to embarrass individuals who agree to serve voluntarily but get rejected," de Castro wrote. "We believe this further supports the deans' ability to independently review and reject nominations as the statute explicitly provides that rejections are not subject to FOIL."

Ultimately, Crowell's vetting panel rejected that recommendation from Hochul's office.

"The requirement is lawful and promotes integrity, transparency, and accountability," Crowell told the Times Union on Friday.

Before announcing detailed rules for approving or denying applicants on June 15, the deans consulted with top attorneys for the politicians who make appointments to the ethics body, including de Castro, a former longtime JCOPE staffer.

The emails do not indicate, however, that anyone outside the vetting panel was allowed to give final approval to those procedures.

Former JCOPE Executive Director Sanford Berland — who is now serving as the interim director of the new ethics body — also consulted with vetting panel on July 15, emails show.

### **Jorge Fors sues Miami-Dade Commission opponent Kevin Marino Cabrera for defamation** (Florida)

**'I cannot let them continue to lie through their teeth to the voters and fabricate things to get themselves elected.'**

Coral Gables Commissioner **Jorge Fors Jr.** is suing lobbyist **Kevin Marino Cabrera**, his opponent for the Miami-Dade Commission in District 6, for what he calls a “civil conspiracy” to defame him ahead of this fall’s election.

In a lawsuit filed Thursday with the 11th Judicial Circuit, Fors alleged Cabrera and several campaign consultants and political committees have spread “false, defamatory statements” and “realistic, but doctored, images” meant to damage his reputation.

That includes misleading campaign mailers sent to “thousands of readily identifiable Miami-Dade County voters” for the “malicious purpose” of tarnishing Fors.

The mailers and other attack media from Cabrera’s campaign — including a now-offline website, **ForsTheFraud.com**, whose funding **is traceable to Cabrera’s political committee** — had Fors considering a lawsuit for months. The website included a photoshopped picture of Fors handcuffed and wearing an orange jumpsuit while sitting in a jail cell and what appear to be arrest records of Fors.

Fors said he’s never been arrested in his life. He also denied allegations by Cabrera’s campaign that he “refused to pay (any) property taxes.” In August, Fors told the Miami Herald he mistakenly claimed a homestead exemption on a condo roughly five years ago and has since repaid the outstanding taxes, interest and penalties.

But Fors said it was a particularly misleading tactic Cabrera’s team allegedly sent out this week that proved the last straw.

On Sept. 17, Miami Herald reporter **Doug Hanks** posted **screenshots to Twitter** of text messages sent to District 6 voters. Sent with an image of hands bound by rope, the messages claimed Fors voted against shutting down “shady motels” in Coral Gables that operate as “fronts for human trafficking.” The texts said Fors accepted campaign donations from the motels, profiting “off the backs of prostitutes through the trafficking of women, men, and children,” and referred recipients to ForsTheFraud.com.

A disclaimer in the upper-left corner of the image said funding for the texts came from **Save Our Quality of Life**, a Tampa-based political committee that got a \$135,000 influx in August from another political committee led by GOP strategist **Anthony Pedicini**. Pedicini's political committee, in turn, received \$90,000 since mid-July from Cabrera's political committee, **Dade First PC**.

Fors called the messages “a completely fabricated advertisement,” adding that he'd never voted on anything to do with motels until last week, when he voted in favor of placing additional requirements on the establishments.

City of Coral Gables records show Fors and the other members of the City Commission **voted unanimously for the ordinance** in question, which Mayor **Vince Lago** sponsored.

“I have three little girls, and I think human trafficking is nothing to play games with,” Fors told Florida Politics. “It's an extremely serious problem in our communities, especially in South Florida. And that pretty much put me over the edge.

“To try to associate me with human traffickers and the sex work trade, an illegal industry, that was enough. I cannot let them continue to lie through their teeth to the voters and fabricate things to get themselves elected. So, I filed the suit.”

In addition to Cabrera, Pedicini, Dade First PC and Save Our Quality of Life, Fors is also suing political consultants **David Millner** and **Thomas Piccolo**, who the suit says work with Pedicini through the Tampa company **SimWins**, as well as political operative **Alex Miranda** and his firm, Miranda Advocacy.

The suit also targets another political committee Pedicini runs called **Citizens Alliance for Florida's Economy PC** and five unnamed individuals referred to as John Doe #1, John Doe #2, John Doe #3 and Jane Doe.

The defamation lawsuit is unspecified monetary damages. Fors said he hopes it “sends a strong message to them that there will be consequences for their actions.”

The lawsuit also lobs barbs at Cabrera, a longtime political operative and government relations specialist who has been endorsed by **several high-profile GOP politicians**, including former President **Donald Trump**, U.S. Rep. **María Elvira Salazar**, Chief Financial Officer and Fire Marshal **Jimmy Patronis**, Miami Mayor **Francis Suarez** and Lago.

Despite Cabrera's roots in politics — he ran campaigns for Trump, former Gov. **Jeb Bush**, former U.S. Rep. **Carlos Curbelo** and Florida Supreme Court Justice **John Couriel**, among others — Cabrera is campaigning as something of a political outsider. He called Fors, a fellow Republican, an “aspiring career politician.”

Cabrera, the lawsuit says, is a “career lobbyist” registered with the state of Florida and Miami-Dade County who “nonetheless falsely describes himself to voters as a ‘political outsider.’”

“What's more, Cabrera is or was a member of the Proud Boys ... a neo-fascist organization that promotes and engages in political violence in the United States (and) has been designated as a terrorist group in Canada and New Zealand.”

That assertion stems from an October 2018 incident in which Cabrera, then working as a lobbyist, was caught on video participating in a protest alongside members of the Proud Boys and Miami-Dade Republican Party outside the office of former Democratic U.S. Rep. **Donna Shalala**. In the **video**, Cabrera can be seen pounding his fist on Shalala's door while holding a rudimentarily drawn poster opposing communism.

The incident drew rebukes from U.S. Sen. **Marco Rubio** and Curbelo, who said he **“fully” agreed** that the protest was “100 percent wrong” and “disgusting.”

Cabrera, who now works as senior vice president of global public strategy firm **Mercury**, has maintained he was **exercising his First Amendment rights** but denounced the Proud Boys and “any group that espouses any sort of hate.”

Too little too late, Fors said.

“His participation in that protest, combined with his failure to publicly denounce the Proud Boys or publicly come out and say that he is not affiliated and/or a member of the Proud Boys (justifies that claim),” he said. “And by the way, I don't know if the Proud Boys have a formal membership system like your local gym. What is being a member of an organization like that? Is it a simple affiliation? Do they have cards?”

“But if you're with them and not denouncing them — not saying you're not one — then there's a basis to say you are a member.”

Florida Politics contacted Cabrera for comment on the lawsuit. Cabrera responded, saying his campaign had not yet received the lawsuit and would “respond accordingly” after reviewing it with counsel.

Florida Politics emailed Cabrera a copy of the lawsuit and will update this story as it develops.

Fors and Cabrera are competing in a runoff after neither received enough votes to win the District 6 seat on the Miami-Dade Commission outright. Cabrera won 43% of the vote, while Fors took 26%. **Miami-Dade election rules** require a County Commission candidate to receive more than half the votes cast during the technically nonpartisan Primary contest to win office.

The winner on Nov. 8 will succeed **term-limited**, who has endorsed Fors as her preferred successor.

District 6 covers a north-central portion of Miami-Dade, including part or all of the cities of Coral Gables, Hialeah, Miami, Miami Springs, Virginia Gardens and West Miami. The district also contains **Miami International Airport**, one of the county's top two economic engines, and a Miami golf course being **redeveloped as a soccer stadium complex** for the city's Major League Soccer Team.

[\*\*Officials testify about Kentucky's troubled campaign finance reporting system\*\*](#)  
(Kentucky)

FRANKFORT, Ky. — Lawmakers on Tuesday said they may cut ties with a company tasked with overhauling the Kentucky campaign finance reporting system.

Sen. Damon Thayer (R-Georgetown), who sponsored the 2019 legislation requiring online reporting, said he's considering a bill to switch back to paper filing for 2023 so they can bring on a new company to rework the filing system.

"This has been a complete and utter failure," Thayer said.

Several lawmakers detailed their individual issues with the system during a legislative committee meeting Tuesday: Rep. Patti Minter (D-Bowling Green) said it crashes frequently in the lead up to filing deadlines, and Sen. Chris McDaniel (R-Ryland Heights) said campaign treasurers have a hard time navigating the site to make sure their filings are correct.

"A large reason of why this becomes such an emotional issue for us is because a lot of us live with our treasurers," McDaniel said, noting he was his own campaign treasurer in 2020. "For every one of us, a treasurer is someone whose integrity we find to be unimpeachable because they are charged with the finances of a campaign for which we could be held liable for felony violations."

Representatives for Kentucky Interactive faced questions from the committee about what went wrong, and general manager Carlos Luna said they want to figure out a solution.

"We are committed to continuous improvements," he said. "We want the system to work. We want the system to be useful."

Kentucky Interactive worked with the Kentucky Registry of Election Finance for nine months on the plan before signing a contract.

Luna said afterward, his company discovered there was about 767% more work that needed to be done than was detailed in the original plan.

"That's not typical," he said.

But he said they are committed to getting more feedback about what's going wrong, offering to sit down with a collection of campaign treasurers to understand their needs better.

McDaniel questioned why more help or more feedback hasn't been sought to this point.

"This feels to me like we're scrambling for reasons why, when at the end of the day, the performance simply has not been there," he said.



Luna told Spectrum News any follow up questions had to go through Kentucky Interactive's parent company, Tyler Technologies. A spokeswoman said the company has been responsive to lawmakers concerns.

"Our dedicated team works diligently to ensure the solution meets the needs for the end-user," Tyler Technologies Senior Media Relations Specialist Karen Shields said.

KREF Executive Director John Steffen said many of Luna's claims have no merit, including the claim about the extra amount of required work.

"We're talking about a project that should have been done two and a half years ago, and I think that's the big picture," he said.

Thayer said after Tuesday's testimony, he's ready to move on from Kentucky Interactive.

"If you were in the private sector, you would have been fired two years ago," he said.

Steffen said the state has paid Kentucky Interactive more than \$314,000, but has also withheld about \$233,000 for work that hasn't been completed or satisfactory yet.