

CRESPOGRAM REPORT

BARRED FROM NUMEROUS GOVERNMENTAL COMPUTER NETWORKS FOR TELLING THE TRUTH

A CRESPOGRAM SERIES



**HOW THE ADVOCATE PROGRAM AND COURT
OPTIONS GOT INVOLVED IN COLLECTING “ILLEGAL
DONATIONS” FROM THEIR CLIENTS TO FUND THE
DENISE MOON MEMORIAL FUND**

PART V

In September of 2007, Katherine Fernandez-Rundle, in her capacity as the State Attorney entered into an agreement with the then Dade Community Foundation - now the Miami Foundation - to create a “donor

advised fund, in the name of Denise Moon, a popular, long-time employee at the SAO who had died of breast cancer. (You can read a copy of the agreement, which is a rare opportunity to actually see what one of these “donor assisted agreements look like, [HERE](#).)

The purpose of the fund was to collect and distribute money for,

“charitable purposes including but not limited to the provision of assistance and support to victims of crime and their family members and the furtherance of educational, rehabilitative and related efforts regarding crime prevention, advocacy, public safety or justice...”

Like any charitable undertaking, the biggest problem that faces these kinds of civic efforts is raising money. Katherine Fernandez-Rundle didn't have that problem. Shortly after the Fund was created it started collecting money from folks who had to be considered as Friends Of Kathy.

The very first donation came from the brokerage firm Morgan Keegan & Company, a company that had a [long list of unsavory and/or illegal problems with the SEC](#).

Gifts QTD		
Donor/Source	Date	Amount
Morgan Keegan & Company, Inc. Ck # 117021	10/3/2007	\$25,000.00
Anonymous WT	11/5/2007	\$1,284.33
Philip R. Horowitz, Atty. at Law Ck # 1068	11/6/2007	\$200.00
Royal LaBarre MO # 8644323	11/6/2007	\$200.00
Tracy Prieto Ck # 755	11/19/2007	\$55.00
Anonymous WT	12/3/2007	\$3,000.00
Anonymous Ck # 90036	12/7/2007	\$2,125.00
Anonymous Ck # 90044	12/12/2007	\$1,110.00
Pamela Bithorn Ck # 6997	12/31/2007	\$50.00
Carl Terenzio Ck # 6431	12/31/2007	\$50.00
Elena Castillo Ck # 590	12/31/2007	\$50.00
Alina Bowman Ck # 2330	12/31/2007	\$50.00
Daniel Forman Ck # 5534	12/31/2007	\$200.00
Laura Russo Ck # 1460	12/31/2007	\$150.00
Total Gifts		\$33,524.33

While donations from deep pocket pals would always be appreciated, Fernandez-Rundle from the beginning had bigger aspirations when it came to the kinds of money she hoped to raise for this fund. Her goal was to raise serious money, and the way she chose to do that was to turn to the two companies for whom she had done so many favors: The Advocate Program and Court Option

In a December 2012 email from George Romagosa, one of the founders and the Executive Director of Court Options, he explained to Elena Reyes - the State Attorney employee that provided the affidavit that I featured in Parts III and IV of this series - explaining how his company had become involved in collecting "donations" from his "clients" for this fund.

From: George Romagosa <gromagosa@courtoptions.org>
Sent: Wednesday, December 05, 2012 7:58 AM
To: Elena Reyes
Cc: Joseph Mansfield; Trent Reichling; 'Rvscram'; 'Jeannette Martinez'
Subject: FW: [Image File] George R.KMBT282, #386
Attachments: KMBT28220121204172424.tif

Good Morning Elena

I am not sure if you received attachment last night after our discussion about the Denis Moon Donation issue because I sent it from my phone. I have sent it you again just in case. I also copied Trent and Joe in order to give them a brief background on this issue.

We were instructed to assess and collect the donation for all misdemeanor cases back when Pat was the chief. When this initiative first began the DM special condition was on the referral. Over the last few years, we have noticed it has not been listed on all of the referrals. Regardless of the condition being listed, we were instructed to assess this donation on all cases including the pre-arraignment cases that enroll on letters.

For the most part, this has been a big success resulting in a significant collection result for your office. As I mentioned last night, we do not revoke cases for not paying the DM donation as instructed by Pat when this initiative began. In general misdemeanor clients tend to pay this fee along with complying with the rest of the conditions. Please let me know if you need any more info on this issue. Thanks

Five months later, a member of Romagosa's staff sent an email to Ramon Crego, who at the time was the Assistant Chief of the D.U.I. and misdemeanor crimes division from 2012-2014.

From: Yulaidi <ysierra@courtoptions.org>
Sent: Monday, May 06, 2013 12:09 PM
To: Ramon Crego
Cc: Elena Reyes
Subject: Denise Moon Fund

I apologize for the bother, but I've repeatedly had issues regarding our clients and the Denise Moon Fund requirement. Is there any way you could provide some form of official document we can show to clients that proves the donation is a state requirement? Thank you very much.

Yulaidi Sierra
Misdemeanor Manager
12490 NE 7 Avenue, Suite #220
North Miami, FL 33161
O: 305-891-5330 Ext. 142
F: 305-891-5388
E: ysierra@courtoptions.org



Court Options' clients had reasons to question why they were being asked to "donate" to the Denise Moon Memorial Fund, even though by 2013, several million dollars had already been collected by both Court Options and The Advocate Program and been transferred to the Miami Foundation for distribution. *(We will discuss in detail the distribution of all of this money, which as of now is almost \$5 million dollars in Part VI of this series.)*

A review of Chapter [938](#), [939](#) and [948](#) which are the Florida Statutes that governs all Pretrial Diversion, Court Costs and Probation Community Control in Florida, and that authorizes the creation and operation of private companies to provide those services, and sets the fees does not include any reference of authorization for these companies to collect "donations" regardless of how worthy the recipient organization might be.

A review of the [Miami-Dade Clerk of Court's Fee Schedule page](#) also fails to include any mention of the requirement for "donations" to be collected related to any criminal justice matter.

The lack of any statutory authority to collect "donations" did not deter Court Options or The Advocate Program from collecting millions of dollars for the Denise Moon Memorial Fund, or to collect additional tens or hundreds of thousands of "donations" for the Mothers Against Drunk Driving Program (M.A.D.D.)

Determining how much money these companies had collected for M.A.D.D. was hindered by the claim by the State Attorney's Office had no documentation providing an accounting of the monies collected, even though the require

-----Original Message-----

From: alcrespo [<mailto:alcrespo@att.net>]

Sent: Monday, February 22, 2016 11:26 AM

To: Heather Sherman

Subject: A NEW PUBLIC RECORDS REQUEST

Good Morning Ms. Sherman,

This is public records request for the complete financial accounting reports from Court Options and The Advocate Program for all of the "donations" they have collected from their clients and donated to MADD, the Ryder Trama Center and any and all other entities public or private categorized as requested "donations" in the agreements and contracts with these two companies.

Thank you,

al crespo

Our search revealed that we have no responsive public records for this specific request.

Thank you,

Heather Sherman
Assistant State Attorney
Records Custodian
Office of the State Attorney
1350 N.W. 12th Avenue
Miami, Fl 33136



4. Financial Obligation:

- a) Misdemeanor Case Managers will offer clients the incentive of a **10%** reduction on the program fee if the fee is paid in full on the date of the initial intake.
- b) Misdemeanor case managers will work with defendant in order to help the defendant successfully complete the program. If defendant cannot pay in full, the program fee on due date but a partial payment is made, Case manager will grant the client additional extensions until financial obligations are met.
- c) Assistant case manager assigned will make reminder calls to all clients who are in arrears for financial obligations along with program requirements.
- d) Fee waivers and reductions will be granted to clients who complete a financial assessment and attend a Job Skills Workshop and the financial Literacy Workshop. Fee reductions and waivers must be approved by the Misdemeanor supervisor or the controller. Fee waiver or reduction will only be available for Court Options supervision fees. Additional financial obligations will be approved by the corresponding party.
- e) Clients will be asked to pay the Denise Moon Fund Donation as directed by the State Attorneys Office Scale according to the charge.
- f) Clients who do not pay the Denise Moon Fund will have the case reviewed by staff or by the unit supervisor. Each case will be reviewed on a case by case basis.

When are my program fees and donation due? What forms of payment are accepted?

Program fees are due within 30 days of your intake date. The court ordered donation to the Denise Moon Fund is due within 60 days. Both fees should be paid through Court Options. We accept cash, credit cards, personal checks and money orders which should be made payable to Court Options.

What is the Denise Moon Fund?

All monetary donations collected as a condition of the Pretrial Diversion program will be collected in the name of the Denise Moon Memorial Fund within the Dade Community Foundation Inc. Denise Moon was a valued employee of the county for over twenty-five years that selflessly pursued the interests of victims in the countless criminal prosecutions. Monetary donations collected pursuant to the fund are intended to aid in the administration of justice and to serve impacted victims of crimes.

The 2012 Florida Statutes

Title XLVII
CRIMINAL PROCEDURE AND
CORRECTIONS

Chapter 948
PROBATION AND COMMUNITY
CONTROL

[View Entire
Chapter](#)

948.039 Special terms and conditions of probation or community control imposed by court order.—The court may determine any special terms and conditions of probation or community control. The terms and conditions should be reasonably related to the circumstances of the offense committed and appropriate for the offender. The court shall impose the special terms and conditions by oral pronouncement at sentencing and include the terms and conditions in the written sentencing order. Special terms and conditions may include, but are not limited to, requirements that the offender:

(1) Attend an HIV/AIDS awareness program consisting of a class of not less than 2 hours or more than 4 hours in length, if such a program is available in the county of the offender's residence. The offender shall pay the cost of attending the program.

(2) Pay not more than \$1 per month during the term of probation or community control to a nonprofit organization established for the sole purpose of supplementing the rehabilitative efforts of the Department of Corrections.

History.—s. 26, ch. 2004-373.

DENISE MOON MEMORIAL FUND Donation Schedule for Misdemeanors PTD Only

<u>Description of Crime</u>	<u>Donation Amount</u>
Assault	50.00
Battery	50.00
Carrying a Concealed Weapon	50.00

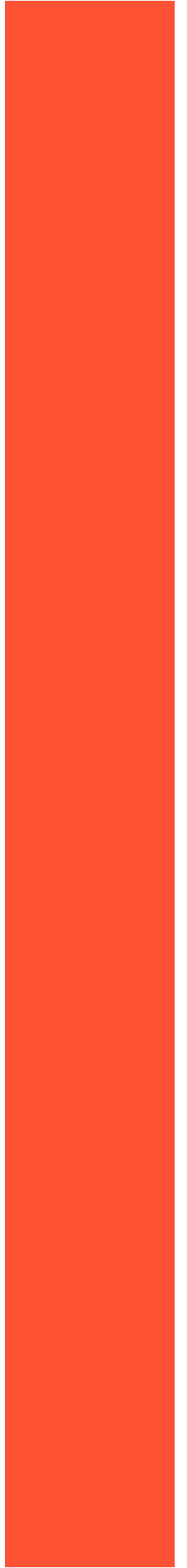
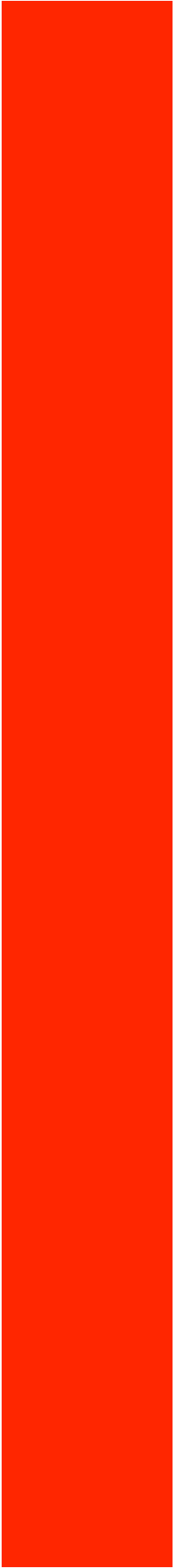
Child Abuse/Neglect	50.00
Contracting without a License	50.00
Credit Card Theft	50.00
Criminal Mischief	50.00
Cruelty to Animals	50.00
Culpable Negligence	50.00
Defrauding an Inn Keeper	25.00
Disorderly Conduct	25.00
Disorderly Intoxication	25.00
DERM Violations	50.00
Dumping	50.00
Exposure of a Sexual Organ/Lewd and Lascivious	100.00
Fare Evasion	25.00
Fuel Transportation	25.00
Gambling	25.00
Graffiti	50.00
Improper Exhibition of a Weapon	50.00
Loitering and Prowling	25.00
Marine and Wildlife Violations	50.00
Minimum Housing	50.00
Obscene/ Harassing Phone Calls	50.00
Possession of a Legend Drug	50.00
Possession of Marijuana and Paraphernalia	50.00
Possession of Wildlife or Exotic Pets	50.00
Practicing a Licensed Profession Without a License	50.00
Prostitution/Obstructing of the Highway w/ intent to solicit	150.00
Quality of Life Crimes	25.00

Resisting Without Violence	50.00
Sale of Alcohol/ Tobacco to a Minor	25.00
Stalking	50.00
Theft Petit and Retail	50.00
Trespass	25.00
Utility Theft	50.00
Vehicle for Hire/ Jitney Case	50.00
Violation of a Repeat Violence Injunction	50.00
Voyeurism	50.00
Worthless Check	50.00

Appendix B: Fee Schedule

Service	Frequency	Term 1-5
Probation for Misdemeanor/Traffic	Monthly	\$55.00
Groups and Classes for Misdemeanor/Traffic	One Time Fee <i>(per supervision period)</i>	\$50.00
Urinalysis for Misdemeanor/Traffic	Per Test	\$10.00
Electronic Monitoring for Misdemeanor/Traffic	Daily	\$10.00.
Substance Abuse & Mental Health Evaluations	Per Evaluation	\$50.00
DUI Victim Impact panel	One Time Fee	As regulated by MADD

Assessment for Probationers and BIP Offenders/Respondents	Per Assessment	\$50.00
BIP Monitoring	Per Offender/respondent	\$30.00
Supervision fee for BIP in Civil cases	One Time Fee	\$200.00*



8. Fees

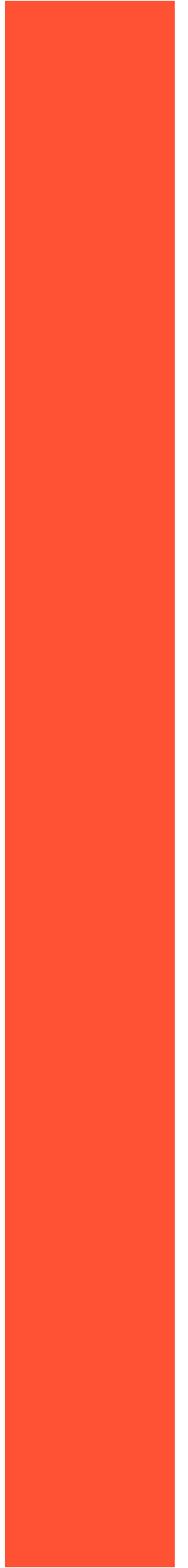
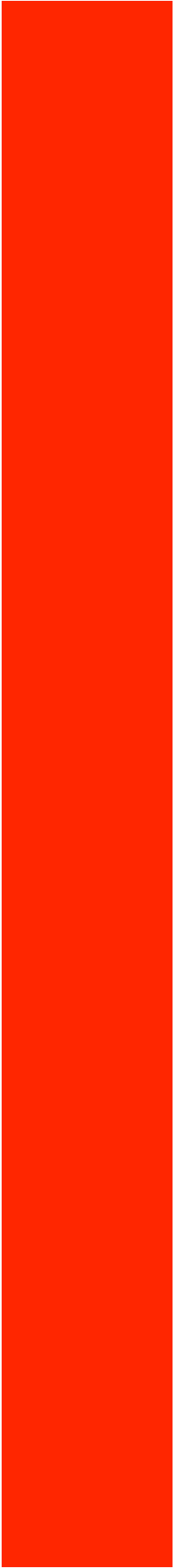
The following fees are required to be paid by the offender and collected and distributed by the Provider. The Provider shall collect the fees and disburse as outlined below:

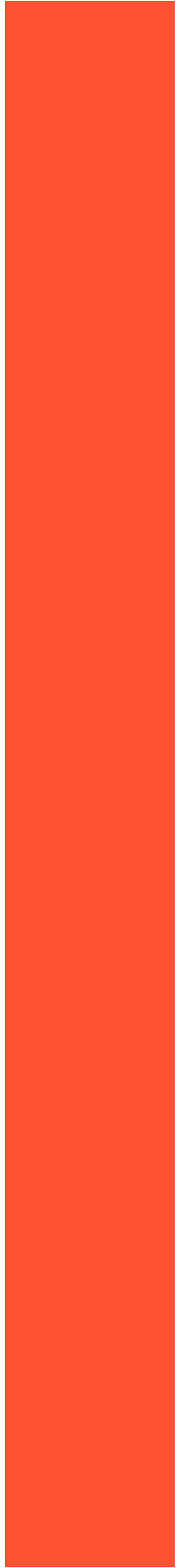
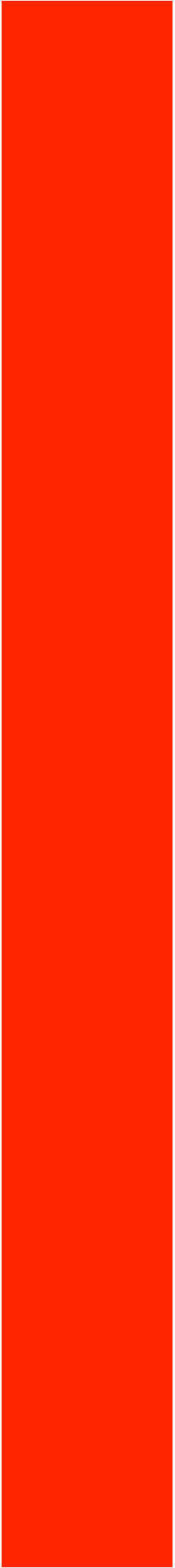
Diversion Program	Cost of Diversion Program	Disbursements
Misdemeanor Cases	No more than \$225 for offenders who agree to program participation prior to arraignment. No more than \$250 for offenders who are assigned to a program after arraignment.	To the Provider supervising the offender.
Traffic Cases	No more than \$150 and \$25 for each additional case to a maximum of \$200 per defendant.	To the Provider supervising the offender.
Back on Track (BOT)	No more than \$500 for Tier 1 supervision. (offenders with a blood alcohol level of less than .15) No more than \$650 for Tier 2 supervision. (offenders with a blood alcohol level of .15 or above or have refused breathalyzer test)	To the Provider supervising the offender.
Treatment Program	Amount to be determined by the Treatment Program provider.	To the Treatment Program Provider.
Restitution	Amount to be determined by SAO or ordered by Court.	To victims of the offender.
Denise Moon Fund	Amount to be determined by SAO.	To the Denise Moon Fund

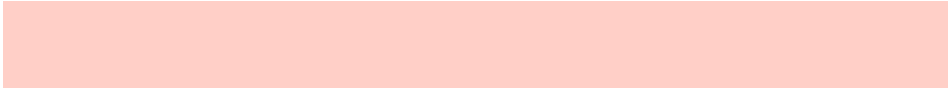
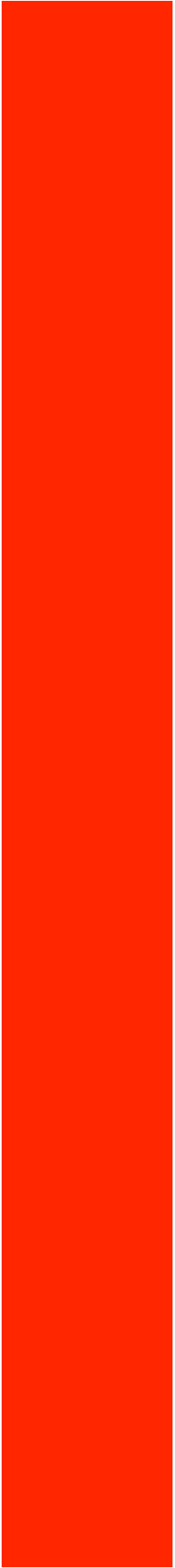
Case Processing Fee	\$50	To SAO
Case Processing Fee	\$25	To Clerk of Court

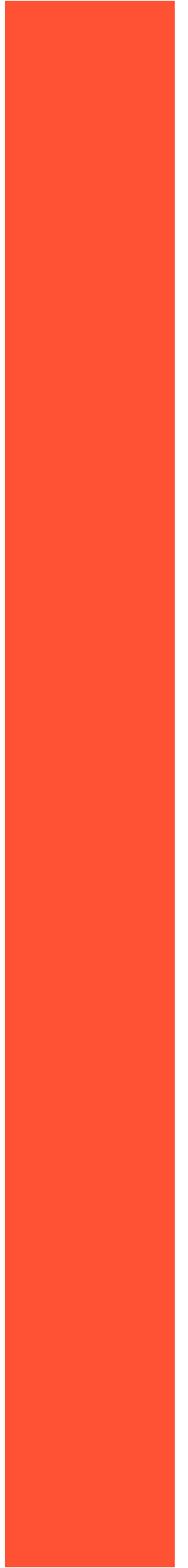
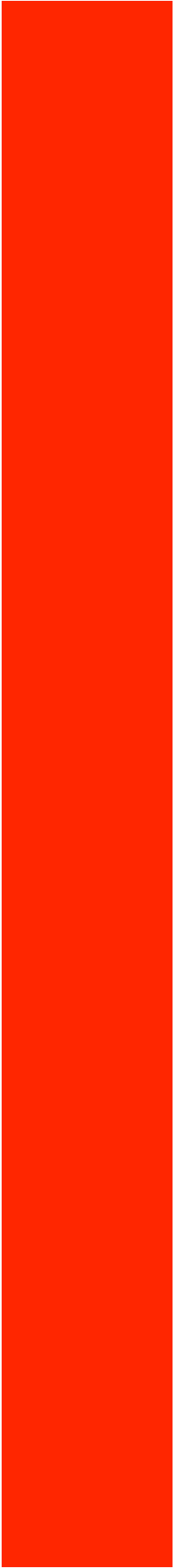
- A) The Provider may waive or reduce fees for indigent offenders or offenders on any type of public assistance, except that the amount of restitution may not be waived or reduced without the concurrence of the SAO. If total fees are reduced, the amount for each specific fee in Section 2.8, Fees, (except restitution) shall be reduced proportionally. The inability of an offender to pay shall not be considered reason for denial of services to said offender, nor shall the inability of an offender to pay program fees be the sole reason for revocation of diversionary status. However, failure to pay restitution may be used as the sole reason for revocation of diversionary status. The Provider shall obtain written concurrence from the SAO to transfer uncollectible balances to a collection agency.
- B) The Provider shall distribute funds to recipients of those funds delineated above. Partial payments from offenders may be accepted, provided that monthly payments may be no less than the total amount owed divided by the length of the program in months and shall be distributed to each recipient in proportion to what they are owed compared to the total owed.
- C) The Provider shall be responsible for insufficient fund checks and charge backs.
- D) The Provider shall locate all victims, distribute restitution payments, and adequately document efforts to locate victims. In cases in which victims cannot be located, Funds shall be placed in an interest bearing account.

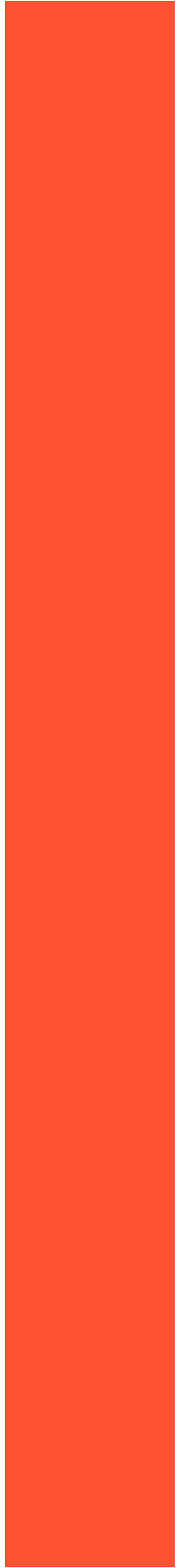
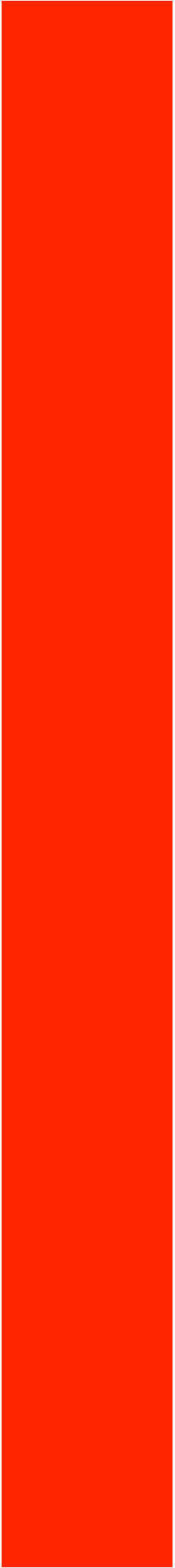
Note: One year after the final offender restitution payment is made, the Provider, with the concurrence of the SAO, may distribute unclaimed restitution payments with accumulated interest to the Denise Moon Fund unless mandated otherwise by Florida Statute.

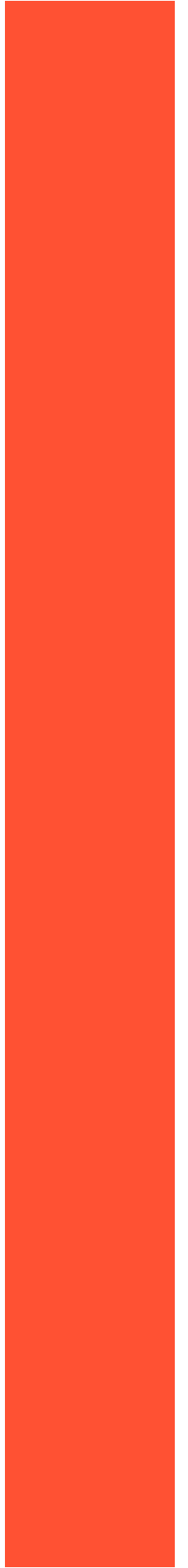
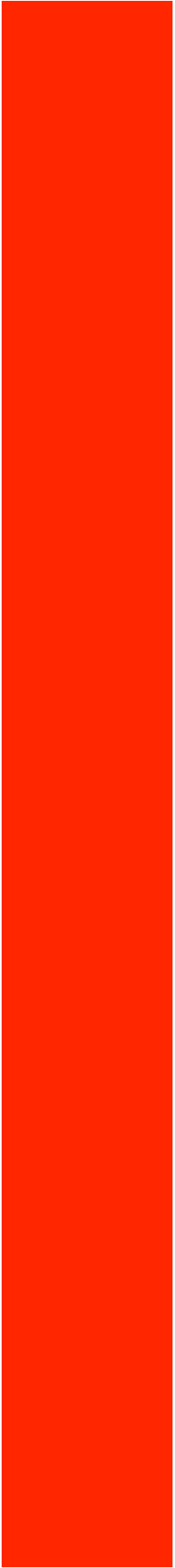


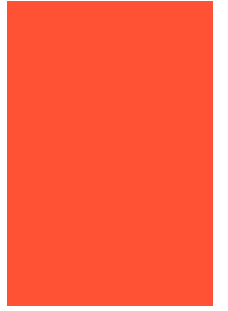
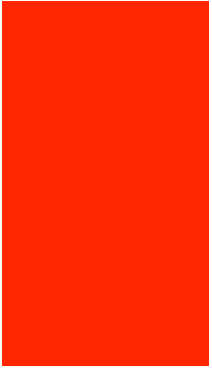












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