

9/29/2018

Supplemental to original complaint filed on 9/6/2018

Florida Commission on Ethics

P. O. Drawer 15709

Tallahassee, Florida 32317-5709

**Chief Assistant State Attorney Amira D. Fox of the 20th Judicial Circuit, Bar Number 861316
Florida Statute 104.31, Florida Statute 110.233**

I would like to request a criminal investigation into Chief Assistant State Attorney Amira D. Fox's campaigning activities during work hours as a state employee to run for the position of State Attorney, years 2017 and 2018.

After recently receiving the final documents from the State Attorney's office; I have carefully reviewed the 2018 calendars and timesheets. The documents are inadequate, unclear and do not make logical sense. It appears during this time period instead of taking leave or resigning from the position of Chief Assistant State Attorney, Amira D. Fox actively campaigned during working hours while interfering with her state employment duties.

Amira D. Fox already publicly stated and acknowledged she was campaigning during work hours and paid back \$1,478.75 through the Office of the State Attorney 20th Circuit. (Attachment #1)
Campaigning during work hours is a violation of Florida Statutes 104.31 and 110.233. Paying back the money does not dismiss the Florida Statute violations however, charges have not been filed. Furthermore according to 2018 public records it appears approximately 60 Republican political events were attended during work hours, each one being a violation of Florida Statutes. It is a concern if state vehicles and gas cards were used during these times. These are political events I have potentially identified where Amira Fox campaigned during work hours however; this is not to be taken as a complete or inclusive list of all political campaigning during the two year period.

According to the Amira Fox for State Attorney Website, Amira Fox "oversees the prosecution of tens of thousands of cases throughout Charlotte, Collier, Hendry, Glades and Lee counties. She also supervises a team of 300 staff members including 120 Assistant State Attorneys". Referencing the 2018 calendar, timesheets and Political events attended during not only day working hours but also evening hours; it is not possible that Amira D. Fox could perform said services for which she receives compensation from the state.

Attached are legitimate concerns highlighted in yellow on monthly spreadsheets. Listed below are just a few examples.

Numerous Republican events were attended during the day where annuals or sick days were taken after the scheduled time of the events.

Many of the political events were in Naples FL, 45 minutes to an hour from Ft. Myers, it is questionable if driving time is added to the calendars.

July 1, 2018 Amira Fox attended a campaign debate at 7:00 am however, the political debate is not noted on either timesheet or calendar, to my knowledge this debate ran well over 2 hours and was in Naples FL, a 45 minute to 1 hour drive from Ft. Myers.

Attached:

SAO Policy, Amira Fox for State Attorney Website copy; Human resource document on overpayment. Request and approval for limited work schedule from July 30 – September 3, 2018.

Timesheets and calendars from January 2018 through August 2018; (Original complaint included March, April and May 2018).

June 2018 calendar attachment:

Facebook photo of Political debate on June 1, 2018, with Stephen Russell, not listed on the calendar or timesheet.

August 2018 calendar attachment:

Newspress.com article from August 9, 2018

August 9th, 2018 - Newspress.com interview with Amira Fox however, the interview time is not noted on the timesheet or calendar.

August 10, 2018 Grand Jury is noted from 9:00 am to 4:00 pm. During those hours a WRC (Women's Republican Club) of Naples was attended from 11:00 am to 2:00 pm. It appears Amira D. Fox was not at the Grand Jury for the time stated, instead attending a political event for 4 hours.

This is a matter of public trust and a state Attorney violating criminal statutes, much more investigation is warranted.

Respectfully,

Linda

Seeking Elected Office

There may be occasions when staff of the State Attorney's Office choose to exercise their right to seek elected office. An employee seeking elected office must do so in a manner that is completely consistent with the requirements of law, and which avoids any use of their position with this Office for political advantage. An employee must be familiar with, and comply with, the applicable statutes, case law, opinions by the Florida Divisions of Elections and Ethics, and the policies of this office.

As a law office, the State Attorney's Office must also avoid any conflicts of interest, as well as release of any information that is legally confidential or privileged, and any employee must act accordingly at all times.

An employee seeking elected office must not engage in any political activity of any kind, nor solicit or accept contributions of any kind while in the Office, nor during the regular business hours of the Office. No employee may use any property or equipment of the Office for any political purpose.

An employee who wishes to conduct any political activity during the regular business hours of the Office must be on approved Annual Leave (if available), or on approved Leave of Absence Without Pay.

An employee seeking elective office must go on leave or resign from the Office, effective not later than the official qualifying date for the office being sought. The State Attorney, in his sole discretion, may waive this provision with respect to an employee seeking election to a local governing board (such as a fire district or neighborhood improvement district), unpaid positions, an office in which the employee is an incumbent, or for another good cause that may be shown.

An employee seeking Annual Leave (if available) and/or Leave of Absence without Pay for the purpose of seeking elected office may make such request. Approval for any such leave is, subject to normal office policy, within the discretion of the State Attorney, based on a consideration of the Office's requirements for necessary staffing and efficient operations.

An employee is required to advise the State Attorney of the employee's intent to take any of the following actions, prior to the taking of such action: announcing a candidacy for any office, opening a campaign account, soliciting or accepting contributions of any kind, or filing for candidacy for any office.

If, at any time, the State Attorney determines that the actions of an employee seeking elected office create a conflict of interest for the Office, or are detrimental to the efficient operations of the Office, the State Attorney may require the employee to take a Leave of Absence without Pay, or to resign from the Office.

The use of letterhead/uniforms, offices, and addresses for purposes of political activity and/or political solicitation or any non-governmental purposes is strictly prohibited. An employee who violates any law or rule relating to elections, or who otherwise violates any provision of the policy, is subject to sanctions, up to and including termination of employment.

TO: Amira Fox
FROM: Rosemarie Mitchell
Human Resources Director
DATE: January 5, 2018
SUBJECT: Salary Overpayment

You were short 19.50 hours on your December 2017* timesheet; therefore, you owe \$1478.75 / 19.50 hours.

The full amount of the overpayment may be returned via money order or cashier's check. If full payment is not possible at this time, we will deduct the full amount of the overpayment as a miscellaneous deduction from your next salary warrant.

Please check the option of payment you prefer below, sign and return this form immediately to my attention.

☐ 1. Money order or cashier's check for full amount of the overpayment.
Payment enclosed.

☒ 2. Miscellaneous deduction from next salary warrant for full amount of overpayment.

In accordance with Section(s) 120.569 and 120.57, Florida Statutes, you have a right to a hearing if you believe your substantial interests have been affected and you dispute your obligation to repay these funds. You must, however, file a petition for a hearing within 21 days of receipt of this notification letter. The petition must comply with the provisions of Rule 28-106.201 or Rule 28-10.6.301, Florida Administrative Code.

By checking one of the options above, you agree to waive your rights to a hearing under Chapter 120 and all other applicable law. In the event that you either fail to return this form indicating your repayment method or to request a hearing within 21 days of your receipt of this notification, this agency will begin to off-set this overpayment from your salary through miscellaneous deductions and you will have been deemed to have waived your rights under Chapter 120 and all other applicable law to contest this action.



EMPLOYEE SIGNATURE

1/8/18

DATE

*Please note that due to this overpayment, you will be receiving an amended 2017 W2.

WORD
Rosemarie-Finance
Salary Payback-dockpay form
08-07

To: *Stephen B. Russell, State Attorney*

OK/SSR

From: *Amira Fox, Chief Assistant State Attorney*

Re: *Work Schedule*

Date *July 17, 2018*

During July 30 - September 3, 2018 I will be on a limited work schedule. With your approval, I will be paid only for actual hours worked during this time. I will coordinate this directly with our Human Resources Division.

It is my intention to resume my normal work schedule on September 4, 2018.

Thank you.

cc: D. Stanbro
R. Mitchell

ASA AMIRA D. FOX QUESTIONABLE ACTIVITIES OF CAMPAIGNING DURING WORK HOURS – Unscheduled = Working Day			
YEAR	DATE AND MONTH	ACTIVITY AND TIME SCHEDULED	CALENDAR LEAVE NOTES
2018	Monday January 8	LRWF Pinchers 11:30 am – 1:30 pm, Collier Court Republican Club	Unscheduled day
2018	Wed January 10	Peace River Forum Speaker 11am – 2:00 pm	Annual at 1:00 pm
2018	Fri January 12	WRC of Naples 11am – 2pm, Lunch Sheriff Whidden 1:00 pm	Unscheduled day
2018	Tue January 16	Ft. Myers Republican Women's club luncheon 11:15-1:30	Sick 3:00 pm
2018	Thurs January 18	SWFPCA 11:30 am - 12:00 pm RWCCF 5:30 pm	Unscheduled day
2018	Mon January 29	LRWF Meeting Speaker 11:30 – 1:30	Annual 3:00 pm
2018	Tue January 30	Charlotte DeSoto Club Speaker 11am – 2pm – Cape Coral Rep Cl. 6:30pm	Unscheduled day
2018	Tue February 6	Lee Republican W. Meet Speaker 11:15 am- 1:30 pm	Unscheduled day
2018	Wed February 7	RWSFF Luncheon 11:00 am – 2:00 pm	Unscheduled day
2018	Fri February 9	WRC of Naples 11:00am – 2:00 pm	Annual 3:00 pm
2018	Tue February 13	Kiwanis Sanibel Speaker 7:30 am – 9:30	Annual 2:00 pm
2018	Wed February 14	Peace River Forum 11:00 am – 2:00 pm	Unscheduled day
2018	Thurs February 15	RWCCF 5:30 pm	Annual 6:00 pm
2018	Tue February 20	Ft Myers Republican Women's Club 11:15 – 1:30 pm – Rep Dinner 6pm	Work/ other: Out of office Seminar
2018	Wed February 28	Tiger Bay Lunch 11:30 am – 1:30 pm – CCWBA Lunch 12:00 pm	Annual 2:00 pm

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ASA AMIRA D. FOX QUESTIONABLE ACTIVITIES OF CAMPAIGNING DURING WORK HOURS

YEAR	DATE AND MONTH	ACTIVITY AND TIME SCHEDULED	CALENDAR LEAVE NOTES
2018	Friday June 1	Attended Political Debate 7:00 am - ? See attached Facebook photo	Unscheduled day
2018	Tue June 5	Lee Republican Women Meeting 5:30 pm	Unscheduled day
2018	Wed June 6	RWSFF Luncheon 11:00 am – 2:00 pm – Burnt Store Rep Club 5:00 pm	Unscheduled day
2018	Fri June 8	WRC Naples 11:00 am – 2:00 pm Joe Whitehead Radio Show 3:30 - 4:30 pm	Unscheduled day
2018	Wed June 13	Peace River Forum 11:00 am – 2:00 pm	Unscheduled day
2018	Tue June 19	Ft Myers Republican Women's – 11:15 pm – 1:30 pm	Annual 3:00 pm
2018	Thurs June 21	SWFPCA 11:30 am – 12 – Bonita Springs Speaker 12:00 pm – 1:30 pm – RWCCF 5:30	Unscheduled day
2018	Tuesday July 3	Photo session Jose and interview 10:00 am – 11:00 am	Annual 6:00 pm
2018	Thurs July 5	Lee Republican Women Meeting 11:15 am – 1:30 pm	Annual 2:00 pm
2018	Mon July 9	LRWF Pinchers 11:30 pm – 1:30 pm	Unscheduled day
2018	Wed July 11	Peace River Forum 1:00 am – 2:00 pm – Burnt Store Republican Club 5:30 pm	Unscheduled day
2018	Thurs July 12	Punta Gorda 10:00 – 5pm?	Annual 3:00 pm
2018	Tue July 17	Ft Myers Republican Women's Club 11:15 – 1:30 pm - W. Charlotte Rep Din 6:00 pm	Unscheduled day
2018	Wed July 18	Charlotte Chamber Candidate Forum 7:00 am - ? Charlotte lunch candidate 12:00 pm	Annual 5:00 pm
2018	Wed July 25	CCWBA Lunch N. Trust Park 12:00 pm – 1:00 – Tiger Bay Lunch 11:30 am – 1:30 pm	Annual 1:00, Sick 4:00 pm
2018	Mon July 30	Speech at Pelican Preserve 6:00 pm	Unscheduled day

ASA AMIRA D. FOX QUESTIONABLE ACTIVITIES OF CAMPAIGNING DURING WORK HOURS

YEAR	DATE AND MONTH	ACTIVITY AND TIME SCHEDULED	CALENDAR LEAVE NOTES
2018	Wed August 8	Peace River Forum 11:00 am – 2:00 pm	Work 4:00, lwop 4:00
2018	Thurs August 9	? Newspress.com Interview – not listed (attached)	Work 4:00, lwop 4:00
2018	Fri August 10	? Grand Jury 9 am -4 pm - WRC of Naples 11:00 am – 2:00 pm	Unscheduled day
2018	Mon August 13	LRWF Speaker – Pinchers 5:30 pm	Unscheduled day

9/6/2018

BOMS 11.78

Manage, January 2018 Timesheet :Fox, Amira D. (approved)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1 New Year's Holiday	2 annual 8:00	3 annual 8:00	4 annual 8:00	5 annual 8:00	6
7	8 ✓	9 annual 3:00	10 annual 1:00 ✓	11 annual 2:00	12 ✓	13
14	15 Martin Luther King, Jr. Day	16 sick 3:00 ✓	17 annual 2:00	18 ✓	19 annual 1:30	20
21	22	23 annual 4:00	24 annual 4:00	25 sick 3:00	26	27
28	29 annual 3:00 ✓	30 ✓	31 annual 3:00	1 annual 3:00	2 sick 3:00	3

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Manage, February 2018 Timesheet :Fox, Amira D. (approved)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29 annual 3:00	30	31 annual 3:00	1 annual 3:00	2 sick 3:00	3
4	5 annual 1:00	6 ✓	7 ✓	8 annual 1:00	9 annual 3:00 ✓	10
11	12 annual 2:00	13 annual 2:00 ✓	14 ✓	15 annual 6:00 ✓	16	17
18	19 work/other: Out of Office at Seminar	20 work/other: Out of Office at Seminar 2	21 annual 8:00	22	23	24
25	26	27	28 annual 2:00 ✓	1 annual 6:00	2 annual 1:00	3

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Manage, June 2018 Timesheet :Fox, Amira D. (approved)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
27	28 Memorial Day	29	30	31 annual 1:00	1 ✓	2
3	4 annual 3:00	5 ✓	6 ✓	7 annual 5:00	8 ✓	9
10	11	12 annual 3:00	13 ✓	14 annual 2:00	15	16
17	18	19 annual 3:00 ✓	20 annual 3:00	21 ✓	22 sick 3:00	23
24	25	26	27 annual 1:00	28 annual 8:00	29	30

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July 2018 ▼

Manage, July 2018 Timesheet :Fox, Amira D. (approved)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 annual 6:00 ✓	4 Independence Day	5 annual 2:00 ✓	6	7
8	9 ✓	10 annual 5:00	11 ✓	12 annual 3:00 ✓	13 earned annual 8:00	14
15	16 sick 3:30	17 ✓	18 annual 5:00 ✓	19 annual 5:00	20	21
22	23	24 annual 1:00	25 annual 1:00, sick 4:00 ✓	26	27	28
29	30 ✓	31 annual 2:00	1 lwop 8:00	2 lwop 8:00	3 work 4:00, lwop 4:00	4

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August 2018 ▼

Manage, August 2018 Timesheet :Fox, Amira D. (approved)

Sun	Mon	Tue	Wed	Thu	Fri	Sat
29	30	31 annual 2:00	1 lwop 8:00	2 lwop 8:00	3 work 4:00, lwop 4:00	4
5	6 lwop 8:00	7 lwop 8:00	8 work 4:00, lwop 4:00	9 work 4:00, lwop 4:00	10 ✓	11
12	13 ✓	14 lwop 8:00	15 lwop 8:00	16 lwop 8:00	17	18
19	20 lwop 8:00	21 lwop 8:00	22 lwop 8:00	23 lwop 8:00	24 lwop 8:00	25
26	27 lwop 8:00	28 lwop 8:00	29 lwop 8:00	30 lwop 8:00	31 lwop 8:00	1

June 1, 2018 - Political Debate with Stephen Russell



Amira Fox for State Attorney

@foxforstateattorney

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Amira Fox for State Attorney is at Stonebridge Country Club.

June 1 · Naples, FL · 🌐

Thank you 06/01/2018 3:15pm Republican Men's Club for hosting the State Attorney debate this morning. I met with some great members and enjoyed being able to share qualifications, facts, and our message with the community. #TeamFox #KeepInformed #SaferCommunities #ToughOnCrime #FiscalResponsibility #CheckTheBoxForFox



26

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Amira Fox for State Attorney



3

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Amira Fox for State Attorney

I am proud of my record at state attorney's office: Amira Fox

Amira Fox Published 8:49 a.m. ET Aug. 9, 2018



(Photo: Special to The News-Press)

As your Chief Assistant State Attorney for the five-county 20th Circuit for the last several years, I have overseen a staff of 300, including 120 prosecutors, and a \$26 million budget.

While I am the only candidate with State Attorney's Office supervisory or administrative experience — 14 years, I also continue to prosecute major cases. Most recently, I prosecuted Mesac Damas in Collier County successfully seeking and obtaining six death sentences for the brutal murders of his wife and five young children.

I am proud that, according to the Florida Department of Law Enforcement Annual Uniform Crime Reports, the 20th Circuit has had the lowest crime rate of all 20 judicial circuits in Florida for each of the last six years. This reflects the excellent partnership we have with law enforcement and the community. However, I will never rest on this low crime rate and will always look for ways to improve with new and better approaches to ensure public safety.

STORY FROM PELICAN BAY

These 6 reasons are why seasonal positions at Pelican Bay are unlike any other

(<https://www.naplesnews.com/story/sponsor-story/pelican-bay/2018/09/14/6-things-make-seasonal-work-pelican-bay-unique/1308233002/>)

My first priority is keeping our community safe. My husband served 30 years with the Collier County Sheriff's Office and we have raised four children here. I recognize that the number one duty of a prosecutor is to keep you safe. I have been instrumental in making sure we continue to fight crime through successful initiatives such as narcotics trafficking operations in Collier County using complex wiretaps, racketeering prosecutions against violent gang members in Lee County, and cold case prosecutions in Charlotte County.

I will continue to work hard for you to keep our crime rate low and to ensure the safety of our community through a combination of obtaining tough sentences for violent and habitual offenders, while seeking accountability and rehabilitation for non-violent first time offenders. This proven approach stops the cycle of crime and keeps our community safer, while saving taxpayers money. We also have a high success rate, with 88.1% of felonies prosecuted in 2016-17 resulting in guilty dispositions, according to the Florida Office of The State Court Administrator.

Along with my 14 years of prosecution administrative experience, including being the Office Head in Hendry and Glades Counties from 1998-1999 and Office Head in Collier County from 1999-2002, I have almost 30 years of trial experience during which I have tried hundreds of cases. I am the only candidate to have tried a 1st degree murder case. Since the 1990s, I have tried numerous murder cases including 9 first degree murder death penalty cases, the last being the Mesac Damas case.

In addition to the support of current State Attorney Steve Russell, I am proud to have been endorsed by Lee County Sheriff Mike Scott, Collier County Sheriff Kevin Rambosk, Charlotte County Sheriff Bill Prummell, Hendry County Sheriff Steve Whidden, and Glades County Sheriff Dave Hardin. This is a reflection of the excellent relationship I have partnering with law enforcement to hold criminals accountable.

I have also been endorsed by many other organizations in our community including the NRA and Unified Sportsmen of Florida, with an A rating for my strong support of the 2nd Amendment, Businesspeople United for Political Action Committee (BUPAC), The Hispanic Vote, the Royal Palm Coast Realtor Association, the Charlotte Builders and Realtors Associations, the Robert E. Lister Fraternal Order of Police and the Naples Daily News.

I hope you will vote for me in the Aug. 28 primary and allow me to continue serving you as State Attorney for the 20th Judicial Circuit.

Chief Assistant State Attorney Amira Fox is a candidate for state attorney for the 20th Judicial Court.