

Mark Richt

The Florida Keys' Only Daily Newspaper, Est. 1876

Hurricanes open football camp — Page 1B



Friday

August 5, 2016 ♦ Vol. 140 ♦ No. 218 ♦ 16 pages

**WEATHER**



**Haylee Brogli**, third grade, Poinciana Elementary School

See forecast on Page 2A

**FLORIDA**

**Pregnant women fearful in Miami**

The Centers for Disease Control and Prevention has warned expectant mothers to steer clear of the city's Wynwood neighborhood, where at least 15 people are believed to have been infected with the Zika virus through mosquito bites in the first such cases on record in the mainland U.S. **Page 3A**

**FLORIDA**

**Grayson staying in Florida Senate race**

Democratic leaders want Rep. Alan Grayson to go away. His ex-wife says he's abusive. Ethics questions dog him. Yet the liberal lawmaker is refusing to drop his bid for the U.S. Senate, potentially upending party hopes that moderate Rep. Patrick Murphy will emerge as the nominee against Republican Sen. Marco Rubio. **Page 3A**

**NATION**

**No charges related to abuse allegations**

No one will be charged in connection with allegations of sexual abuse and murder at a now-shuttered reform school for boys in Florida, with prosecutors saying the passage of time has erased crucial evidence and left many potential witnesses dead. **Page 3A**

**ON THE RADIO**



**Robby Majeska** talks about his candidacy for County Commissioner for the Upper Keys.

**Also on today's show:**  
 • **Ron Cooke** — sports  
 • **Andy Newman** — TDC  
 • **Danny Kolhage** — county commission  
 • **Kay Harris** — KW Citizen  
 • **Mark Porter** — schools superintendent  
 • **ichael Shields** — Midsummers' extravaganza  
 • **Steve Estes** — News Barometer

**NEWS:** 7:30, 8:30 a.m., noon, 5 & 6 p.m.  
 Evening Edition 5-5:30 p.m.

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# City attorney's role questioned

**BY SCOTT UNGER**  
 Key West Citizen

A Key West attorney arguing the role of the city attorney in code compliance cases denies defendants due process, according to an appellate judge.

Attorney Robert Goldman appealed a September 2014 ruling by former Key West Special

Magistrate J. Jefferson Overby that a former adult business, The Scrub Club, was in violation of off-premise canvassing. Goldman argued the city is in violation of Florida Statute 162.055, which states a local government attorney can either counsel a special magistrate or represent the city by presenting cases but, "in no case shall the local governing body attorney serve in both capacities."

Circuit Judge Timothy Koenig ruled in favor of Goldman in June, stating the Scrub Club was denied due process, "as a result of the dual roles of the city attorney's office as legal counsel to the special magistrate and as prosecutor of the code violation."

The current city ordinance section 2-639 reads very closely to the

state statute. "The attorney representing the city shall not serve both as legal advisor to the special magistrate and as presenter of cases before the special magistrate," it states.

The city's method of presenting and ruling cases has been in violation of state law for decades,

See **CITY**, Page **8A**

# A HIGH POINT



Contributed photo

**John Hamrick has started a funding site to help pay for flagpole work at the Pearl Harbor museum in Hawaii.**

## Flagpole repairman gets call to fix USS Arizona Memorial at Pearl Harbor

**BY TIMOTHY O'HARA**  
 Key West Citizen

John Hamrick has not let his healthy fear of heights get in the way of making a living.

For more than 17 years, Hamrick has perched himself atop skyscrapers and towers repairing flagpoles. Hamrick, a firefighter at the time, got into the business on a whim.

The flagpole atop the Lincoln Tower in Fort Wayne, Indiana, needed to be repaired and someone had to fix it. Hamrick had experience working on radio towers and he received the call, he said.

"I had no business being up there," Hamrick said.

He has never looked back or down since.

"I hate heights," Hamrick admitted. "I don't have a college education. I can barely read or write. I had to do the stuff other people didn't want to do."

Hamrick recently received a call out of the blue and it is allowing him to do a job that

he calls another opportunity of a lifetime. He received a call from an unknown telephone number in Hawaii two months ago. He almost didn't answer it, but he is glad he did, he said.

The woman on the other end of the phone works with the National Park Service and asked him if he wanted to repair the flagpole atop the USS Arizona Memorial in Pearl Harbor.

"It sent chills up and down my spine," said Hamrick, who lives on a boat in the Key West mooring field. "My dad was deployed on an aircraft carrier and was at sea during Pearl Harbor."

The woman tracked him down through various postings on the Internet site youtube.com, he said. The work is being done in conjunction with the 75th anniversary of the attack.

"It was one of the only times I saw him (his father) upset," Hamrick said.

When he was 21, his father took the family on a trip to Hawaii and they visited the memorial, he said.

Hamrick has agreed to not charge the park service but instead is raising money



Hamrick



Contributed photo

**John Hamrick says he doesn't particularly enjoy working at such heights, but the money is good.**

See **FLAGPOLE**, Page **7A**

# Sheriff's Office: Chris Rock arrest was training error

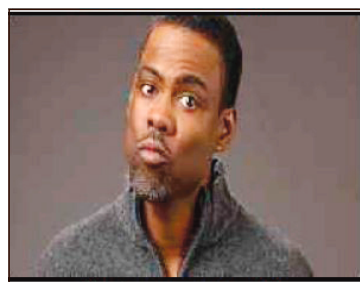
**BY ADAM LINHARDT**  
 Key West Citizen

Comedian and movie star Chris Rock would have had a bit of a shock Thursday morning if he was perusing the Monroe County Sheriff's Office arrest website.

A picture of Rock showed up on the website, but the name was listed as "Smart

Test Cop MAE," a clue that perhaps something was amiss. Another clue was his address listed as being in Marathon, but Key West police as the arresting agency.

Rock was not arrested in the Florida Keys and his mug appeared due to an



Click here to see larger photo.

Arrest Date: 08/04/2016 Time: 09:53 CAD # Offense #  
 Name: TEST MAE, SMART COP DoB: 02/25/1970 Age: 46 Sex: M Race: B  
 Address: 9981 OVERSEAS HWY, MARATHON, FL 33043  
 Occupation: DELIVERY MAN  
 Arrest Location: .  
 Arresting Officer/Agency: KWPD, - KWPD Bond Amount: \$25000

Charges:  
 1 Unknown Count(s) of 948.06 - PROB VIOLATION -

**A screenshot from the Monroe County Sheriff's Office website shows actor/comedian Chris Rock on Thursday morning. Rock was not arrested.**

See **CAMPAIGN**, Page **8A**



# FROM PAGE 1



MIKE HENTZ/The Citizen

Campaigning is in full swing with the normal array of signage up at the Flagler Avenue and South Roosevelt Boulevard intersection.

## Campaign

Continued from Page 1A

community members.

Write-in candidate Sloan Bashinsky has not raised or spent any funds on his campaign.

District 6 City Commissioner Clayton Lopez has more than doubled challenger Nathan Brock's fundraising efforts, tallying \$8,215 in donations while spending only \$8 so far. The largest donations to date are \$2,000 from Joel Meisel and his company's Santa Maria Resort and \$1,000 from John Kirkendoll, CEO of a New Orleans based hospitality management firm.

Brock is the sole donor to his campaign, loaning himself \$3,200.

The Group 3 seat on the Key West Utility Board is one of the more competitively funded local races, with two candidates donating more than half of the monies raised to their own campaigns. Challenger Carol Schreck holds a slight lead with \$12,550, \$8,800 which she donated to herself, while incumbent Timothy Root has raised \$9,580, with a personal donation of \$5,000. Challenger Vidal is a distant third in funding, with \$550.

The other Utility Board race is the most lopsided in terms of funding, with Group 2 incumbent Peter Batty raising nearly 10 times as much as challenger Tom Milone. Batty has raised \$20,050, with \$1,000 donations from several businesses including Manley DeBoer Lumber Company, Smith, Oropeza and Hawks Attorneys and the Hemingway House Museum along with developers Joel Meisel, Ann Johnston and Noah Singh.

Two other extremely

lopsided races are for the two seats to represent the Keys at the state capital in Tallahassee. Republican incumbent state House Rep. Holly Raschein, R-Key Largo, and Republican incumbent Anitere Flores have each raised three to four times more in one month than their Democratic challengers have raised combined throughout their entire campaigns.

Raschein has raised \$302,817 compared to the \$8,590 raised by Democratic challenger Kevin Diaz and \$11,279 by fellow Democrat Daniel Horton. Flores has raised \$898,443 compared to \$39,185 raised by Democrat challenger Debbie Mucarsel-Powell.

Monroe County clerk of court Republican candidate Kevin Madok has more than twice in his war chest than that of Republican incumbent Amy Heavilin and three times more than Democrat challenger and former state House Rep. Ron Saunders.

All three have donated heavily to their own campaigns. Of the \$28,413 Madok has raised, roughly \$9,000 the candidate has contributed himself.

Of the roughly \$14,500 in Heavilin's war chest, about \$11,300 came from Heavilin herself.

Of the \$9,925 in Saunders account, \$8,000 he gave to himself.

In the race between to be the next Monroe County public defender, the margin is much closer with Republican Robert Lockwood raising \$38,395 and Democrat Trish Docherty-Gibson raising \$21,135.

Lockwood has received funding from a number of Key West families, including \$2,000 from members of the Spottswood family while members of the Toppino

family have pitched in roughly \$1,800.

The local legal community has contributed heavily to Docherty-Gibson's campaign, including funding from attorney and Key West City Commissioner Sam Kaufman, attorney Patricia Eables and attorney Hal Scumacher.

The legal community also gave handsomely in the race for Monroe County state attorney to incumbent Catherine Vogel, who has raised \$46,100.

Contributions to Vogel included ones for \$100 apiece from attorney David Paul Horan and his law partner Cara Higgins and the firm chipped in \$250 as well. Attorney Bart Smith gave \$250 and defense Richard Wunsch kicked in \$500.

Prosecutors Manny Madruga and Mark Kohl each gave \$1,000.

Two local companies owned by tour mogul and developer Ed Swift each gave Vogel \$500 and Swift's wife Nancy also gave \$200.

Republican challenger and former State Attorney Dennis Ward has not raised as much from the legal community but has garnered \$32,365 from his supporters, including \$500 from Monroe County School Board member John Dick.

Libertarian challenger Shad Neiss has self financed his campaign to the tune of \$10,000.

In the only Monroe County Commission race, which pits Republican incumbent Upper Keys commissioner Sylvia Murphy against Republican challenger Robby Majeska, the war chests are stacked fairly evenly.

Murphy has \$6,700 in her campaign account, with \$5,000 of that coming from herself. She received \$500 from Waste Management,

who was recently awarded the county's trash collection and haul-out contracts. Murphy voted to not put the contract out to bid and voted last year in favor of the current contract.

Majeska has brought in \$5,255, with Majeska giving himself a little more than a \$1,500 and the rest coming from a handful of donors.

The race for the Middle Keys school board seat has also generated a considerable amount of donations. Incumbent Capt. Ed Davidson has raised \$20,750 and his opponent Mindy Conn has garnered \$18,688.

In the Monroe County Judge race, which has no incumbent running, candidate Rob Stober has raised more than twice the amount his fellow candidate, Sharon Hamilton, has brought in. Stober has \$42,490 to Hamilton's \$21,335.

The most expensive Mosquito Control campaign is for District 4, with three challengers vying for an open seat. Stanley Zuba has \$13,355, with Janet Wood at \$9,217 and Larry Zettwoch at \$4,737. Zuba contributed \$6,000 to his campaign, while both Wood and Zettwoch donated \$100 to themselves.

Information about candidate donations can be accessed for local races from Monroe County elections at [www.keys-elections.org](http://www.keys-elections.org) and for state races, from the Florida election website at [dos.elections.myflorida.com](http://dos.elections.myflorida.com).

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## City

Continued from Page 1A

Goldman said.

"Nobody with the city, for 20 years, until I pointed it out in a case a few months ago ... had read their own ordinances or the state statute," Goldman said. "And when they did read them, they didn't understand what it said, because it is clear that the judge's lawyer cannot also be the prosecutor, unless you're in North Korea."

After the appellate ruling, the city elected to retry the case instead of dismissing the original fine of \$5,125. The city refunded the paid fine in a good-faith effort, according to Director of Code Compliance Jim Young. The issue of due process did not come up at the hearing on July 27, as Assistant City Attorney Ron Ramisng was granted a request for continuance until the next hearing on Aug. 31.

In May, the Key West City Commission approved a change in wording of Chapter 2, section 2-636 of the city ordinance, which previously stated: "The office of the city attorney shall provide legal counsel to the special master."

The change extended the clause to include: "In the event that the special magistrate requires legal assistance from the city attorney, a 'Chinese wall' shall

be observed between the city attorney and the assistant city attorney consistent with Florida Bar Rule of Professional Conduct 4-1.10."

The rules of professional conduct have nothing to do with the argument and the "Chinese wall" is an outdated and racist term formerly used by investment banks, Goldman said.

The phrase implies that two parties won't share information that would create a conflict of interest.

"Now they've promised not to talk to each other," Goldman said. "That phrase went out of favor in 1988. Here we are, one human family (and) that's a racist comment. I don't know where (they) got this in 2016."

Goldman referenced the 1988 California Court of Appeals ruling in *Peat, Marwick, Mitchell and Company v. Superior Court*, when Justice Harry Low expressed his "profound objection," to the phrase.

Young or other code compliance officers are fully within the law to present cases to the magistrate, but not the city's legal department, Goldman said.

"I'm going to present a full-fledged motion Aug. 31 to get rid of (the city attorney)," he said.

Multiple attempts to contact city attorneys were unanswered at press time.

[sunger@keysnews.com](mailto:sunger@keysnews.com)

### Public Meeting Notice – Gerald Adams Elementary School Construction Project

Monroe County School District will hold its second community meeting for the Gerald Adams Elementary School construction project on Thursday, August 11th from 6:00 to 8:00 pm in the school cafeteria. The intent of the meeting is to seek public input on the design of the new facility, specifically how 21st century educational principles will be incorporated into the new school. Harvard Jolly Architects will lead the discussion presenting design concepts on educational programming, building site options and challenges, and preliminary project schedules. The meeting will be conducted in an open house format and a question and answer session will follow the presentation. All interested citizens are encouraged to attend this preliminary meeting and provide their valuable input into the process.

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