



HAROLD F. PRYOR
STATE ATTORNEY
 SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
 BROWARD COUNTY COURTHOUSE
 201 SE SIXTH STREET, WEST WING SUITE 7130, FORT LAUDERDALE, FL 33301-3360
PUBLIC RECORDS REQUEST
 Contact Ms Williams at (954) 831-7228 / PRrequests@sao17.state.fl.us

Requestor : **MEDIA MEDIA**
 Company :
 Address :
 City, State, Zip
 Email :

Request Reference #: **32541**
 Phone:
 Fax:
 Date: **4/15/2025**

Pursuant to Chapter 119, Florida Statutes, request is made for:

Request Type: **COPIES**

Record Type: **Public Records Request**

Defendant:

Description : **Joe Carollo- PC22-01-003- Copy of closeout memo**

YOU ARE ADVISED that the State Attorney's Office is not the custodian of the official court records. The records you have requested are only those in the custody of the State Attorney, subject to all legal exceptions and/or redactions. For a copy of the complete and official record and/certified copies, contact the office of Brenda Forman, Clerk of the Court, 17th Judicial Circuit of Florida, at (954) 831-6565

(For SAO use only)

Letter acknowledging request sent by _____	Date _____
Active Discovery provided by _____	Date _____
Reviewed/Redacted by _____	Date _____
Approved/Disapproved by <u>ASD</u> _____	Date <u>4/15/25</u>
File unable to be located by Unit _____	Date _____

See Notes/Exemptions/Redactions indicated below

Request Withdrawn--Date _____ SAO has no record as requested _____

SAO record was destroyed per §119.021(2)(d),

Notes/Exemptions from Public Record Disclosure (For Reviewing ASA use only)

- | | |
|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Attorney notes are not Public Record and are never subject to disclosure- confidential and exempt, Lopez v. State 696 So. 2d 725 (Fla. 1997); Valle v. State, 705 So.2d 1331(Fla. 1997); Arbelaez v. State, 775 So. 2d 909 (Fla.2000) <input type="checkbox"/> Confession by Defendant on active cases=> exempt, §119.071(2)(c), FS <input type="checkbox"/> Bank account numbers, debit, charge and credit account numbers and social security numbers=>exempt, § 119.071(5)(a), FS; § 119.071(5)(b), FS; § 119.074(1)(j), 2(e), and 3 (b), F.S. <input type="checkbox"/> Biometric ID Information=>exempt, §119.071(5)(g), FS <input type="checkbox"/> Information revealing ID of undercover personnel of any criminal justice agency exempt, §119.071(4)(c) F.S. <input type="checkbox"/> Defendant not entitled to free copy of file.=> Roesch v. State, 633 So. 2d 1 (Fla. 1993) <input type="checkbox"/> Criminal History Data=> exempt, §943.0525, FS <input type="checkbox"/> Department of Corrections Records & Investigations=> exempt, §945.10, FS <input type="checkbox"/> Autopsy Photographs=> exempt, §406.135(1), FS <input type="checkbox"/> E.M.S. Reports=> exempt, §395.51, FS <input type="checkbox"/> Information which may identify a caller requesting or reporting "911" emergency service confidential and exempt=>exempt, §365.171(12)(a), FS <input type="checkbox"/> Juvenile Records=>exempt, §985.04, FS <input type="checkbox"/> Drivers License digital imaging=> exempt, §322.142(4), FS <input type="checkbox"/> Security video/surveillance exempt and confidential=>F.S. 119.071(3)(a) <input type="checkbox"/> Pharmacy Records=>exempt, §465.017(2) <input type="checkbox"/> Telecommunications records=>exempt, §119.071(5)(d) <input type="checkbox"/> Article I Section 16 of the Florida Constitution <input type="checkbox"/> Traffic citations => FL ST § 316.650(11) <input type="checkbox"/> Active criminal intelligence information and active criminal investigative information ==> §119.071(2)(e)1, §119.011(3)(a)(b), §119.011(3)(c)5, and §119.011(3)(d)2; see also, Satz v. Blankenship, 407 So.2d 396 (Fla. 4th DCA 1981); and Tribune Co. v. Public Records, 493 So.2d 480(Fla. 2nd DCA 1986) | <ul style="list-style-type: none"> <input type="checkbox"/> Mental Health records => exempt, §394.4615(1), FS; §456.057, FS <input type="checkbox"/> Personal victim information in cases of sexual offense, child abuse, lewd & lascivious offense=> exempt, §119.071(2)(h), FS; §794.024 <input type="checkbox"/> Personal assets of crime victim=> exempt, §119.071(2)(i), FS <input type="checkbox"/> Medical Records=> exempt, §395.3025(4), FS; §395.3025(8), FS; §456.057, FS <input type="checkbox"/> PSI, PTL, pre-plea, post-sentence investigative records=> exempt, §945.10(1)(b), FS <input type="checkbox"/> Reports of abuse of vulnerable adult=> exempt, §415.107, FS <input type="checkbox"/> Department of Children & Families Reports of child abuse=> exempt, §39.0132(4)(a), FS; §39.202, FS <input type="checkbox"/> School records=> exempt, §1002.221, FS <input type="checkbox"/> Photograph of victim of sexual offense=> exempt, §119.071(2)(h) <input type="checkbox"/> Home Addresses, etc., of current or former prosecutors, law enforcement personnel, firefighters, judges and code inspectors=> exempt, §119.071(4)(d)2, FS <input type="checkbox"/> Traffic Crash Report exempt for 60 days after report is filed=>exempt, §316.066(5)(a), FS <input type="checkbox"/> Videotaped statement of minor victim of sexual battery=>exempt, §119.071(j)2.a., FS <input type="checkbox"/> DL and DMV records=>exempt, §119.0712(2), FS <input type="checkbox"/> Photo/video/audio recording that depicts or records the killing of a human being=>exempt, F.S. 406.136 <input type="checkbox"/> Federal Tax Information=>exempt- 26 USC 6103 <input type="checkbox"/> Witness to a murder- personal information ==>exempt §119. 071(2)(m), FS <input type="checkbox"/> B.W.C- exempt and confidential F.S. 119.071(2)(l)2 <input type="checkbox"/> Active criminal intelligence information and active criminal investigative information ==> §119.071(2)(c)1, and §119.011(3); see also, Florida Attorney General Advisory Legal Opinion 91-74 (AGO 91-74), dated October 1, 1991 <input type="checkbox"/> Other exemptions=> _____ |
|---|---|



HAROLD F. PRYOR
STATE ATTORNEY
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
BROWARD COUNTY COURTHOUSE
201 S.E. SIXTH STREET
FORT LAUDERDALE, FL 33301-3360

PHONE (954) 831-6955

CLOSE-OUT MEMORANDUM

To: File

From: Alexandra Weil
Assistant State Attorney, PCU

Re: Joe Carollo, PC22-01-003
Miami-Dade Commissioner

Date: April 14, 2025

Reason for Close-out:

This matter was referred to the Public Corruption Unit of the Broward State Attorney's Office ("SAO") by executive assignment via the Miami-Dade State Attorney's Office to determine possible criminal activity on behalf of Commissioner Joe Carollo. This inquiry is outlined in two parts: 1) Commissioner Carollo's actions regarding Bill Fuller; and 2) Commissioner Carollo's actions regarding former Miami-Dade Police ("MDP") Chief Art Acevedo.

Part One: Bill Fuller

Bill Fuller ("Fuller") and Zach Bush ("Bush") are business partners who own or invest in several businesses within the City of Miami. Based upon prior interactions within the community, Commissioner Joe Carollo ("Carollo") believed he and Fuller were friends. However, Fuller endorsed Alfie Leon in the election between Leon and Carollo, allowing Leon to host a rally at one of Fuller's establishments. Carollo ultimately won the race for the commissioner seat.

Upon being elected, Carollo became heavily invested in code violation investigation and enforcement at properties within his district. Allegations presented to this office for a filing decision include that Carollo violated the City Charter by specifically contacting Code Enforcement officials to disrupt business at Fuller and Bush's establishments. If true, this would be a violation, as all actions regarding the city are to come through the City Manager, rather than through one of the Commissioners. Allegations are that Carollo would either call in himself or direct others to call in false code violations such as expired licenses, noise violations, overcrowding, and parking violations. Fuller eventually filed an ethics complaint against Carollo, alleging that Carollo used contacts within the city's government to specifically target Fuller's businesses, as well as that Carollo attempted to get witnesses to lie during the investigation. No examples of alleged false testimony were provided.

The City of Miami had implemented a task force named Operation Dry Hour, which consisted of members of the Miami-Dade Police ("MDP"), City of Miami Fire Department, and City of Miami Code Enforcement and Alcohol Tobacco and Firearms ("ATF"). The task force would conduct random checks for occupancy loads, hours of operation, mask wearing, distancing, business licenses, and proper certificates. The task force would create an after-action report at the end of each shift, which City Manager Art Noriega ("Noriega") reviewed. In a statement taken by Miami SAO investigators, Noriega advised that Fuller and Bush were repeat offenders for code violations. Noriega stated that Carollo frequently pointed out violations from businesses owned by Fuller and Bush because those businesses were repeat offenders. Before the enforcement of the code, multiple citations had never been addressed.

Eric Nemons ("Nemons"), the City of Miami Interim Director of Code Compliance, was interviewed and stated that Fuller and Bush were known to be difficult when complying with

Code Enforcement. Nemons stated that he had never been given a directive to target any of Fuller's businesses specifically, and no City Commissioner or superior had ever directed Nemons on what actions to take when handling complaints about Fuller's businesses.

Steven Jimenez, the City of Miami Interim Code Compliance Officer, was interviewed and stated he had previously been directed by his supervisor, Ebony Comer, to report to one of Fuller's restaurants regarding a potential illegal nightclub. This direction aligned with standard procedure and business practice for Code Enforcement. Upon investigating the location, no citations were issued.

A review of after-action reports from Operation Dry Hour indicated that the task force visited multiple businesses, including some that did not belong to Fuller. The task force's actions would result in no action due to compliance, fines, or shutting down locations if violations were observed.

Fuller advised that he was informed in advance of a raid by a City of Miami employee, who wished to remain anonymous. The anonymous informant provided a statement to investigators, testifying he believes Fuller was being targeted unfairly and that while code violations did exist, they were not out of line of what would be considered normal. The informant stated he believes that Commissioner Carollo was behind the increase in inspections and targeting of Fuller's establishments because the increase in code enforcement inspections began when Carollo took office. However, when providing their statement, the informant was unable to provide actual proof of targeting.

Adele Valencia ("Valencia"), the Director of Code Enforcement for the City of Miami, was interviewed and commented that she has known Fuller for several years as a member of the community. Valencia received a phone call directly from Carollo on October 9, 2020, in which

he relayed a noise and potential occupancy complaint. Valencia dispatched an inspector to the location and advised Noriega of Carollo's call. Carollo again called later that night to advise of a noise complaint. At no point did Carollo direct Valencia how to act.

On May 3, 2021, the City of Miami website listed two citations which were issued in error, to one of Fuller's businesses. In the report created by MDP, it alleged that ATF issued a liquor violation. However, the ATF report does not mention a violation. Other complaints brought by Fuller were that Carollo and Noriega were observed walking in front of one of Fuller's businesses with a measuring wheel. However, Fuller could not provide any firsthand knowledge that Carollo had directed any of these activities.

On June 10, 2020, an undercover investigator for the Miami SAO was present at the Ball and Chain Restaurant, owned by Fuller, during an inspection under Operation Dry Hour. Four items were discovered that needed to be addressed, which the investigator confirmed by speaking with Chief A. Placencia. In October 2020, Fuller contacted the Miami SAO to complain about an ordinance that could cause his Certificate of Occupancy to be revoked. Fuller was advised, that the SAO cannot intervene with the city's passing of ordinances or laws.

Part One Legal Analysis

Based upon the evidence presented, three potential criminal offenses could apply against Joe Carollo as it relates to his potential charter violation regarding Fuller and Operation Dry Hour: 1) Unlawful Filing of False Documents; 2) False Information Concerning the Commission of a Crime; and 3) Stalking.

1. Unlawful Filing of False Documents, *FS 817.535(2)(a)*

To prove the crime of unlawful filing of false documents, the State has to prove that: 1) Defendant filed or directed a filer to file an instrument; 2) At the time, Defendant had the intent

to defraud or harass another; and 3) The instrument contained a materially false, fictitious or fraudulent statement or representation that purported to affect an owner's interest in the property described in the instrument.

While a MDP report indicated that violations had been issued, this was done in error. No violations had been issued for the May 3, 2021 incident. Thus, there is insufficient evidence to prove beyond a reasonable doubt the offense of Unlawful Filing of False Documents.

2. False Information Concerning the Commission of a Crime, FS 837.05(1)

To prove the crime of false information concerning the commission of a crime, the State has to prove that: 1) Defendant knowingly gave information about the alleged commission of a crime; 2) Defendant knew the information was false; 3) Defendant gave false information to a specific law enforcement officer; 4) Law enforcement officer was in fact an actual law enforcement officer; and 5) Defendant knew they were a law enforcement officer.

The State is unable to prove beyond a reasonable doubt two of the required elements. First, all complaints logged by Carollo to Code Enforcement did not involve the commission of a crime, but rather civil or traffic infractions, or violations handled solely through the city. Second, there is no evidence to prove that Carollo fabricated the allegations himself, rather than passing on complaints from constituents.

As such, the State cannot prove the offense of False Information Concerning the Commission of a Crime beyond a reasonable doubt.

3. Stalking, FS 784.048(2)

To prove the crime of Stalking, the State must prove: 1) Defendant willfully, maliciously, and repeatedly followed, harassed, or cyberstalked the victim. Maliciously means wrongfully, intentionally, and without lawful justification or excuse. *Seese v. State*, 955 So. 2d 1145 (4th

DCA 2007). Harass means to engage in a course of conduct directed at victim that: served no legitimate purpose; would cause substantial emotional distress to a reasonable person; and did cause substantial emotional distress to victim. *FS 784.048; Pallas v. State*, 636 So. 2d 1358 (3rd DCA 1994). While the word “legitimate” lacks a precise definition, precedent has been deemed to determine legitimacy on a case-by-case basis. *O’Neill v. Goodwin*, 195 So. 3d 441, 413 (4th DCA 2016). Generally, courts have held that contact is legitimate when there is a reason for contact other than to harass the victim. *Id.* Malicious behavior goes beyond intent to cause injury and includes behavior that is without just cause or excuse. *Khan v. Deutschman*, 282 So. 3d 965, 968 (1st DCA 2019). Stalking is a series of actions that, when taken individually, may be legal. *T.B. v. State*, 990 So. 2d 651, 654 (4th DCA 2008).

A meritorious argument can be advanced that Carollo’s presence at a Fuller-owned establishment served a legitimate purpose. Indeed, the city knew these properties had a history of code violations, and by observing Fuller-owned properties and looking for potential violations, there is a strong defense that Carollo was simply fulfilling a campaign promise to address these types of violations.

As such, there is insufficient evidence to establish, beyond a reasonable doubt, the offense of stalking.

Part Two: Art Acevedo

On September 25, 2021, Former Miami-Dade Police (“MDP”) Chief Art Acevedo sent a Memo to Miami City Manager Noriega outlining grievances Acevedo had with the City of Miami and its commissioners. Acevedo primarily alleged that Commissioners Joe Carollo, Alex Diaz de la Portilla (“Diaz de la Portilla”) and Manolo Reyes (“Reyes”) interfered with an Internal Affairs Division Investigation, reform efforts, staffing, and resources.

By way of background, on June 3, 2021, Internal Affairs (“IA”) opened an investigation regarding a security breach by Sergeant at Arms Luis Camacho (“Camacho”). During a City Commissioners’ meeting on June 24, 2021, Commissioners Carollo, Diaz de la Portilla, and Reyes discussed and commented on the investigation and how they believed Camacho should be reinstated to his position upon a closing of the IA investigation. Carollo, Diaz de la Portilla, and Reyes made it clear they needed to see substantial physical evidence to believe that a violation occurred, and they believed Acevedo opened an IA Investigation too quickly.

While Acevedo raised several concerns, he further claimed Carollo, Diaz de la Portilla, and Reyes interfered with reform efforts, staffing, and resources regarding Operation Dry Hour. Specifically, on May 4, 2021, Acevedo met with Carollo, Assistant Chief Manny Morales (“Morales”), Noriega, and Miami Fire Chief Joseph Zahralban, where Carollo made it clear he wanted Operation Dry Hour to be used against specific businesses in his district. Notably, however, no list of businesses was provided to Acevedo during this meeting, nor have any recordings or minutes of the meeting been released. Acevedo stated he received multiple calls from Noriega with requests made by Carollo and knew that Noriega also provided Morales with requests made by Carollo. However, Acevedo was removed from his position as chief before there was any material change in operations.¹

Before his departure, Acevedo provided the names of individuals he thought might provide information about other potential law violations, unrelated to this investigation, committed by Carollo, the mayor, and other commissioners. The State, however, did not take the

¹ Noriega suspended Acevedo on October 11, 2021, and then terminated him as Chief of Police for the City of Miami on October 14, 2021. Noriega would later testify that Acevedo’s termination was based on poor job performance.

statements of these persons because they all lacked a legally sufficient nexus to the instant investigation.

Part Two: Legal Analysis

Based upon the evidence presented, two potential criminal offenses could apply against Joe Carollo as it relates to his interactions with Acevedo and MDP: 1) Tampering with a Witness or Victim; and 2) Corruption by Threat.

1. Tampering with a Witness or Victim, FS 914.22

To prove the crime of Tampering with a Witness or Victim the State must prove: 1) The Defendant knowingly used or attempted to use threat, intimidation, or promise of personal gain toward Victim; 2) Defendant did so with the intent to cause or induce a person to withhold testimony or documents, or alter or destroy objects for use in an official investigation, discouraging a witness, or hindering delaying or preventing the communication to law enforcement; and 3) The official investigation was either a non-criminal offense, a misdemeanor, or a felony.

The statements made by Commissioner Carollo at the June 24, 2021, Commissioners' meeting must be looked at in their totality. In summary, Carollo advised Acevedo of his opinion regarding the IA investigation, but ultimately concluded with "You're the chief, you can do whatever you want."² The State is unable to prove the first element because Carollo's statement does not definitively demonstrate that it was said to threaten, intimidate, or promise Acevedo anything. Carollo's statement to Acevedo could be reasonably characterized as a strongly worded opinion, but it doesn't rise to the level where criminality would attach. As such, the state is unable to move forward on this offense.

² For the full statement, go to: <https://www.miami.gov/My-Government/Watch-Live-Meetings/Meeting-Portal-Watch-Live-Meetings#Available%20Archives>

2. Corruption by Threat, FS 838.021

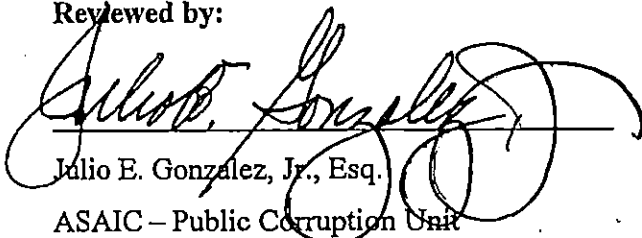
To prove the crime of Corruption by Threat the State must prove: 1) Defendant unlawfully harmed or threatened harm to the Victim; 2) At the time, the Victim was a public servant; and 3) Defendant did so with the intent or purpose to influence the performance of any act or omission which the defendant believed to be within the official discretion of victim in violation of a public duty, or in performance of a public duty.

Carollo's statements during the June 24, 2021, Commissioners' meeting are insufficient to prove elements one and three of Corruption by Threat because there is no specific and articulable threat. Again, Carollo expressed a strongly worded opinion regarding the IA investigation in a public forum and concluded by stating Acevedo was the chief and could make the appropriate decisions. Hence, the State is unable to move forward on this offense as well.

Conclusion:

Based upon the evidence, the State cannot prove beyond a reasonable doubt that Carollo's actions rose to a criminal offense as it pertains to his dealings with Fuller or Acevedo. As such, criminal charges will not be filed against Joe Carollo, and PC 22-01-003 under Executive Order 23-220 (Extension of Confidential Executive Order 21-257 and 22-16, Removing Confidentiality of 21-257, and Extension of 22-265) is hereby closed. This matter will be referred back to the City of Miami Commission to determine whether an administrative investigation or proceeding will commence.

Reviewed by:


Julio E. Gonzalez, Jr., Esq.
ASAIC – Public Corruption Unit

DATE: 4/14/25