

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA**

STATE OF FLORIDA,	:	
Plaintiff,	:	
vs.	:	AFFIDAVIT TO ARREST
	:	
DIANA WASSERMAN-RUBIN,	:	
Defendant.	:	
.....		

BEFORE ME, Judge of the Circuit Court in and for Broward County, personally came State Attorney Investigator, **Joseph Roubicek**, who, after being duly sworn, deposes and states:

This affiant, an Investigator for the Broward County State Attorney's Office, Seventeenth Judicial Circuit, assisted in the investigation concerning allegations of Unlawful Compensation by Diana Wasserman-Rubin, County Commissioner, Board of Broward County Commissioners, Florida. Based upon this investigation, your affiant has probable cause to believe that Diana Wasserman-Rubin, County Commissioner, committed the offenses of Unlawful Compensation, contrary, to F.S. 838.016.

The facts establishing the violations of the law are as follows:

In 2000, the voters of Broward County approved the issuance of \$400 million in bonds under the Safe Parks and Land Preservation Bond Program ("Safe Parks") to provide additional, improved and expanded park facilities. Of that, \$200 million was allocated to the preservation of conservation land, green space and open space. That same year, Diana Wasserman-Rubin was elected to serve as a member of the Broward County Board of County Commissioners serving District 8, which includes the Town of Southwest Ranches ("Town").

The County established a Land Preservation Advisory Board to receive and evaluate Safe Parks grant applications from Broward County cities and towns for the purchase of land for parks. Applications were evaluated on a point system, and received extra points when matching funds were attached to the application. The County Commission was required to vote on the recommendations and to approve the transfer of funds to the cities.

The Florida Communities Trust's Parks and Open Space Florida Forever grant program ("FCT") also had a land acquisition grant program established in this time period that provided funding to local governments for acquisition of parks, open space and greenways. Like the Safe Parks program, FCT grant applications were ranked on a point system, and received additional points when there were matching funds. Several of the grants submitted to Broward County for Safe Parks funding were also submitted to FCT.

In 2001, Wasserman-Rubin's husband, Richard Rubin, was hired by the Town to write its park grant applications. He was the only grant writer for the Town at this time. With a few exceptions, this was Rubin's sole means of support from 2001 – 2008. In this period the Town paid Rubin more than \$1,100,000. Wasserman-Rubin considered, advocated and voted in favor of the Safe Parks grant applications written by Rubin for the Town. Wasserman-Rubin and her husband also live in the Town.

Wasserman Rubin intended to obtain a financial benefit for her husband and herself by advocating on behalf of and voting for the Town's Safe Parks grants. On April 8, 2002, Wasserman-Rubin was advised by County Attorney Edward Dion that "... if by your vote your husband would receive any special private gain, you must declare a conflict of interest and abstain from voting...". After that warning, and in spite of that warning, Wasserman-Rubin

voted numerous times to approve Town Safe Parks grant applications that resulted in three separate \$15,000 bonuses being paid to her husband.

Count I – Unlawful Compensation

On October 20, 2003, Rubin billed the Town for the first \$15,000 bonus after 6 grants he wrote for the Town were awarded – three of the grants were through the Safe Parks program and three were through FCT. The three Safe Parks grants were to purchase property in the Town known as Dykes and Griffin, Frontier Trails (OS-107) and Fishing Hole Park (OS-106). Between March 12, 2002, and April 12, 2005, Wasserman-Rubin voted six times in favor of these grants, knowing they were written by her husband. The three FCT grants were Frontier Trails, Fishing Hole Park and Okee-Haschee Farms. FCT personnel awarded all three applications additional points because Broward County had awarded matching funds to those grant applications. Between March 12, 2002, and April 12, 2005, Wasserman-Rubin voted in favor of all three applications when they came before the Commission, knowing they were written by her husband.

Count II – Unlawful Compensation

Rubin billed the Town for the second \$15,000 bonus on March 2, 2004, noting on his invoice “FCT Horsing Around Park,” also known as Calusa Corners. Both Broward County and FCT approved grants for the purchase of this property. Each grant application received additional points because of the matching funding. Wasserman-Rubin voted to approve the award of Safe Parks funds for this property on February 22, 2005 and February 21, 2006, knowing the grant application was written by her husband.

Count III – Unlawful Compensation

Rubin billed the Town for the third \$15,000 bonus on November 21, 2004, after FCT approved a grant application for \$3.3 Million for the purchase of Southwest Meadows Sanctuary – Addition 2: Calusa Corners Plat. The application was approved by FCT in part because it received additional points due to the fact that Broward County had also approved funds towards the purchase of this property. Wasserman-Rubin voted to approve the Broward County grant application for this property on February 22, 2005, and February 21, 2006, knowing the grant application was written by her husband.

Count IV – Unlawful Compensation

Wasserman-Rubin was a vocal advocate and valuable asset to her husband and the Town as a member of the Commission. On February 22, 2005, Wasserman-Rubin caused a grant application written by her husband to be added to the agenda which, if approved, would direct staff to take the steps necessary to move a 1.75 acre parcel (CL-462) from the Safe Parks open space category into the conservation land category because it contained a significant archeologically site in the Town. Funds in the open space category were very limited so the property had a better chance of being funded in the conservation land category. Wasserman-Rubin appealed directly to the other members of the commission to help her, and acknowledged the Town officials who were present for the meeting. The Commission, including Wasserman-Rubin, voted as she had asked. Wasserman-Rubin abstained from a later vote on this property but did not state that she had a voting conflict and did not file a Form 8B as required by Section 112.3143, Florida Statutes.

Count V – Unlawful Compensation

On February 15, 2005, Wasserman-Rubin again caused a grant application written by her husband to be added to the Commission agenda which directed staff to take the necessary steps to place a 9.03 acre parcel (CL-461) in the Town into the Bond program's conservation land inventory because it contained a significant archeologically site in the Town. Wasserman-Rubin spoke passionately about the archeological significance of the site, urging her fellow commissioners to take the requested action and the Commission, including Wasserman-Rubin, voted to approve the item. Wasserman-Rubin abstained from a later vote on this property but did not state that she had a voting conflict and did not file a Form 8B as required by Section 112.3143, Florida Statutes.

Count VI – Unlawful Compensation

Between June 4, 2002, and June 22, 2004, WR voted on three separate occasions to approve grant applications for the purchase of the Rural Passive Park at Town Hall (OS-55) and Southwest Meadows Sanctuary (OS-104) by the Town under the bond program and authorize the transfer of \$3,000,000 to the Town to reimburse it. Rubin wrote these grants. Officials from the Town were present for all three votes and Commissioner Wasserman-Rubin acknowledged the officials on the record at each vote. She also recognized her husband on June 22, 2004, before voting for the grant. A similar application submitted by Rubin to FCT received additional funds because extra points were awarded due to the matching Broward County funds.

Count VII – Unlawful Compensation

Specifically, on October 22, 2002, Wasserman-Rubin voted in favor of purchasing a conservation easement over Silk Oak Farms in the Town to preserve the property. Wasserman-

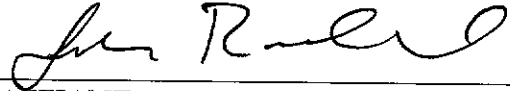
Rubin voted in favor of the item and she, her husband, daughter-in-law and grandson led the pledge of allegiance at the beginning of the meeting. On June 22, 2004, Wasserman-Rubin noted that a number of representatives from the Town were present, including her husband. Wasserman-Rubin and the Commission approved the purchase of the conservation easement for \$856,000.

Wasserman-Rubin publicly acknowledged in a proceeding before the Commission on Ethics that she knew she was voting on grants written by her husband. She said she and Rubin discussed the situation once, when he was first deciding whether to work for the Town. She felt that a vote by her on his grant applications was not for her benefit, nor did it provide an additional benefit to him beyond his salary. She said that her husband contributed approximately \$3200 a month towards household finances.

In fact, between 2003 and 2008, the Rubin's paid for artwork, vacations, trips to Europe, cruises, home renovations, and furniture with the money he received from the Town. Three days after Wasserman-Rubin's votes on June 22, 2004, to approve the Rural Passive Park at Town Hall (OS-55) and Southwest Meadows Sanctuary (OS-104), the Rubin's embarked on a \$150,000 home addition. Wasserman-Rubin's corruptly intended to obtain a benefit for her husband and herself by voting for the Town's grant applications written by her husband. She was warned in 2002 that it would be a violation of an ethics rule, Section 112.3143, Florida Statutes, if by her vote her husband received a special gain, and after that warning she voted numerous times in favor of grants he had written resulting in his receiving \$45,000 worth of bonuses above and beyond the thousands of dollars he received in salary every year.

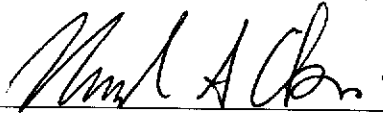
Based upon the foregoing information, your affiant has probable cause to believe that Diana Wasserman-Rubin committed the offenses of Unlawful Compensation by knowingly

voting as a county commissioner on each of the Town's grant applications written by her husband in violation of Florida Statute 838.016.



AFFIANT
INVESTIGATOR JOSEPH ROUBICEK
STATE ATTORNEY'S OFFICE
SEVENTEENTH JUDICIAL CIRCUIT

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2ND DAY OF JULY, A.D. 2010.



HONORABLE MICHAEL A. USAN
CIRCUIT COURT JUDGE
SEVENTEENTH JUDICIAL CIRCUIT

