

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709

COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: Fred Messer Telephone Number: (954)426-8191
Address: 4920 NE 2 Way
City: Pompano Beach County: Broward Zip Code: 33064

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: Barbara Sharief Telephone Number: (954)357-7008
Address: 115 S Andrews Ave #410
City: Fort Lauderdale County: Broward Zip Code: 33301
Title of office or position held or sought: Broward County Commissioner - District 8

3. STATEMENT OF FACTS:

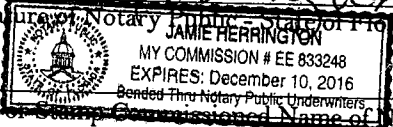
Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

STATE OF FLORIDA
COUNTY OF Broward

Sworn to (or affirmed) and subscribed before me
this 5th day of November,
20 13, by Fred Messer
(name of person making statement)

Jamie Herrington
(Signature of Notary Public, State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Fred Messer
SIGNATURE OF COMPLAINANT

Personally Known _____ OR Produced Identification
Type of Identification Produced:
FL DL

Fred Messer
4920 NE 2 Way
Pompano Beach, Fl 33064
(954)426-8191

October 29, 2013

Office of the State Attorney
17th Judicial Circuit
Broward County
Attn: Michael J. Satz
201 SE 6th Street
Fort Lauderdale, Fl 33301

Re: Omissions/Non-Disclosure on Form 6

Dear Mr. Satz:

It has come to my attention Broward County Commissioner Barbara Sharief, has not disclosed assets and income in accordance with state and county requirements. I would like this matter investigated immediately as this a violation of law. Additionally I request you investigate possible violations of Florida Statute 92.525.

Please see the attached outline and supporting documents.

Thank you,

Fred Messer
Concerned citizen

/fm

Enclosure

To: Office of the State Attorney
17th Judicial Circuit
Broward County
Attn: Michael J. Satz
201 SE 6 Street
Fort Lauderdale, FL 33301

From: Fred Messer

Date: October 29, 2013

RE: Omissions / Non-disclosure on Form 6

This complaint is being brought against Broward County Commissioner, Barbara Sharief. She is a current county commissioner, elected into office on November 2, 2010. She was sworn into office November 2010.

A review of Sharief's 2010, 2011 and 2012 Form 6, Full and Public Disclosure of Financial Interests shows many items were not properly disclosed or failed to be disclosed.

On the **2010** Form 6 – Full and Public Disclosure of Financial Interests, Sharief failed to disclose the following information in Part B - Assets:

- There are no checking accounts / personal bank accounts disclosed. It is the policy of Broward County to direct deposit the commissioner's paycheck.
- Sharief owns three (3) real estate properties she did not disclose. These properties are solely owned in the name, Barbara Sharief. On Form 6, she lists her total real property value as \$280,000. The non-disclosed properties exceed this stated value.
- The first property not disclosed is:

16482 SW 18 Street, Miramar, Florida. In 2010, this property was listed as the homesteaded residence of Sharief. (Per a review of the county property appraiser website - 2010 records, Market Value: \$330,660) The Chase mortgage listed in part C of Form 6 belongs to this property. The amount of liability listed in part C is \$490,000. In years 2010, 2011 and 2012; the same amount of liability is disclosed. There is no change in the amount of mortgage owed on this property.

- The second property not disclosed is:

4800 SW 141 Ave, Miramar, Florida. – No recorded mortgage found in public records.
(Per a review of the county property appraiser website - 2010 records, Market Value: \$462,440)

- The third property not disclosed is:

130 Monroe Udell Street, Dania Beach, FL – No recorded mortgage found in public records.
(Per a review of the county property appraiser website - 2010 records, Market Value: \$40,000)

- On Form 6, in part B – Assets, Sharief does disclose four (4) properties. She fills out the form to read, “Real property – list attached.” On the attached list, it reads, “Owner of Sharief Residential Rentals, LLC.” The four properties disclosed are as follows:
- Two (2) properties disclosed on the attached list are titled solely in the name of Barbara Sharief. They are vacant lots located in Lee County, Florida. They are not owned by Sharief Residential Rentals, LLC.

1). 3105 E. 23rd Street, Leigh Acres, Florida

(Per a review of the county property appraiser website - 2010 records, Market Value: \$2,550)

2). 4207 E. 13 Street, Leigh Acres, Florida

(Per a review of the county property appraiser website - 2010 records, Market Value: \$3,000)

- The other two (2) properties disclosed on the attached list are titled in the name of Sharief Residential Rentals LLC / Sharief Residential Rental LLC:

1). 410 N Columbus Parkway, Hollywood, Florida

(Per a review of the county property appraiser website - 2010 records, Market Value: \$124,780)

2). 2311 Acapulco Drive, Miramar, Florida

(Per a review of the county property appraiser website - 2010 records, Market Value: \$92,180)

- However, Sharief failed to disclose two (2) additional properties owned by Sharief Residential Rentals, LLC.

- The first property not disclosed is:

19390 Collins Ave #1105, Sunny Isles, Florida. This property was sold on 2/20/2013 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2010 records, Market Value: \$104,610)

- The second property not disclosed is:

8453 Southampton Drive, Miramar, Florida. This property was sold on 3/30/2011 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2010 records, Market Value: \$76,290)

- On Form 6, in part B – Assets, Sharief writes, “Retirement accounts (Roth IRA / Mutual Funds).” The intangible property assets were not properly disclosed. The accounts are only identified by generic terms. Per reporting requirements, accounts must be identified by entity name and value. The stated value is \$150,000. The same amount of value is given in 2010, 2011 and 2012 Form 6 reports.
- On Form 6, in part B – Assets, Sharief did not disclose any closely held businesses as assets.
- South Florida Pediatric Homecare (SFPH) is a Florida Profit Corporation solely owned by Sharief. A 2008 Toyota Sequoia owned by SFPH & Sharief; is her primary vehicle.
- Sharief Residential Rental (SRR) is a Florida limited liability corporation solely owned by Sharief. In part B of Form 6, two (2) properties held by SRR were disclosed on an attached list of real property. However, two properties were not disclosed as being owned by SRR.

1). 19390 Collins Ave #1105, Sunny Isles, Florida. This property was sold on 2/20/2013 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2010 records, Market Value: \$104,610)

2). 8453 Southampton Drive, Miramar, Florida. This property was sold on 3/30/2011 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2010 records, Market Value: \$76,290)

- After a review of the State of Florida Commission on Ethics policies on reporting it is obvious Ms. Sharief has not been forthcoming in the disclosure of her assets and income.
- It is my recommendation Ms. Sharief be investigated for these non-disclosures, omissions and inaccuracies.

To: Office of the State Attorney
17th Judicial Circuit
Broward County
Attn: Michael J. Satz
201 SE 6 Street
Fort Lauderdale, FL 33301

From: Fred Messer

Date: October 29, 2013

RE: Omissions / Non-disclosure on Form 6

This complaint is being brought against Broward County Commissioner, Barbara Sharief. She is a current county commissioner, elected into office on November 2, 2010. She was sworn into office November 2010.

A review of Sharief's 2010, 2011 and 2012 Form 6, Full and Public Disclosure of Financial Interests shows many items were not properly disclosed or failed to be disclosed.

On the **2011** Form 6 – Full and Public Disclosure of Financial Interests, Sharief failed to disclose the following information in Part B - Assets:

- There are no checking accounts / personal bank accounts disclosed. It is the policy of Broward County to direct deposit the commissioner's paycheck.
- Sharief owns three (3) real estate properties she did not disclose. These properties are solely owned in the name, Barbara Sharief. On Form 6, she lists her total real property value as \$350,000. The non-disclosed properties exceed this stated value.
- The first property not disclosed is:

16482 SW 18 Street, Miramar, Florida. In 2011, this property was listed as the homesteaded residence of Sharief. (Per a review of the county property appraiser website - 2011 records, Market Value: \$308,020) The Chase mortgage listed in part C of Form 6 belongs to this property. The amount of liability listed in part C is \$490,000. In years 2010, 2011 and 2012; the same amount of liability is disclosed. There is no change in the amount of mortgage owed on this property.

- The second property not disclosed is:

4800 SW 141 Ave, Miramar, Florida. – No recorded mortgage found in public records. (Per a review of the county property appraiser website - 2011 records, Market Value: \$298,120)

- The third property not disclosed is:

130 Monroe Udell Street, Dania Beach, FL – No recorded mortgage found in public records.
(Per a review of the county property appraiser website - 2011 records, Market Value: \$35,290)

- On Form 6, in part B – Assets, Sharief does disclose four (4) properties. She fills out the form to read, “Real property – list attached.” On the attached list, it reads, “Owner of Sharief Residential Rentals, LLC.” The four properties disclosed are as follows:
- Two (2) properties disclosed on the attached list are titled solely in the name of Barbara Sharief. They are vacant lots located in Lee County, Florida. They are not owned by Sharief Residential Rentals, LLC.

1). 3105 E. 23rd Street, Leigh Acres, Florida

(Per a review of the county property appraiser website - 2011 records, Market Value: \$2,000)

2). 4207 E. 13 Street, Leigh Acres, Florida

(Per a review of the county property appraiser website - 2011 records, Market Value: \$2,900)

- The other two (2) properties disclosed on the attached list are titled in the name of Sharief Residential Rentals LLC / Sharief Residential Rental LLC:

1). 410 N Columbus Parkway, Hollywood, Florida

(Per a review of the county property appraiser website - 2011 records, Market Value: \$75,900)

2). 2311 Acapulco Drive, Miramar, Florida

(Per a review of the county property appraiser website - 2011 records, Market Value: \$101,550)

- However, Sharief failed to disclose one (1) additional property owned by Sharief Residential Rental,s LLC.

- The first property not disclosed is:

19390 Collins Ave #1105, Sunny Isles, Florida. This property was sold on 2/20/2013 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2011 records, Market Value: \$100,430)

- On Form 6, in part B – Assets, Sharief writes, “Retirement accounts (Roth IRA / Mutual Funds).” The intangible property assets were not properly disclosed. The accounts are only identified by generic terms. Per reporting requirements, accounts must be identified by entity name and value. The stated value is \$150,000. The same amount of value is given in 2010, 2011 and 2012 Form 6 reports.

- On Form 6, in part B – Assets, Sharief did not disclose any closely held businesses as assets.
- South Florida Pediatric Homecare (SFPH) is a Florida Profit Corporation solely owned by Sharief. A 2008 Toyota Sequoia owned by SFPH & Sharief; is her primary vehicle.
- Sharief Residential Rental (SRR) is a Florida limited liability corporation solely owned by Sharief. In part B of Form 6, two (2) properties held by SRR were disclosed on an attached list of real property. However, one additional property was not disclosed as being owned by SRR.

1). 19390 Collins Ave #1105, Sunny Isles, Florida. This property was sold on 2/20/2013 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2011 records, Market Value: \$100,430)

- It has also come to my attention Sharief is not accurately reporting her outside employment / income under Broward County's disclosure policy.
- In November 2010, Broward County voters approved an amendment to the Broward County Charter. As a result, Broward County Ordinance No. 2011-19 was created. Part of the ordinance requires county commissioners to disclose outside or concurrent employment on a quarterly basis.
- Per Broward County Ordinance No. 2011-19 (b), page 9:

Elected Officials may engage in other employment consistent with their public duties and where not otherwise inconsistent with the provisions of Florida Statutes Chapter 112, Part III. All outside or concurrent employment by an Elected Official, including employment pursuant to contract, as well as any remuneration received from that employment, must be disclosed on a form created by the Broward County Attorney's Office. The disclosure referenced in the preceding sentence shall be done quarterly by County Commissioners and annually by Municipal Officials. The disclosure form must be filed for public inspection.

- In 2011, Sharief did not file any Broward County Elected Official Code of Ethics Outside / Concurrent Employment Quarterly Disclosure Forms. No forms were posted to Broward County's official website for public inspection, as per ordinance requirements. It should be noted other county commissioners' 2011 quarterly forms are accessible for inspection at: www.broward.org/EthicsOrdinance/DisclosureSearchPage.aspx
- On Sharief's 2011 Full and Public Disclosure of Financial Interests, Form 6, Part D – Income, she listed two (2) primary sources of income other than her county commissioner's salary.

1). South Florida Pediatric Homecare. Sharief lists \$200,000 in yearly income. However, this outside employment was not disclosed to Broward County via the Ethics Outside / Concurrent Employment Quarterly Disclosure Form.

2). Sharief Residential Rentals LLC. Sharief lists \$30,000 in yearly income. However, this outside employment was not disclosed to Broward County via the Ethics Outside / Concurrent Employment Quarterly Disclosure Form.

- After a review of Broward County and the State of Florida Commission on Ethics policies on reporting it is obvious Ms. Sharief has not been forthcoming in the disclosure of her assets and income.
- It is my recommendation Ms. Sharief be investigated for these non-disclosures, omissions and inaccuracies.

To: Office of the State Attorney
17th Judicial Circuit
Broward County
Attn: Michael J. Satz
201 SE 6 Street
Fort Lauderdale, FL 33301

From: Fred Messer

Date: October 29, 2013

RE: Omissions / Non-disclosure on Form 6

This complaint is being brought against Broward County Commissioner, Barbara Sharief. She is a current county commissioner, elected into office on November 2, 2010. She was sworn into office November 2010.

A review of Sharief's 2010, 2011 and 2012 Form 6, Full and Public Disclosure of Financial Interests shows many items were not properly disclosed or failed to be disclosed.

On the 2012 Form 6 – Full and Public Disclosure of Financial Interests, Sharief failed to disclose the following information in Part B - Assets:

- There are no checking accounts / personal bank accounts disclosed. It is the policy of Broward County to direct deposit the commissioner's paycheck.
- Sharief owns three (3) real estate properties she did not disclose. These properties are solely owned in the name, Barbara Sharief. On Form 6, she lists her total real property value as \$300,000. The non-disclosed properties exceed this stated value.
- The first property not disclosed is:

16482 SW 18 Street, Miramar, Florida. In 2012, this property was listed as the homesteaded residence of Sharief. (Per a review of the county property appraiser website - 2012 records, Market Value: \$325,980) The Chase mortgage listed in part C of Form 6 belongs to this property. The amount of liability listed in part C is \$490,000. In years 2010, 2011 and 2012; the same amount of liability is disclosed. There is no change in the amount of mortgage owed on this property.

- The second property not disclosed is:

4800 SW 141 Ave, Miramar, Florida. – No recorded mortgage found in public records.
(Per a review of the county property appraiser website - 2012 records, Market Value: \$280,150)

- The third property not disclosed is:

130 Monroe Udell Street, Dania Beach, FL – No recorded mortgage found in public records.
(Per a review of the county property appraiser website - 2012 records, Market Value: \$33,210)

- On Form 6, in part B – Assets, Sharief does disclose four (4) properties. She fills out the form to read, “Real property – list attached.” On the attached list, it reads, “Owner of Sharief Residential Rentals, LLC.” The four properties disclosed are as follows:
- Two (2) properties disclosed on the attached list are titled solely in the name of Barbara Sharief. They are vacant lots located in Lee County, Florida. They are not owned by Sharief Residential Rentals, LLC.

1). 3105 E. 23rd Street, Leigh Acres, Florida

(Per a review of the county property appraiser website - 2012 records, Market Value: \$2,000)

2). 4207 E. 13 Street, Leigh Acres, Florida

(Per a review of the county property appraiser website - 2012 records, Market Value: \$2,000)

- The other two (2) properties disclosed on the attached list are titled in the name of Sharief Residential Rentals LLC / Sharief Residential Rental LLC:

1). 410 N Columbus Parkway, Hollywood, Florida

(Per a review of the county property appraiser website - 2012 records, Market Value: \$77,060)

2). 2311 Acapulco Drive, Miramar, Florida

(Per a review of the county property appraiser website - 2012 records, Market Value: \$88,320)

- However, Sharief failed to disclose one (1) additional property owned by Sharief Residential Rental,s LLC.

- The first property not disclosed is:

19390 Collins Ave #1105, Sunny Isles, Florida. This property was sold on 2/20/2013 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2012 records, Market Value: \$110,470)

- On Form 6, in part B – Assets, Sharief writes, “Retirement accounts (Roth IRA / Mutual Funds).” The intangible property assets were not properly disclosed. The accounts are only identified by generic terms. Per reporting requirements, accounts must be identified by entity name and value. The stated value is \$150,000. The same amount of value is given in 2010, 2011 and 2012 Form 6 reports.

- On Form 6, in part B – Assets, Sharief did not disclose any closely held businesses as assets.
- South Florida Pediatric Homecare (SFPH) is a Florida Profit Corporation solely owned by Sharief. A 2008 Toyota Sequoia owned by SFPH & Sharief; is her primary vehicle.
- Sharief paid personal property taxes from a SFPH Inc. account for property located at: 16482 SW 18 Street, Miramar, Florida. This property is solely owned by Sharief.
- Sharief Residential Rental (SRR) is a Florida limited liability corporation solely owned by Sharief. In part B of Form 6, two (2) properties held by SRR were disclosed on an attached list of real property. However, one additional property was not disclosed as being owned by SRR.

1). 19390 Collins Ave #1105, Sunny Isles, Florida. This property was sold on 2/20/2013 by Sharief Residential Rentals, LLC. (Per a review of the county property appraiser website - 2012 records, Market Value: \$110,470)

- Sharief paid personal property taxes from a SRR, LLC account for a property located at: 130 Monroe Udell Street, Dania Beach, Florida. This property is solely owned by Sharief.
- It has also come to my attention Sharief is not accurately reporting her outside employment / income under Broward County's disclosure policy.
- In November 2010, Broward County voters approved an amendment to the Broward County Charter. As a result, Broward County Ordinance No. 2011-19 was created. Part of the ordinance requires county commissioners to disclose outside or concurrent employment on a quarterly basis.
- Per Broward County Ordinance No. 2011-19 (b), page 9:

Elected Officials may engage in other employment consistent with their public duties and where not otherwise inconsistent with the provisions of Florida Statutes Chapter 112, Part III. All outside or concurrent employment by an Elected Official, including employment pursuant to contract, as well as any remuneration received from that employment, must be disclosed on a form created by the Broward County Attorney's Office. The disclosure referenced in the preceding sentence shall be done quarterly by County Commissioners and annually by Municipal Officials. The disclosure form must be filed for public inspection.

- In 2012, Sharief filed two (2) quarterly Broward County Elected Official Code of Ethics Outside / Concurrent Employment Quarterly Disclosure Forms. One form was dated 8/2012. On this quarterly report, Sharief reported \$184,000 in income. On the second quarterly form

dated 01/2013, Sharief reported \$100,250.00 in income. The total amount of \$284,250 is significantly more than she reported for her total yearly income reported on Form 6. Only \$104,000 in yearly income was reported. There is a \$180,250.00 difference in the amount of reported income.

- There was no mention on her quarterly reports of income generated from Sharief Residential Rental, LLC.
- On Shareif's 2012 Full and Public Disclosure of Financial Interests, Form 6, Part D – Income, she listed two (2) primary sources of income other than her county commissioner's salary.

1). South Florida Pediatric Homecare. There was \$104,000 in yearly income reported. This amount is significantly less than the amount reported on the Broward County Outside / Concurrent Employment Quarterly Disclosure Forms.

2). Sharief Residential Rentals LLC. There was \$20,000 in yearly income reported. Income from this source was not reported on the Broward County Outside / Concurrent Employment Quarterly Disclosure Forms.

- It should be noted, Sharief has filed two (2) quarterly forms for 2013: 5/1/2013 and 8/9/2013. The same amount of income, \$100,250, is reported in each quarter.
- After a review of Broward County and the State of Florida Commission on Ethics policies on reporting it is obvious Ms. Sharief has not been forthcoming in the disclosure of her assets and income.
- It is my recommendation Ms. Sharief be investigated for these non-disclosures, omissions and inaccuracies.

- On Sharief's 2010 & 2011 disclosure she lists her NCI work at \$8,000,000.00 and on her 2012 form her net worth is reduced to \$4,000,000. Sharief's company (SFPH) has agreed to pay back \$800,000.00 to the state for overbilling Medicaid and as I understand Sharief has requested a payment plan over 5 years. If her net worth is \$4,000,000.00 why can't she pay it? Look at the income she reports any accountant will tell you it does not add up.
- On Sharief's 2010, 2011 and 2012 financial disclosure form 6 which Sharief signs and takes oath or affirmation and is notarized states;

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

- Florida statute 92.525(2) Perjury by False Statement states;
 - (1) When it is authorized or required by law, by rule of an administrative agency, or by rule or order of court that a document be verified by a person, the verification may be accomplished in the following manner:
 - (a) Under oath or affirmation take or administered before an officer authorized under s. 92.50 to administer oaths; or
 - (b) By signing of the written declaration prescribed in subsection (2);
 - (2) A written declaration means the following statement:

“Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true,” followed by the signature of the person making the declaration, except when a verification on information or belief is permitted by law, in which case the words “to the best of my knowledge and belief” may be added. The written declaration shall be printed or typed at the end of or immediately below the document being verified and above the signature of the person making the declaration.
 - (3) A person who knowingly makes a false declaration under subsection (2) is guilty of the crime of perjury by false written declaration, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 - (4) As used in this section:

- (a) The term “administrative agency” means any department or agency of the state or any county, municipality, special district, or other political subdivision.
- (b) The term “document” means any writing including, without limitation, any form, application, claim, notice, tax return, inventory, affidavit, pleading, or paper.
- (c) The requirement that a document be verified means that the document must be signed or executed by a person that the person must state under oath or affirm that the facts or matters stated or recited in the document are true, or words of that import or effect.