

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CIRCUIT CIVIL DIVISION

CASE NO.:

KEY BISCAYNE COMMUNITY
FOUNDATION, INC., a Florida not for profit
corporation,

Plaintiff,

v.

TONY CAMPAIGNE, individually,

Defendant.

COMPLAINT

Plaintiff, KEY BISCAYNE COMMUNITY FOUNDATION, INC., sues Defendant TONY CAMPAIGNE and alleges as follows:

JURISDICTION, PARTIES AND VENUE

1. This is an action for damages in excess of Thirty Thousand and No/100 (\$30,000), exclusive of interest, costs and attorneys' fees.
2. Plaintiff, KEY BISCAYNE COMMUNITY FOUNDATION, INC. ("the Foundation") is a Florida Not for Profit Corporation with its principal place of operations in Miami-Dade County.
3. Defendant, TONY CAMPAIGNE is an individual residing in Miami-Dade County, and is *sui juris*.
4. All conditions precedent to the institution of this action either have occurred, or have been waived.

5. Venue is proper in Miami-Dade County, as the conduct alleged and the damages resulting therefrom, occurred in Miami-Dade County.

FACTS

A. The Foundation

6. The Foundation exists for a number of reasons, the principal one of which is to support charitable causes and provide technical, advisory, and depository support for others who are similarly motivated to contribute to the greater good of a just and caring society. A reputation for integrity and compliance with the law is essential for a charitable foundation to serve its community.

7. Through extraordinary good work, carried out by honest, competent and caring people, the Foundation has earned the right to enjoy a reputation as a charitable, competent, honest, and law-abiding institution.

8. The Foundation's mission is to enable, facilitate, and empower residents to make a positive difference in the local, greater, and global community through programs, grant making, fiscal sponsorship, and community leadership. It relies on charitable donations to do its important work. The Foundation's well-earned reputation has provided it with the opportunity to work with and receive financial support from philanthropic families and corporations, as well as other foundations and philanthropic institutions with local, national, and global footprints.

9. In pursuit of this mission, the Foundation has established partnerships with other organizations on and off the island. The Foundation was funded by a Knight Foundation grant to start the Citizen Scientist Project with the Village of Key Biscayne and the University of Miami. The Foundation established a sister-city initiative with Liberty City in conjunction with The Children's Trust, the Miami-Dade County Public School Systems, Annie E. Casey Foundation

and others, which is one of the only sister city initiatives involving an affluent city and an underserved area in a neighboring city, so that residents of both can get to know and care about each other.

10. Facing a global pandemic, the Foundation worked diligently alongside the Village of Key Biscayne (the “Village”) to accelerate availability and manage services to the Key Biscayne community, including drive-through COVID testing, and assistance, outreach and programming for seniors. Moreover, during the pandemic, the Foundation, funded entirely by private donations, provided food security throughout Miami-Dade County in partnership with other organizations including Wellness in the Schools, World Central Kitchen, Miami-Dade County Public School System, Branches, and Conchita Foods.

11. Most recently, the Foundation, in partnership with The Miami Foundation and the Coral Gables Community Foundation, stepped up to steward a compassion fund for survivors of the terrible tragedy at the Surfside building collapse, and Foundation staff spent countless hours assisting the victims of this terrible tragedy.

12. The Foundation depends on a reputation for integrity and compliance with legal standards in order to continue these impactful partnerships, which maximize programmatic services to the community.

13. Additionally, the Foundation helps those interested in philanthropy give effectively and efficiently through donor advised funds. A donor advised fund is a philanthropic giving vehicle that allows contributions into a fund at the Foundation for distribution to specific causes or charities at a later date. The Foundation currently administers over twenty-five donor advised funds assisting families and corporations with their philanthropy.

14. Another service the Foundation provides is to serve as the fiscal sponsor for many smaller, community based, volunteer-run organizations, allowing these small not-for-profit organizations to minimize administrative expenses and maximize programmatic services. The fiscal sponsorship allows the Foundation to act as the “back office” for small nonprofits or volunteer groups that do not have the resources to meet day-to-day administrative demands. Those demands include processing income and expenses as well as coordinating events and volunteer activities. The Foundation is the fiscal sponsor of over thirty-five such organizations, some of which receive funding from the Village of Key Biscayne.

15. In 2015, recognizing the valuable services that the Foundation was providing to our community, and desiring to expand those services, which the Village determined that it could not efficiently provide itself without additional staff, the Village began providing funding and office space to the Foundation. Each year since 2016, the Village Council has approved providing \$125,000 annually to the Foundation in a fee-for-service arrangement to help fund various programs, which have included environmental, health and wellness, and cultural programming, civic engagement, communications, advocacy, a shared workspace, and for the administration of community groups and transportation services. The Foundation raises additional funds from the community to provide this extensive programming to the Village. Since the inception of this partnership, the Foundation has worked closely with the Village in performing these services.

16. The Foundation submits detailed quarterly invoices to the Village for payment after the services are performed. The Village could refuse to pay the Foundation and could cancel the partnership with the Foundation at any time. Furthermore, the \$125,000 represents a small fraction of the Village budget (.37% in fiscal year 2021) and a small fraction of the

Foundation's budget (4% in 2019). In August of 2019, the Village Council unanimously passed Resolution 2019-58 to formalize the historical relationship between the Foundation and the Village "in a desire to continue with [the] successful partnership."

17. The Village also provides funding through its public budget process to certain community groups who have their fiscal home at the Foundation, meaning that the Foundation serves as the fiscal sponsor of these groups. The Foundation's fiscal sponsorships that receive Village funding include the following: Active Seniors on the Key (ASK) Club, the 4th of July Parade Committee, Car Week, Village of Kindness, the Key Biscayne Piano Festival, The Key Biscayne Historical Society, and Youth Lead Change. The Foundation does not charge these community groups an administrative fee to serve as fiscal sponsor.

18. Over the years, the Village has requested that the Foundation perform additional services for the Village. For example, at a Village Council meeting on November 17, 2015, the Village Council approved a motion to direct the Village Manager to enter into a philanthropic partnership with the Foundation to provide a ride-share service for the Village. From that time until September of 2020, the Foundation implemented the program, dealt with contracts and insurance, addressed the community's concerns and complaints, and solved problems to make the service as accessible as possible to the community. The Foundation was reimbursed from the Village for the amounts paid to Freebee to provide the ride-sharing service. In effect, the Foundation provided the Village an interest free loan while it waited for reimbursement. For years, the Foundation was not reimbursed for the staff time required to manage Freebee. These reimbursements for Freebee constitute the bulk of what has been paid to the Foundation from the Village from 2016 through September 2020.

19. A similar arrangement was set up to provide the drive-through COVID testing to the community described above. Again, the Foundation provided an interest free loan to the Village, assumed the risk that it may not be reimbursed by the Village, and did not charge the Village any administrative fee for running this program for the community once it was reimbursed. As evidenced by programs like Freebee and COVID Testing, the Foundation has been an excellent community partner.

B. The Malicious Campaign Against the Foundation

20. Motivated by pure malice, however, a small group of Key Biscayne residents has undertaken a campaign to damage the reputations of the Foundation and its Executive Director, Melissa White, with defamatory falsehoods, some of which have been published in a Key Biscayne community newspaper, the Key Biscayne Islander News, as well as on NextDoor and WhatsApp.

21. Among the residents taking part in this campaign is Tony Campaigne, who purchases advertisements in The Islander News, a widely read newspaper on Key Biscayne. He and others have published his advertisements on social media, including Next Door and WhatsApp, and he has sent them to an email list.

C. “Pepe’s Perch”

22. The advertisements are presented as “columns” titled, “Pepe’s Perch”. In the “columns”, Mr. Campaigne employs a conceit in which he, speaking in the first person, carries on a conversation with his fictional talking parrot, Pepe. In what appears to be a misdirected attempt to avoid personal responsibility for his own defamatory falsehoods, Mr. Campaigne “quotes” Pepe, who regularly spews the falsehoods aimed at destroying the reputations of the Foundation and Ms. White.

23. The “Pepe’s Perch” columns are designed to convey a consistent message, the gist of which is that the Foundation operates outside the bounds of the law; that it routinely misappropriates public funds that belong to the taxpayers of the Village of Key Biscayne; and that it conducts its activities in the absence of transparency, so that it can hide its illegal activities and its ill-gotten power and influence from the public.

24. In fact, the Foundation operates assiduously within the bounds of the law and with full transparency. Indeed, because the Foundation is a non-profit institution and a steward of tax-deductible donations, all of the Foundation’s tax filings and audits are posted on its fully accessible website, and all of the documents relating to the services the Foundation provides to the Village of Key Biscayne are part of the public record.

25. Mr. Campaigne coordinates the publication of his defamatory messages with other Key Biscayne residents who have also sought to damage the reputations the Foundation and Ms. White have earned as a result of their efforts on behalf of Key Biscayne and other communities in need over the last two decades.

26. Two of the most recent “Pepe’s Perch” columns, one published on July 1, 2021 titled “Welcome to the Party?” (attached hereto as Exhibit “A”), and another published on July 15, 2021, titled “What’s Fair is Fair” (attached hereto as Exhibit “B”), are emblematic of Mr. Campaigne’s efforts to establish that Ms. White and the Foundation operate illegally and away from the light of day.

D. **Welcome to the Party?”**

27. In “Welcome to the Party?”, Mr. Campaigne knowingly and falsely states that the Foundation misappropriated public funds to “throw a fancy party” to honor Key Biscayne’s retiring Police Chief, Charles Press. The author’s fictional conversation with his fictional parrot

contains a number of statements that he knew or should have known were false, or that he published with a reckless disregard for the truth. The author states that the people invited to the event “did not make a donation or an admittance fee. So, I guess the Village will wind up paying for it, sticking the village taxpayer with the bill... I wonder how the town justified spending that much money throwing a fancy party for their friends using taxpayer money.” In fact, Mr. Campagne knew or should have known that the event was funded entirely by the Foundation and its donors.

28. After falsely charging that the Village actually paid for the event while the Foundation claimed credit for it, Mr. Campagne created a false narrative about how the Foundation concealed their chicanery: “I bet they charge off their expenses to their program of ‘giving prepared meals to needy seniors’ so they could justify not spending Foundation money. After all, the town pays all Foundation bills without questioning them.”

29. The Foundation and its donors paid for the event to honor the Village’s retiring police chief. The Village paid nothing. There was no need to “justify” a Village expense.

30. Next, Mr. Campagne knowingly and falsely stated that “the Foundation was in charge of sending out the invitations” to the event; that Mr. Campagne and *his* fellow taxpayer friends were not invited; and that the party was designed for “the town” and “their friends”, as opposed to him and his friends, who were not invited. The author and his parrot friend then lament that this was reminiscent of prior times, in past parrot (and human) generations (“more or less lined up as ‘royalty’ vs. ‘serfs’ like the Key is today”) where a leader (like Ms. White) “figured if [she] threw lavish parties for the people in power, [she] could buy them off and remain in power forever. So, they wound up giving more and more elaborate parties and raising taxes higher and higher on the poor parrot serfs to pay for them.”

31. Again, Mr. Campaigne knew all of his statements were false and defamatory. The Foundation was not “in charge of sending out invitations.” No invitations were printed. The invitation was emailed by *the Village* to every citizen who receives Village Connect emails and was circulated on numerous social media websites Mr. Campaigne and his friends surely visit. All they had to do was R.S.V.P. Finally, Mr. Campaigne knowingly created a false narrative, the gist of which was to suggest that the Foundation’s leadership had thrown a lavish party for their friends at public expense in order to “buy off” Village “people in power” and “remain in power forever.”

E. **“What’s Fair is Fair”**

32. Two weeks later, on July 15, 2021, Mr. Campaigne purchased another half-page advertisement in The Islander News, this one titled “What’s Fair is Fair”. In this advertisement, the author, speaking in the first person as himself and as his friend Pepe the Parrot, accuses the Foundation of spending Key Biscayne taxpayer funds on “providing benefits for people in Liberty City”. In this article, the author suggests that *he* is defending the Foundation for its “humanitarian” work outside Key Biscayne, but Pepe answers back: “Providing benefits for people in Liberty City. Tony, is this a service that should be paid by Key taxpayers? Or should it have been paid from other KBCF monies that they raise privately? That’s a lot of money!” After offering a bizarre reference to motor scooters for Liberty City kids, he concludes: “I mean, where does it stop, and why should Key Biscayne taxpayers be asked to foot the bill?”

33. At the time he penned this dog-whistle attack, Mr. Campaigne knew it was false. In fact, he knew that Key Biscayne taxpayers do not “foot the bill” for *any* of the Foundation’s worthy programs in Liberty City. In addition, he knew, or did not care to know, that the

programs that the Foundation funds through Key Biscayne's Sister City relationship with Liberty City are entirely private donations.

34. The Foundation's charitable support for another community in the County is thus turned by Mr. Campaigne into a false statement that it was supported by the theft of taxpayer dollars.

35. In the same advertisement, Mr. Campaigne charged that the Foundation wasted an obscene amount of money on COVID testing for Key Biscayne residents, and then got the Key Biscayne government to fully pay for its extravagance and waste. Specifically, the author charges that "KBCF billed the town **over \$700,000** for its COVID testing project and administered 5,000 tests to our residents at the Catholic Church". He next notes that \$700,000 "seems unbelievable" because "my kid got me a self-administered test for around \$20 around the same time". He then warns his parrot friend he is going to "recheck that number" and, if the parrot is wrong, "I am going to correct the mistake and tell the town, on this matter, you are a dumb cluck." Pepe responds that "we double-source everything" and "I have it on authority that everything I say is true." Nearly three weeks have passed, and so far, Mr. Campaigne has stuck to his false guns. He has not "told the town" that "Pepe" is wrong, although he has known the charges are blatantly false.

36. In fact, in the early days of the pandemic, the Foundation fronted the cost of drive-through COVID testing for the Village and was ultimately reimbursed **\$94,575** – many months later – by the Village only for the costs of the tests. The amount reimbursed did not include any funds for Foundation staff time or other expenses related to the administration of the COVID testing program, which was performed by the Foundation as a service to the community. The Village was then reimbursed in full for these expenses in CARES Act funds.

37. Not only did Mr. Campaigne knowingly publish stunningly false information (“KBCF billed the town **over \$700,000**”) to damage the reputation of Ms. White and the Foundation, he assured readers that his knowingly false information had been “double sourced” and that “everything I am saying is true”. How does one “double source” reimbursement numbers? The only way to do that would be to get the numbers from the Village and the Foundation. He did neither. Indeed, the check register for the Village from March 2020 to the present is on the Village website. A review of it would reveal that the Foundation was not paid anywhere near \$700,000 during this time for all of its services to the Village, which included fronting the costs of the FreeBee ride-sharing service.

F. Mr. Campaigne Doubles Down, and Refuses the Opportunity to Limit the Damage He Has Caused

38. On July 16, 2021, the day after Mr. Campaigne published “What’s Fair is Fair”, the Foundation through counsel wrote to Mr. Campaigne to respond to the accusations he has made about the Foundation and its leadership, to advise him of the consequences of his published statements and slander, and to afford him the opportunity to limit the damage he has caused.

39. The Foundation’s letter noted that Mr. Campaigne’s paid “columns” had accused the Foundation and Ms. White of violating the law and misappropriating tax dollars, and that his statements were indisputably false and constituted per se defamation made with actual malice.

40. Counsel noted that the actions of Mr. Campaigne and others had caused substantial damage to Ms. White and the Foundation for some time: “Our hope that you and a few others would simply run out of energy for trying to destroy some of the most decent people in the community with hateful and malicious lies has been dashed.” The Foundation then gave Mr. Campaigne the opportunity to step off the ledge: “Before filing litigation”, counsel said, “we are willing to discuss with your counsel what you can and must do to try to undue the harm

you have caused. If you have not consulted with counsel about the limits of advocacy intended to harm others you should certainly consider doing so.”

41. Mr. Campagne responded on July 23, calling the Foundation “bullies” steeped in “well known intimidation tactics” and with the effective message of “Make my day”: “we look forward to your firm proceeding with your suit.” (His email response is attached hereto as Exhibit “C”). Mr. Campagne then again suggested that “the discovery process”, which would be conducted by “any high-priced lawyers I want”, and would allow him to “find out a lot more about the due diligence process of both KBCF and our town government uses when approving KBCF bills”. Mr. Campagne, of course, chose against any sort of “due diligence process” before publishing his false statements.

42. Mr. Campagne then suggests Ms. White and the Foundation may have violated tax laws: “We sincerely hope everything Ms. White has chosen to do was within the legal guidelines so KBCF does not lose its 501c3 status which would obviously hinder some of its other worthwhile programs.” According to Mr. Campagne, “this time, [the Foundation] made a mistake. They are dealing with someone who has nothing to lose which I believe reverses things and puts Foundation (sic) in a lose/lose position...It will be interesting to see how far KBCF wants to push this as everyone will watching (sic) to see what Ms. White decides – the town council, the mayor, the taxpayers and the readers of Pepe’s Perch...In summary, your request that we cease bringing these issues of public interest to light is respectfully declined.”

43. To make sure his message to the Foundation was not mistaken and had the widest audience, Mr. Campagne copied his email to the members of the Key Biscayne Village Council, the Mayor, the Village Manager, and the editors of The Islander News and the Key Biscayne Independent, another Key Biscayne publication.

44. After careful consideration, the Foundation determined that it had no choice but to file this action to provide Mr. Campaigne with the opportunity to prove the statements he has made, and when he fails to do so, to hold him accountable for the substantial harm he has caused.

45. In bringing this action against Mr. Campaigne, it is expected that others who have partnered with him to damage the reputations of the Foundation will be identified and provided the opportunity defend themselves as well.

COUNT I
DEFAMATION PER SE

46. Plaintiff sues Defendant TONY CAMPAIGNE for Defamation *per se* and realleges and incorporates the allegations in Paragraphs 1 through 45 as if more fully set forth herein.

47. Through the advertisements titled “Welcome to the Party?” and “What’s Fair is Fair”, and in his July 23 email, Defendant CAMPAIGNE has published false statements about the Foundation, the gist of which is that the Foundation operates outside the bounds of the law; that it routinely misappropriates and wastes public funds belonging to the taxpayers of the Village of Key Biscayne; and, that it conducts its activities in the absence of transparency, so that it can hide its illegal activities, and its undeserved power and influence, from the public. The nature of these false statements constitutes defamation *per se*.

48. At the time, Defendant CAMPAIGNE published these statements, he knew they were false, or published them with a reckless disregard for their true or falsity.

49. The statements have damaged the Foundation, and the Foundation is entitled to an award of presumed damages.

50. Defendant CAMPAIGNE’s actions also form the basis for an award of punitive damages, upon a reasonable showing – by evidence in the record or upon a proffer by the

Foundation – that Defendant CAMPAIGNE’s actions constitute intentional misconduct under Florida Statute, Chapter 768.72.

WHEREFORE, Plaintiff KEY BISCAYNE COMMUNITY FOUNDATION, INC. respectfully requests judgment in its favor against Defendant TONY CAMPAIGNE for damages, costs and such other relief this Court deems proper.

JURY TRIAL DEMAND

Plaintiff hereby demands trial by jury for all issues so triable.

Respectfully submitted,

**STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.**

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Counsel for Plaintiff

EXHIBIT “A”

Tips to keep your dog safe and sound during summer and Fourth of July festivities

By Raquel Garcia
Special to Islander News
Originally published in 2019

Summer season is the time of year when dog shelters all over the country become the most inundated with strays from the streets arriving at their door lost, afraid, often injured, and too frequently lacking the right identification to get them home safely.

Fourth of July weekend has been documented as the busiest time of the year for many.

The loud decibels from thunderstorms and fireworks shows are terrifying to many dogs and hurt their highly sensitive ears. In abject fear, many of them can take off from a fence ajar or run away if they are not otherwise safely enclosed in their home space, especially hound dogs like beagles and basset hounds.

There are many ways you can comfort your pet at this

time like trying aromatherapy, playing classical music to diffuse cacophonic sounds from outdoors, and starting the day early when it is still cool outside with a long and robust walk so your Fido is more tired out by the time the fireworks sounds begin.

A healthy chewy bone like a Himalayan vegan is a nice way to distract your furry best friend or a Kong toy stuffed with frozen peanut butter they can be challenged to enjoy.

If you are out in the hot outdoors with your dog, which is inadvisable over even short stretches of time in the summer, make sure you bring plenty of water (collapsible water bowls are easy to carry) and watch for signs of dehydration or heat stroke which can happen and become an urgent emergency very fast.

Dogs sweat only by panting and through their paw pads. Heavy panting, atypical nervous

behavior or lethargy are all urgent messages that this outing is no fun and they need urgent care to cool off.

Discarded or spent fireworks and easy access to party food can also be a serious danger during the summer time of pool parties and outdoor grilling---onions and grapes and chocolate as well as milky sap plants are just a

few examples of what can be potentially fatal if ingested by your pet.

Better to leave on the Discovery Channel, keep the A/C nice and chill and leave them home with a healthy and engaging treat or toy. And bring the kitty inside too!

Happy Fourth of July to all creatures great and small.



Public Notice

Department of Parks, Recreation and Open Spaces Virtual Community Meeting Rickenbacker Causeway Lane Repurposing Study Project No. 20150118

The Miami-Dade County Department of Parks, Recreation and Open Spaces (PROS) has scheduled a virtual public meeting regarding the subject project on **Thursday, July 15, 2021, from 6:00 p.m. to 7:30 p.m.**

The meeting will be conducted to provide area residents and businesses with information related to the traffic engineering study conducted by PROS and the Department of Transportation and Public Works (DTPW) to examine the feasibility of constructing a physical barrier separating bicycle from vehicular traffic along the Rickenbacker Causeway. The primary objective of this project is to conduct a lane repurposing study along the Rickenbacker Causeway on the inbound and/or outbound direction of traffic to the Key Biscayne Island. Four alternatives were developed. The goal of the design alternatives was to provide a safer facility for bicycle riders. The design alternatives considered include the repurposing of a vehicle lane in order to provide bike lanes with larger safety buffers and physical separation from vehicles.

Registration is required to participate in the virtual public meeting.

To register, please visit <https://www.miamidade.gov/virtual-meetings>. Click **Department Meetings Calendar**, find the meeting date and time, and select the meeting you wish to attend.

To request materials in accessible format, sign language interpreters, and/or any accommodation to participate in any Miami-Dade Parks sponsored program or meeting, contact Gisel Prado, 305-755-7848 or Gisel.Prado@miamidade.gov at least 7 days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

For additional information regarding this project, please contact PROS Special Projects Administrator Jennie Lopez at 786-502-6972 or email at Jennie.Lopez@miamidade.gov

For legal ads online, go to <http://legalads.miamidade.gov>

PAID ADVERTISEMENT



TONY CAMPAGNE

I'm sitting on my balcony. Pepe flies up and asks, "Hey Tony, did you receive the invitation to the Chief's retirement party?"

"No, I didn't Pepe. The town is giving Chief Press a going away party. Frankly, I find that hard to believe since when he announced his retirement, two top people in the Department decided to speed up their retirement and leave the same time. And, when he was temporary Town Manager, he fired one person on the Town Manager's staff, and another mysteriously left early as well. And to make matters worse, our Mayor picks this time to go on his fancy safari vacation junct to South Africa even flying first class, leaving our new Town Manager Steve Williamson in a jam."

"No kidding Tony, with all those 'coincidences' of people leaving at the same time, I would think the town would be glad the Chief left so he couldn't do more damage to the town. Celebrating him? Sounds crazy!"

"Another thing, Tony, the party was thrown by the Village and the Foundation and they did not even ask the people who came for a donation or admittance fee. So, I guess the village will wind up paying for it, sticking the village taxpayer with the bill. I hear the foundation was in charge of sending out invitations."

I found this point interesting and I spent the next few minutes calling five friends who I knew were taxpayers and asked if they received an invitation. Surprise, surprise, none of them had. I guess the Foundation didn't find mere taxpayers important enough to invite.

"A couple of my parrot friends happened to fly over the event, and saw people drinking champagne, fancy cocktails, eating something that looked like stone crab claws, and lots of other fancy food. The event was even catered. Semi formal attire, music, the whole bit. Some of my friends

flew down and ate leftovers that spilled on the ground. They couldn't believe how good everything was.

"I wonder how the town justified spending that much money throwing a fancy party for their friends using taxpayer's money? And if the town paid the bill, why does the foundation get credit for being a co-sponsor? Did they pay some of the costs out of Foundation monies that didn't come from taxpayers? I bet they charged off their expense to their program of 'giving prepared meals to needy seniors,' so they could justify not spending Foundation money. After all, the town pays all Foundation bills without questioning them."

"Tony, it reminds me of a story that happened a few parrot generations ago when the then leader wanted to become a king. At that time, the parrot pandemonium was more or less lined up as 'royalty' vs. 'serfs' like the Key is today. And this leader figured if he threw lavish parties for the people in power, he could buy them off and remain in power forever. So, they wound up giving more and more elaborate parties and then raising taxes higher and higher on the poor parrot serfs to pay for them. They served fancy seeds, incredible fruit and nuts and all other kinds of delicacies. The poor parrots finally got fed up and overthrew their extravagant leaders."

It was time for Pepe to leave, but he asked if he could meet my dog Lulu first. Here is a picture of their first meeting. When Pepe left, I felt slightly depressed, thinking how the Key is run.

Should Pepe continue telling stories like this? If so, email him PepeTheParrot123@gmail.com. Also send him email addresses of your friends who might enjoy his columns. And thanks for all of the positive feedback. ♦



PAID ADVERTISEMENT

EXHIBIT B



PAID ADVERTISEMENT

Pepe's Perch. What's Fair is Fair

TONY CAMPAIGNE

Pepe flies up and says, "There was an article in the June 10 issue of the Islander that the Parrot community think was very divisive. Mr. Mendoza calls anyone who asks questions the Key Biscayne Foundation (KBCF) work as CAVE people (Citizens Against Virtually Everything). It takes the position that anyone who asks questions about KBCF is bad. Isn't that contrary to how you humans believe Government should be run? Isn't transparency considered essential to good government. Isn't that a foundational principal of our nation's founders?"

"Well Pepe, almost everyone on the Key knows KBCF does a lot of great humanitarian work. For example, as the article pointed out, they helped a lot of people get Covid tests and they deliver a lot of aid to Liberty City, that's great stuff."

"Providing benefits for people in Liberty City Tony, is this a service that should be paid by Key taxpayers? Or should it have been paid from other KBCF monies that they raise privately? They have a lot of money!"

"Let's take things to an extreme. Let's assume motor scooters are a great thing for kids so they can get to school. Does that mean the KBCF should provide motor scooters to every kid in Liberty City because they need schooling more than the children who live on the Key? And if giving motor scooters to kids in Liberty City is a good idea, why shouldn't they give them to all disadvantaged kids in Miami-Dade County? I mean, where does it stop, and **why should Key taxpayers be asked to foot the bill?**"

"Pepe, KBCF billed the town **over \$700,000** for its Covid testing project and administered 5,000 tests to our residents at the Catholic Church. Frankly, \$700,000 seems unbelievable. My kid got me a self-administered test for around \$20 around the same time. So, my friend, I am going to recheck that number once again and if you are wrong I am going to correct the mistake and tell the town, on this matter, you are a dumb cluck."

"Tony, I agree you should check my number again, but I have it on authority that everything I am saying is true. We double source everything. And if I made a mistake, I want the people to know."

"OK Pepe, we will send questions to the town. I will also send them to the Islander so they can publish them in my column when it's published. We will also ask about the decision process the town leaders used to determine how much they should reimburse KBCF for their work."

"I believe it is only fair that the Islander's readers know there is another side to Mr. Mendoza's article. For this reason, I have increased the size of the ad for this week to include questions I believe our town leaders should answer.

I would like to close by saying we don't question whether or not the Foundation does plenty of admirable philanthropic work; implying that would be crazy. But it is reasonable to question how much of it key taxpayers should be asked to fund. And what fiscal account-

ability the town uses to ensure we aren't being unintentionally ripped off.

I mean, what's fair is fair. Maybe our effort should be called Citizens Asking for Accountability and Transparency -- CAAT. Pepe hates the acronym as cats eat birds. He wanted it called PAAT (Parrots for ...) Email PepetheParrot123@gmail.com. Should we pursue this type of subject? Or should Pepe pipe down as some suggest? Our emails have been very favorable. Are you a CAAT person or do you want a cat to eat Pepe?

Questions asked of our Town Leaders

We believe it fair to ask our town leaders how it spend taxpayer's money. Here are questions we would appreciate the town answering regarding the Foundation's Covid testing program.

1. How much **total** money did the KBCF receive from the village to run its Covid testing program?
2. How many Covid tests were administered. How many to Key Biscayne residents?
3. Did KBCF bill the town for any of its program delivered nonresidents and did the Foundation explain they would be doing this in advance? And if the town decided to reimburse the Foundation for non-resident expenses, how do they justify this as a legitimate Key Biscayne taxpayer expense?
4. Did KBCF first present a written proposal outlining how the program would be run and the expected costs to implement it? If no formal written proposal was submitted was the project approved verbally? If verbally, by whom? Or did KBCF start the program without town approval? If there was formal proposal and budget? If there was only verbal contract, who approved it? And are there any written notes of that agreement? Please send existing copies of any of the above.
5. Were there cost overruns on the project or was KBCF just given a blank check? If there was notification, please send copies.
6. Before any taxpayer money was dispersed what fiscal checks did the town require to ensure our tax revenues were spent wisely?
7. Were Fire Department personal used to run some or all the Foundation's program? If so, how many hours were billed and what was average hourly rate? What was the cost of using the Jitney and all other related expenses?
8. Did the Town question why the Foundation elected to use such an expensive method to administering tests instead working with CVS or Walmart like was done in Palm Beach?
9. If there was no town oversite of the program, did the town at least audit all bills and source documents so the town could justify such a large expenditure of taxpayer funds? Did KBCF get an administrative fee for running the project? And if so, how much? Please send any pertinent copies.
10. Did the KBCF cease its Covid testing program when other less expensive sources of tests were available on the Key? ♦



Jorge Gonzalez (right) celebrates his citizenship with Village Councilmember Luis Lauredo. Photo by Bill Durham

Congratulations to Mariana Tello de Gonzalez and Jorge Gonzalez Capeillo on their citizenship!

"My wife and I came to the US from Venezuela in 2000," Gonzalez said Tuesday. "We believed in the American Dream. We worked hard and played by the rules. Today, I got my citizenship. Mariana obtained her's two years ago.

Gonzalez added that Tuesday was his 19th wedding anniversary. "We have so much to be grateful for, especially the warm and wonderful community of Key Biscayne."

Double congratulations Mariana and Jorge!

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Pepe's Perch. Pepe gives an Award!

TONY CAMPAIGNE

Guess where I am? Here, with Pepe on my shoulder, literally yelling in my ear. "Tony there was a very creative solution to our 'finding a new police chief' problem in the letters to the editor section of the July 1st edition of the Islander entitled 'Turn over Key Biscayne police work to the county' written by Cynthia Cutler. It was so good I posted it on the Pepe the Parrot section of Next Door. She deserves the first **'Pepe the Parrot Award.'**

"When you read the title and think about it, it sounds like a far-out idea. 'What, a fancy place like Key Biscayne turning its policing over to Miami-Dade County?' That's crazy . . . but it is?

"When we researched how safe Key Biscayne is, we went to the web: <https://www.safewise.com/blog/safest-cities-florida>. It gives 2020 statistics for the fifty safest cities in Florida. Guess what? Key Biscayne has dropped out of the top ten! And we spend **\$8.3 million a year to police an area of less than a 1.5 sq. mile!**

"Next, we looked at how the top ten handled their policing. It was surprising. Take Marco Island. It is the safest city in Florida. About the same size as the Key, and also pretty ritzy. They use county policing. So, we continued down the list. Most smaller areas handled policing the same! Mind-blowing, right?

"As Ms. Cutler said, policing today is a lot more complicated than when the took it over control years ago. When we researched consulting companies to suggest what direction town manager should consider to improve policing, we found that technology, crime patterns (like criminals who don't live here coming on the Key to steal cars or items from the CVS) and systems management have become much more important. Small towns like the Key just can't afford to keep up with this rapid changing field!

"The proof is in the (seed) pudding. We pay higher taxes;

our leaders deliver worsening policing. "Ms. Cutler is spot on. It works in small town after town, rich, middle class or those less fortunate. I say, forget the money we would save, the Key would be safer!"

"Oh! One more thing. You know those spoiled kids whose parents threaten to sue the town if their kids are hauled in... and the police back off? Well, the county will stop that! They have a database to catch them. More importantly we will be teaching those spoiled brats an important life lesson.

"I know some in town management, the Council and **maybe even you think**, 'This is Key Biscayne. We deserve the best.' Well, as Mr. Cutler also points out, if we want some 'extras' like specially marked cars or more police on the beat, the town manager cuts a deal with the county. We pay a little more, we get a little more. But one thing is for sure. It will cost taxpayers less than \$8.3 million.

"So, I ask the town's decision makers, are you ready to join the 21 Century and do things the modern way, or are you going to be old fuddy-duddies who are afraid of change even though our policing gets worse? I know. Being a bureaucrat is a tough job. And making a radical change is near impossible.

Did you fill out the 'feedback' survey they sent out? That CYA piece of junk designed to look like they care what you think. Is this the way to figure out our best path forward? Come on guys! Use your noggin - Like Ms. Cutler. Don't just rely on the advice of one guy you have worked in the past.

"Are you satisfied with getting less for more? Or is it time for a change?"

Pepe flies off. Me? I sit gob smacked, and wonder what they will decide. A new chief and bigger budget? Most likely - bureaucrats. The taxpayers can afford it.

Write PepetheParrot123@gmail.com. Tell Pepe if he is smart or stupid. ♦

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EXHIBIT C

From: campagne@gmail.com
To: [Eugene Stearns](mailto:Eugene.Stearns@keybiscayne.fl.gov); mdavey@keybiscayne.fl.gov; llauredo@keybiscayne.fl.gov; elondon@keybiscayne.fl.gov; amccormick@keybiscayne.fl.gov; fcaplan@keybiscayne.fl.gov; isegurola@keybiscayne.fl.gov; twilliamson@keybiscayne.fl.gov; kbcffound@gmail.com; ["Justo Rey"](#)
Subject: Response to the threat of lawsuit
Date: Friday, July 23, 2021 1:52:42 PM

Dear Mr. Stearns

I am in receipt of your letter from Stearns Weaver threatening me with a lawsuit.

You can tell everyone involved, (Ms. White, the mayor, the town manager, the council, and the public) in the immortal words of Briar Rabbit, ‘Oh please don’t throw me in that briar patch.’ In short, we look forward to your firm proceeding with your suit. As far as we are concerned, the longer you drag this out, the more fodder we will have for future humorous columns.

As you know, “truth is a defense” to any libel action, and I believe that during the discovery process of your suit a lot will come out that would be of great interest to Key Biscayne taxpayers. It will also allow us to use the courts to find out a lot more about the due diligence process of both KBCF and our town government uses when approving KBCF bills: How it is decided what bills should/shouldn’t be considered a legitimate Key Biscayne taxpayer expense, and the completeness of KBCF accounting and reporting practices.

Finally, with respect to my belief that the foundation could have potentially been too political, we can have the IRS sort that out as they are the experts, not you or me. We sincerely hope everything Ms. White has chosen to do was within the legal guidelines so KBCF does not lose its 501c3 tax status which would obviously hinder some of its other worthwhile programs.

I look forward for you potentially giving us the opportunity to discuss what we things we might seek during the discovery process as Pepe, and I will be talking about it a lot in future columns. Who knows, maybe our readers will come up with some good suggestions as well. Pepe and I believe an action by you could potentially be a great help for CAT (Citizens for Accountability and Transparency.) We will be in touch when we will be back to Key Biscayne so you can serve me with papers.

You might also be interested to know that Pepe is looking into setting up a ‘Pepe the Parrot Legal Defense Fund.’ We have already had people inquire on how they might help us in our efforts. Who knows, maybe there are even some lawyers at Stearns Weaver who live on the Key and might be inclined to contribute.

If I am not mistaken, the Florida Anti-Slapp law, which the Florida legislature passed to ensure that debate on issues of public interest is not chilled by frivolous libel lawsuits attempting to bully the public into silence.

I discussed your letter and the articles mentioned in it with nationally recognized lawyer friend of mine in Washington who knows about the SLAPP law. His comment was he highly doubts this case will get to trial as it is very weak. And the best part is, if KBCF elects to go to trial, when we win, the

Foundation will be liable for all my legal fees. So, I can hire any high-priced lawyers I want. So believe me, I will have enough high powered legal support to make sure I win. The way I figure, if we are going to have it out, let's go all the way.

The reason is simple. The Foundation's intimidation tactics are well known. They use them time and again. But this time they made a mistake. They are dealing with someone who has nothing to lose which I believe reverses things and puts Foundation in a lose/lose position. They lose if they back off the suit as people will see that their bullying tactics are but a bluff. Or if they lose their very weak case, the public will see them as school-yard bullies plus they will wind up having to pay for any legal fees I incur.

I ask the Council, is this the type of organization you want to run your town programs? Maybe this will be the straw that breaks the camel's back.

Finally, I would like to suggest that instead of threatening Mrs. Conroy, save your big guns for me. Believe me, I will be enough to deal with for now. Beat me first, and then you can go after others. Proceeding with both cases at the same time will only make my case easier to defend.

To be honest, going in, we always knew this would most likely come to pass as the Foundation's tactics are well known. So, from the beginning I was prepared. It will be interesting to see how far KBCF wants to push this as everyone will be watching to see what Ms. White decides – the town council, the mayor, the taxpayers and the readers of Pepe's Perch.

In summary, your request that we cease bringing these issues of public interest to light is respectfully declined. The more I look at it, that briar patch doesn't look so bad.

Respectfully,
Tony Campagne & Pepe the Parrot