

# STATEMENT OF FACTS

- 1.) On or about November 1, 2010, the Miami-Dade County Commission on Ethics and Public Trust (hereinafter “COE”) opened an investigation into possible misconduct by ISAAC AELION (hereinafter “the DEFENDANT”), who was at the time a candidate for Seat 4 on the Sunny Isles Beach City Commission. The inquiry was carried out with the support and supervision of the Miami-Dade County State Attorney’s Office (hereinafter “SAO”), and with the assistance of the office of the U.S. Postal Inspection Service (hereinafter “USPIS”).
- 2.) It had been alleged the DEFENDANT’S campaign was responsible for an anonymous political mailer attacking rival candidates and encouraging voters to support his campaign and those of affiliated candidates, including Sunny Isles Beach Mayor NORMAN EDELCUP. The postal permit number on the mailer was identical to that of another campaign mailer issued by the Aelion campaign, raising questions about a possible link to the DEFENDANT’S campaign.
- 3.) The anonymous mailer – sent to the homes of voters on or about October 25, 2010 – repeatedly accuses Edelpcup’s mayoral opponent, MICHAEL SCHNITZER, of “misleading and lying to the voters of Sunny Isles Beach.” The mailer accuses the DEFENDANT’S opponent, JENIFFER VISCARRA, of having improper dealings with Schnitzer in his capacity as property manager at the Winston Towers 300 Condominium. The DEFENDANT defeated Viscarra in a run-off election on December 7, 2010, to secure a seat on the Sunny Isles Beach City Commission.
- 4.) As part of its investigation, COE enlisted the support of U.S. Postal Inspector JOANNE WINSTON, who, after visiting the General Mail Facility’s bulk mail entry unit for Miami, determined that the source of the mailer was, in fact, the Aelion campaign. At said facility Inspector Winston obtained a copy of the anonymous mailer and related documentation, which enabled her to trace the mailer to a North Miami Beach print shop, Bee-Jay Printing. The owner of the shop told her he recalled preparing the mailer on behalf of the DEFENDANT.
- 5.) COE and SAO took a sworn statement from the owner of Bee-Jay Printing, STEVEN COHEN, on January 5, 2011, in which Cohen reiterated his assertion to investigators that the DEFENDANT was “the person who engineered the mailing.” Cohen advised the DEFENDANT and an unidentified female companion visited his company on or about October 19, 2010, and asked him to produce a two-sided anonymous mailer and distribute it among registered voters in Sunny Isles Beach. He confirmed the mailer was the anonymous mailer in question, asking: “Why Mr. Schnitzer are you misleading and lying to the voters ...?”

- 6.) Cohen further advised that the DEFENDANT was going to pay for the mailer with a check (as he did on that same day for another campaign mailer, this one properly identified as a paid political advertisement), but after discussing the matter “in hushed tones” with his female companion, decided not to pay for the mailer in this fashion and asked whether he could return at a later time to make payment. He said that the DEFENDANT asked whether the mailer could be traced to him or his campaign and that it was “very suspicious.”
- 7.) Cohen stated that the DEFENDANT returned the following day – October 20, 2010 – and paid cash in the amount of \$3,659 for the anonymous mailer. He said the DEFENDANT instructed him to produce 8,500 copies of the mailer and to send it by bulk mail to the homes of Sunny Isles Beach voters on or about October 25, 2010. Cohen reviewed a copy of a Postage Statement for said mailer, and verified it was the anonymous mailer he produced for the DEFENDANT.
- 8.) Cohen provided COE with a copy of a receipt he provided the DEFENDANT on October 20, 2010, after receiving the cash payment of \$3,659. He said he wrote the name “Isaac” on the receipt to document the payment. Cohen reviewed his company’s bank records to ensure he had not been paid by check.
- 9.) COE contacted the Sunny Isles Beach City Clerk’s Office and obtained copies of the DEFENDANT’S official Campaign Treasurer’s Reports (CTRs) for the period from January 1, 2010, through October 29, 2010. The review of said CTRs did not reveal any reported expenditure or contribution corresponding to the payment of \$3,659 on or about October 20, 2010, on behalf of the Aelion campaign. The DEFENDANT, as treasurer for his campaign, certified the CTRs as “true, correct and complete” in accordance with Florida Statute 839.13.
- 10.) On or about November 17, 2010, COE contacted the DEFENDANT and asked whether he had any knowledge of the anonymous mailer. He said that he was aware of the mailer and the allegations against his campaign and that he had “researched” the matter but was not able to establish the identity of its author because the postal permit on the mailer’s envelope was used by “multiple parties,” not just his campaign. He agreed to provide a statement after the run-off election scheduled for December 7, 2010.
- 11.) On or about December 10, 2010, the DEFENDANT was again contacted by COE, and the DEFENDANT advised he did not wish to be interviewed in connection with the mailer. He stated he considered himself to be “pro law enforcement,” but advised he could provide no useful information to assist with the investigation and therefore did not see the point in consenting to an interview. “I don’t know who did this,” the DEFENDANT stated at that time. “I have really nothing to do with the mailer – and you can quote me on that.”
- 12.) In conducting its investigation, COE and SAO also reviewed financial records, obtained by subpoena, pertaining to the political campaign and personal

bank accounts of the DEFENDANT and verified that the payment of \$3,659 was not made from the campaign account of the DEFENDANT and, in fact, may have come, at least in part, from cash withdrawn from a personal account on or about October 19, 2010, in which the DEFENDANT withdrew \$2,000 in cash from a checking account with JP Morgan Chase, (account No. 8310290155).

- 13.) Based on the aforementioned information, investigators have probable cause to believe the DEFENDANT, now Sunny Isles Beach City Commissioner ISAAC AELION, incurred in criminal violations of state law in connection with his role in creating, mass-producing, and circulating an anonymous political mailer and that as a result he is charged with the following: One (1) count of violating Florida Statute 106.09, a first-degree misdemeanor, as it relates to making or accepting a cash contribution in excess of \$50; One (1) count of violating Florida Statute 106.19 (1)(b), a first-degree misdemeanor, as it relates to accepting failing to report a contribution in excess of the proscribed limits; One (1) count of violating Florida Statute 106.19(1)(c), a first-degree misdemeanor, as it relates to falsely reporting or failing to report a campaign expenditure.

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