

TO: SAO FILE
FROM: David Schulson
SUBJ: Stacy Ritter
SP07-10-085
DATE: April 1, 2008

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REASON FOR CLOSEOUT:

On September 27, 2007, a citizen named Patti Lynn sent an email to the Broward SAO requesting an investigation of Broward County Commissioner Stacy Ritter. Ms. Lynn's request for an investigation was based upon articles published in a local newspaper called New Times. These articles had raised the issue of a potential conflict of interest between Stacy Ritter and her husband, lobbyist Russ Klenet.

On October 2, 2007, this matter was assigned to me to investigate the alleged conflict of interest, and specifically determine if there was any evidence of unlawful compensation or official misconduct on the part of Stacy Ritter. In the ensuing months, I have reviewed 4 file boxes of emails, including attachments, sent or received by Stacy Ritter from November 7, 2006 – September 30, 2007, taken sworn statements from Stacy Ritter and Russ Klenet, met with former interim airport director Robert Bielek, and also met with a former high ranking member of the Broward County Administration (who wishes to remain anonymous). As detailed below, I have found no evidence of unlawful compensation or official misconduct by Stacy Ritter.

Stacy Ritter has been an active member of The Florida Bar since 1985. Ms. Ritter served as the representative of District 96 in the Florida House of Representatives from 1996-2004. In November of 2006, Ms. Ritter was elected to serve as a Broward County Commissioner.

Stacy Ritter first met Russ Klenet in 1996, and they were married in December of 2000. Russ Klenet has been employed as a lobbyist since 1992. From 1992-1998, Russ Klenet was employed as a lobbyist with

The Rubin Group. In 1998, Russ Klenet left The Rubin Group and formed his own lobbying firm called Russ Klenet & Associates. In February of 2007, Russ Klenet & Associates merged with the lobbying firm of Dutko Poole McKinley. Within the past few months, Russ Klenet left Dutko Poole McKinley, and is once again operating solely as Russ Klenet & Associates. Currently, the primary work of Russ Klenet & Associates is representing governmental and private entities before the Florida legislature and Federal agencies.

The articles in New Times alleged a conflict of interest primarily based upon Russ Klenet's representation of 3 entities, URS Corp., Election Systems & Software, Inc. ("ES&S"), and Vista HealthPlan, as well the personal handwritten notebook of Todd McClendon, the URS project manager at Ft. Lauderdale International Airport. The following is a summary of the relationships between these 3 entities, Russ Klenet, and Stacy Ritter:

URS Corp.:

In 2000, Russ Klenet was initially hired by URS Corp. to assist URS in its efforts to obtain a multi million dollar contract with Broward County to serve as a program or project manager at the Fort Lauderdale International Airport. Russ Klenet was just one of several local lobbyists hired by URS in its efforts to secure this contract. After URS was successful in obtaining this contract with Broward County, URS continued to pay a \$2000 monthly retainer to Russ Klenet & Associates until at least August of 2007.

Shortly after Stacy Ritter was elected to serve on the Broward County Commission in November of 2006, Russ Klenet advised her that URS was his client and that she needed to abstain from voting on URS related matters. Stacy Ritter subsequently proceeded to abstain from 3 votes pertaining to URS business before the Broward County Commission:

Finally as to the URS issue, I obtained pursuant to a subpoena duces tecum Todd McClendon's original notebook which contained 135 pages of handwritten notes and comments and also took a sworn statement from Todd McClendon who continues to serve as Program Director for URS at the Fort Lauderdale International Airport. While there are references in the notebook to the lobbying "posse" of George Platt, Ron

Book, Bernie Friedman, and Russ Klenet, and also to the obvious relationship between Russ Klenet and Stacy Ritter, neither the McClendon notebook nor the sworn statement taken from Mr. McClendon provided any evidence of any wrongdoing on the part of either Stacy Ritter or Russ Klenet. During the course of their respective sworn statements, both Stacy Ritter and Russ Klenet acknowledge meetings and communications with either Todd McClendon or other representatives of URS after Stacy Ritter's election to the Broward County Commission. However, I found no evidence of any wrongdoing or illegal activity by either Stacy Ritter or Russ Klenet in their communications with URS personnel. In fact, in his sworn statement, Mr. McClendon testified that on separate occasions both Stacy Ritter and Russ Klenet each informed him of potential voting conflicts for Stacy Ritter due to Mr. Klenet's lobbying work on behalf of URS.

ES & S:

After the 2000 election, Russ Klenet was hired by ES&S during the procurement of the post-chad voting system. Russ Klenet & Associates received an initial "success fee" of \$25,000, and continues to receive a \$2000 monthly retainer from ES&S. However, in recent years, Russ Klenet work for ES&S has apparently shifted from local Broward County issues to advising ES&S on national lobbying issues. For example, there is no evidence that Russ Klenet has had any involvement or rendered any local lobbying services involving the relatively recent decision by the Broward County Commission to shift to the optical scanning voting systems. Further, I found no conflict of interest or improper actions by Stacy Ritter in any matters involving ES&S.

Vista HealthPlan:

Vista has never been a client of Russ Klenet & Associates. While Dutko Poole McKinley did represent Vista in matters in Tallahassee, Russ Klenet did not even participate in that representation. Thus, there is certainly no conflict of interest by Stacy Ritter in the Vista area.

It should also be noted that a citizen complaint, similar to the instant Lynn complaint, was filed by a Ray McKinney of Ft. Lauderdale with the State of Florida Commission on Ethics and was also based upon the articles in New Times. On October 19, 2007, the Florida Commission on

Ethics dismissed the McKinney complaint for failure to constitute a legally sufficient complaint.

Since the commencement of this investigation in October of 2007, I have found absolutely no evidence that Stacy Ritter has ever received unlawful compensation from any private or governmental entity represented by Russ Klenet currently or in the past and also have found no evidence of any official misconduct by Stacy Ritter while serving as a Broward County Commissioner.

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