

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 11-47

(Executive Order of Suspension)

WHEREAS, Beth Flansbaum-Talabisco, is presently serving as Mayor for the City of Tamarac; and

WHEREAS, on March 8, 2011, an affidavit to arrest was issued by the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida, alleging that Beth Flansbaum-Talabisco committed unlawful compensation, in violation of section 838.016(1), Florida Statutes; bribery, in violation of section 838.015(1), Florida Statutes; official misconduct, in violation of section 838.022, Florida Statutes, and conspiracy to commit unlawful compensation, in violation of sections 777.04(3) and 838.016, Florida Statutes, which resulted in a warrant being issued and her arrest; and

WHEREAS, a violation of section 838.016, Florida Statutes, constitutes a felony in the second degree; a violation of section 838.015, Florida Statutes, constitutes a felony in the second degree; a violation of section 838.022, Florida Statutes, constitutes a felony in the third degree; and a violation of section 777.04(3), Florida Statutes, constitutes a felony in the third degree; and

WHEREAS, section 112.51, Florida Statutes, provides that the Governor may suspend from office any elected municipal officer who is arrested for a felony; and

WHEREAS, it is in the best interests of the residents of the City of Tamarac, and the citizens of the State of Florida, that Beth Flansbaum-Talabisco be immediately suspended from the public office, which she now holds, upon the grounds set forth in this executive order;

NOW, THEREFORE, I, RICK SCOTT, Governor of Florida, pursuant to section 112.51, Florida Statutes, find as follows:

A. Beth Flansbaum-Talabisco is, and at all times material was, Mayor for the City of Tamarac, Florida.

B. The office of Mayor for the City of Tamarac, Florida, is within the purview of the suspension powers of the Governor, pursuant to section 112.51, Florida Statutes.

C. The attached affidavit to arrest and arrest warrant alleges that Beth Flansbaum-Talabisco committed acts in violation of the laws of Florida. This suspension is predicated upon the attached affidavit to arrest and arrest warrant, which allege conduct constituting felonies and are incorporated as if fully set forth in this Executive Order.

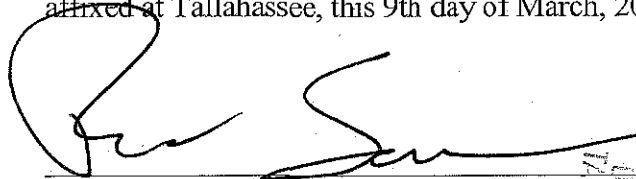
BEING FULLY ADVISED in the premises, and in accordance with the Constitution and the laws of the State of Florida, this Executive Order is issued, effective today:

Section 1. Beth Flansbaum-Talabisco is suspended from the public office, which she now holds, to wit: Mayor for the City of Tamarac, Florida.

Section 2. Beth Flansbaum-Talabisco is prohibited from performing any official act, duty, or function of public office; from receiving any pay or allowance; and from being entitled to any of the emoluments or privileges of public office during the period of this suspension, which period shall be from today, until a further Executive Order is issued, or as otherwise provided by law.



IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, this 9th day of March, 2011.


GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2011 MAR -9 PM 5:06
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA, :
Plaintiff, :
vs. : WARRANT TO ARREST
:
BETH FLANSBAUM-TALABISCO :
Defendant. :

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WHEREAS, Angelo Paziienza has this day made oath before me on the 8th day of March,
A.D. 2011, in the County and State aforesaid:

COUNT I
UNLAWFUL COMPENSATION

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that **on or about the 1st day of January, 2006 and continuing through the 23rd day of August 2006**, **Beth Flansbaum-Talabisco**, while a Public Servant, to wit: a City Commissioner for the City of Tamarac, Florida, did corruptly request, solicit, accept, or agree to accept any pecuniary or other benefit not authorized by law, to wit: United States currency from Shawn Chait or Bruce Chait or both, said money being used to pay for a poll and/or "527" for the past, present, or future performance, nonperformance, or violation of any act or omission which Shawn Chait or Bruce Chait or both, or **Beth Flansbaum-Talabisco** represented as having been, either within her official discretion, in violation of a public duty or in performance of a public duty, to wit: Tamarac City Commissioner **Beth Flansbaum-Talabisco** did and would vote favorably for agenda items involving Prestige Homes before the Tamarac City Commission contrary to Florida Statutes Sections 838.016 (1), (L7), and

COUNT II
BRIBERY

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that **on or about the 1st day of January, 2006 and continuing through the 23rd day of August 2006**, **Beth Flansbaum-Talabisco**, while a Public Servant, to wit: a City Commissioner for the City of Tamarac, Florida, did corruptly request, solicit, accept, or agree to accept any pecuniary or other benefit not authorized by law, to wit: United States currency from Shawn Chait or Bruce Chait or both, said money being used to pay for a poll and/or "527" with the intent or purpose to influence the performance of any act or omission which Shawn Chait or Bruce Chait or both, believe to be or **Beth Flansbaum-Talabisco** represented as being, within her official discretion, in violation of a public duty or in performance of a public duty, to wit: Tamarac City Commissioner **Beth Flansbaum-Talabisco** did and would vote favorably for agenda items involving Prestige Homes before the Tamarac City Commission contrary to Florida Statutes Sections 838.015 (1), (L7), and

**COUNT III
OFFICIAL MISCONDUCT**

MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that on or about the 22nd day of March 2006, Beth Flansbaum-Talabisco, while a public servant, to wit: a City Commissioner for the City of Tamarac, Florida, with a corrupt intent to obtain a benefit for herself or another or to cause unlawful harm to another, did obstruct, delay, or prevent the communication of information relating to the commission of a felony, to wit: bribery or unlawful compensation, that directly involves or affects the public agency or public entity served by the public servant, to wit: the City of Tamarac, Florida in that Beth Flansbaum-Talabisco intentionally failed to disclose that she had a voting conflict of interest because she had received money from Shawn Chait or Bruce Chait or both to vote favorably for agenda items involving Prestige Homes, and Beth Flansbaum-Talabisco, instead of communicating this information to the City of Tamarac, her fellow commissioners and the citizens of Tamarac, did vote for favorably for agenda items involving Prestige Homes which were on the Tamarac City Commission Agenda on March 22, 2006, contrary to Florida Statutes Section 838.022, (L4) and

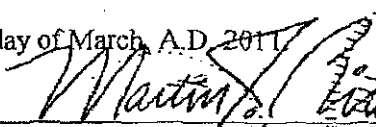
**COUNT IV
CONSPIRACY TO COMMIT UNLAWFUL COMPENSATION**

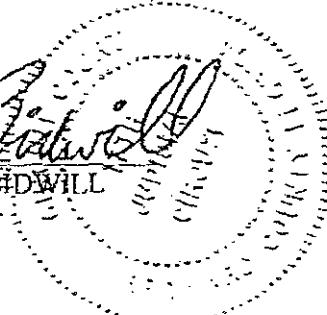
MICHAEL J. SATZ, State Attorney of the Seventeenth Judicial Circuit of Florida, as Prosecuting Attorney for the State of Florida in the County of Broward, by and through his undersigned Assistant State Attorney, charges that on or about the 1st of January, 2006 and continuing through the 17th day of February, 2009, in the County and State aforesaid, Beth Flansbaum-Talabisco did then and there unlawfully agree, conspire, combine, or confederate with Bruce Chait or Shawn Chait or both to commit a criminal offense, to wit: Unlawful Compensation, in that the said Beth Flansbaum-Talabisco, did unlawfully agree, conspire, combine, or confederate with Bruce Chait or Shawn Chait or both to receive money from Bruce Chait or Shawn Chait or both and vote favorably for agenda items involving Prestige Homes before the Tamarac City Commission, contrary to Florida Statutes Section 777.04(3) and Florida Statutes Section 838.016, (L6)

The offense set forth in the foregoing Warrant are contrary to the statute in such case made and provided, and against the peace and dignity of the State of Florida/Attached hereto and made a part hereof by incorporation is the Affidavit executed by Angelo Pazienza, Affiant herein.

THESE ARE, THEREFORE, to command you forthwith to arrest the said Beth Flansbaum-Talabisco, and bring him before me to be dealt with according to law.

Given under my hand and seal this 8th day of March, A.D. 2011


HONORABLE MARTIN BIDWILL
Judge of the Circuit Court



Original/Clerk

Copy/Defense

Copy/SAO

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff, :

vs. :

AFFIDAVIT TO ARREST

BETH FLANSBAUM-TALABISCO :

Defendant. :

.....

BEFORE ME, Judge of the Circuit Court in and for Broward County, personally came State Attorney Investigator, Angelo Pazienza, who, after being duly sworn, deposes and states:

This affiant, an Investigator for the Broward County State Attorney's Office, Seventeenth Judicial Circuit, assisted in the investigation concerning allegations of Unlawful Compensation, Bribery, and Official Misconduct by Beth Flansbaum-Talabisco, a Commissioner for the City of Tamarac, Florida. Based upon this investigation, your affiant has probable cause to believe that Beth Flansbaum-Talabisco, committed the offenses of Unlawful Compensation, contrary, to F.S. 838.016, Bribery, contrary to F.S. 838.015, Official Misconduct, contrary to F.S. 838.022, and Conspiracy to Commit Unlawful Compensation, contrary to F.S. 838.016 and F.S. 777.04

The facts establishing the violations of the law are as follows:

In March of 2005, Tamarac City Commissioner Beth Flansbaum-Talabisco was running for re-election to the District 2 Tamarac City Commission seat. The election was to be held on March 14, 2006. By September 30, 2005, Commissioner Beth Flansbaum-Talabisco had switched races and had decided to run for Mayor of Tamarac, Florida.

Bruce Chait and his son Shawn Chait were builders, who owned Prestige Homes of Tamarac, Incorporated. According to Bruce Chait, approximately 10 years ago, he received a phone call from then Commissioner Norman Abramowitz who wanted Prestige Homes to build in Tamarac. At that time, Bruce Chait was busy on other projects and there was no further contact between them. Approximately 2 years later Bruce Chait developed an interest in Building residential communities on the Sabal Palm Golf Course in Tamarac, Florida. He then contacted now former Tamarac Commissioner Norman Abramowitz, who was still very involved in the politics of the City of Tamarac. After meeting with Norman Abramowitz, Bruce Chait hired Abramowitz as a lobbyist to help him with approval for converting the golf course he had purchased into residential homes. The Golf Course was called Sabal Palm; however, the project was to be platted as two separate communities called Sabal Palm and Monterey. This project was highly controversial with vocal advocates on both sides of the development issue.

Before the 2006 election, Norman Abramowitz introduced Bruce Chait to Commissioner Beth Flansbaum-Talabisco. Commissioner Beth Flansbaum-Talabisco would call Bruce Chait on occasion and ask him to give money to certain fundraisers, which he always agreed to do. In early 2006, Beverly Stracher, who was Beth Flansbaum-Talabisco's Campaign Manager, met both Bruce and Shawn Chait. During the campaign, Norman Abramowitz and Beverly Stracher would tell Bruce Chait that Beth Flansbaum-Talabisco was going to vote favorably for their project. According to Bruce Chait whenever he would meet Beth Flansbaum-Talabisco, she herself informed him that she would vote favorably for his project. She told him she was totally on board with the project. As a result, Bruce and Shawn Chait supported Beth Flansbaum-Talabisco's campaign as she supported their development project.

In February 2006 Shawn Chait met Alex Heckler, Russell Oster and Michael Udine at the Law Offices of Michael Udine to discuss ways Shawn Chait could get involved in the 2006 Tamarac Mayors Race to influence the outcome of the election. Shawn Chait had already had a friendly relationship with Michael Udine. Shawn Chait asked Russell Oster who had worked on many campaigns, if he thought Beth Flansbaum-Talabisco could win the election. Russell Oster suggested that Shawn Chait do a poll to "get the lay of the land." The decision was made to move forward with the poll to determine if Beth Flansbaum-Talabisco was doing well or was in trouble. Shawn Chait agreed to pay for the poll and later wrote a check for \$7761.00 to Sonic One Strategies, which was owned by Russell Oster and Michael Kaplan. A few weeks before the election, the poll paid for by the Chait's, showed Beth Flansbaum-Talabisco was tied with her opponents. After the analysis of the poll, it became apparent it was necessary to do some type of negative advertising against Beth Flansbaum-Talabisco's opponents. As a result of the poll it was determined a "527" was necessary to fund the negative advertising.

Beverly Stracher contacted Shawn Chait and arranged for him to meet with Beth Flansbaum-Talabisco at her (Stracher's) residence. Two weeks before the election, on February 28, 2006, Beth Flansbaum-Talabisco and Shawn Chait met at Beverly Stracher's residence. While all three of them were at Stracher's home, Shawn Chait stated that Beverly Stracher, in the presence of Beth Flansbaum-Talabisco, asked Shawn Chait to contribute approximately \$21,000 to a "527." A "527" is created primarily to influence the nomination, election, appointment or defeat of candidates for public office. Although candidate committees and political action committees are also created under Section 527, the term is generally used to refer to political organizations that are not regulated by the Federal Election Commission or by a state elections commission, and are not subject to the same contribution limits. In 2006, these groups had a

right to raise and spend freely to influence elections so long as they did not coordinate their activities with a candidate or a party

The money from the Chait's for this "527" would be used to create negative flyers toward Beth Flansbaum-Talabisco's opponents. Commissioner Beth Flansbaum-Talabisco was aware that Beverly Stracher had instructed Shawn Chait not to directly contribute to the "527" so it did not appear as though they coordinated their activities with candidate Beth Flansbaum-Talabisco. This was done in order to hide the support the Chait's were giving to Commission Beth Flansbaum-Talabisco and to hide the relationship between them. Beverly Stracher contacted Michael Kaplan, owner of National Political Resources Group, collaborated with Russell Oster, and discussed doing some attack pieces on Beth Flansbaum-Talabisco's opponents. Due to the election day being so close, Beverly Stracher told Shawn Chait that the money was needed ASAP and the checks needed to be brought to Attorney Alex Heckler in Fort Lauderdale. Based upon sworn testimony from Shawn and Bruce Chait they only gave the money to the "527" because Commissioner Beth Flansbaum-Talabisco was voting to approve their project.

Barry Harris a resident of the City of Tamarac and a friend of Commissioner Beth Flansbaum-Talabisco, was asked to open the "527" as the Chairman/Treasurer. Barry Harris met with Attorney Alex Heckler and completed the documents for the "527." Barry Harris became the Chair Person and Treasurer for the "527" which was called "Tamarac Residents for Good Government." In reviewing the "527" Campaign Treasurer's Report – Itemized Contributions the only contributions to the "527" are two checks from Allstar Electric Inc. and Wholesale Flooring Center both dated March 09, 2006; however, the source of the funds for these two checks came from the Chait's. Shawn Chait stated under oath that he asked two sub-contractors whom he did business with, James Starkweather of Allstar Electric Inc. and Michael Lucci of

Wholesale Flooring Center, to contribute \$10,500.00 each toward the "527." Both Companies wrote the checks for \$10,500.00 to "Tamarac Residents for Good Government" dated March 08, 2006. Prestige Homes drafted checks dated March 08, 2006 reimbursing James Starkweather of Allstar Electric Inc. and Michael Lucci of Wholesale Flooring Center.

At the same time that the negative campaign flyers against Commissioner Beth Flansbaum-Talabisco opponents were going out, Commissioner Beth Flansbaum-Talabisco loaned her Campaign Account \$20,000 and used the money to send out positive flyers about herself. Though Commissioner Beth Flansbaum-Talabisco knew the Chait's were the only ones to put money into the "527," she sent out flyers stating that she was the first and only candidate to refund campaign contributions to the Developer (Prestige Homes). She did this because in late February and early March 2006, Beverly Stracher, suggested that she refund her campaign contributions from Prestige Homes in order to hide the support Prestige Homes was giving to her campaign and cloak the relationship between herself and Prestige Homes.

In reviewing Beth Flansbaum-Talabisco's Campaign Treasurer's reports, it shows the following;

- * On May 4, 2005, Prestige Homes of Tamarac contributed \$500 to Beth Flansbaum-Talabisco's campaign.
- * On September 7, 2005, Bruce Chait contributed \$500 to Beth Flansbaum-Talabisco's campaign and Kim Loss, Bruce Chait's secretary, contributed \$500 to Beth Flansbaum-Talabisco's campaign.
- * Bruce Chait testified he reimbursed Kim Loss the \$500 contribution. On February 7, 2006, Prestige Construction Services, Inc. (another Chait company) contributed \$500 to Beth Flansbaum-Talabisco's campaign.

* On March 3, 2006, approximately 11 days before the election, Beth Flansbaum-Talabisco refunded Bruce Chait his \$500 contribution to her campaign and refunded Prestige Homes of Tamarac its \$500 contribution to her campaign.

* On March 8, 2006, Beth Flansbaum-Talabisco refunded Kim Loss her \$500 contribution to her campaign. Beth Flansbaum-Talabisco did not refund Prestige Construction Services, Inc. its \$500 contribution.

Based on e-mails between Beverly Stracher and Michael Kaplan, it seems that Commissioner Ilene Lieberman was involved with the "527" because the negative flyers that were going out about Beth Flansbaum-Talabisco opponents were reviewed and approved by Commissioner Lieberman. A sworn statement was taken of Broward County Commissioner Ilene Lieberman who was friends with Commissioner Beth Flansbaum-Talabisco and resided a couple of blocks away from her. Commissioner Lieberman stated that as a friend she discussed the "527" with Beth Flansbaum-Talabisco since the vote was coming up so soon after the election. She discussed with her about moving the vote to a later date. Commissioner Lieberman felt that Talabisco had a voting conflict because the Chaits put the money in the "527" and Talabisco was going to vote on their project right after receiving the money. Commissioner Beth Flansbaum-Talabisco told Commissioner Lieberman that she was still going to "Vote" because she had made a commitment.

Prior to Commissioner Beth Flansbaum-Talabisco's conversation with Commissioner Lieberman, she had asked both Bruce Chait and Shawn Chait on two different occasions to delay bringing the project before the Tamarac Commission on March 22, 2006 since it was right after the election. Both of them refused because the approval from DCA in Tallahassee would expire thus delaying their project.

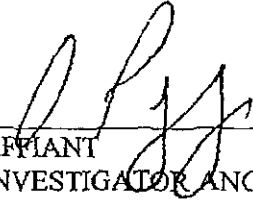
On March 14, 2006, Beth Flansbaum-Talabisco was elected Mayor of Tamarac. March 22, 2006 was the first reading for the Prestige Homes project. Bruce Chait, Shawn Chait and Beverly Stracher were at the commission meeting with vocal advocates on both sides of the issue on developing the golf course into residential communities. Bruce Chait and Shawn Chait noticed then Mayor Beth Flansbaum-Talabisco appeared to be wavering in her support of their project. During a break in the commission meeting, the Chaits instructed Beverly Stracher to go talk to Mayor Beth Flansbaum-Talabisco and to remind her of all the money they had spent on getting her elected.

Mayor Beth Flansbaum-Talabisco then returned after the break and voted in favor of the Prestige Homes items that came before the Tamarac Commission. She never notified anyone that she had received \$21,000 from the Chaits for the "527" to vote on the Prestige Homes project and she never filed a conflict of interest form (Form 8B) declaring that she had a voting conflict of interest and had benefited monetarily from the Chaits.

During this time, (January 10, 2007 and April 11, 2007) agenda items involving Prestige Homes came before the Tamarac City Commission and each time Beth Flansbaum-Talabisco voted favorably for them. At no time did she ever notify anyone that she had received money from the Chaits to vote on the Prestige Homes project. At no time did she ever file a voting conflict of interest form (Form 8B) declaring that she had a conflict of interest and had benefited monetarily from the Chaits for her vote.

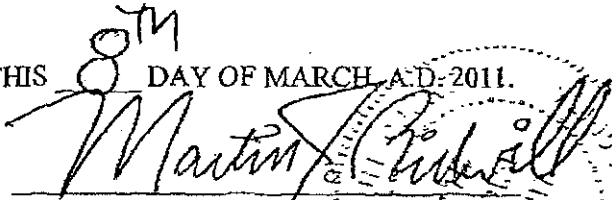
Based upon the foregoing information, your affiant has probable cause to believe that Mayor Beth Flansbaum-Talabisco committed the offenses of Unlawful Compensation, Bribery and Official Misconduct with respect to the money she received for the "527" in exchange for her favorable votes on agenda items involving Prestige Homes.

Your affiant has probable cause to believe that Beth Flansbaum-Talabisco committed the offense of Conspiracy to Commit Unlawful Compensation based upon the agreement between Shawn Chait and Beth Flansbaum-Talabisco that the money Shawn Chait gave Beth Flansbaum-Talabisco was in exchange for voting to approve projects for Prestige Homes of Tamarac, Inc.



AFFIANT
INVESTIGATOR ANGELO PAZIENZA
STATE ATTORNEY'S OFFICE
SEVENTEENTH JUDICIAL CIRCUIT

SWORN TO AND SUBSCRIBED BEFORE ME THIS ^{8TH} DAY OF MARCH A.D. 2011.



HONORABLE MARTIN BIDWILL
CIRCUIT COURT JUDGE
SEVENTEENTH JUDICIAL CIRCUIT

