



PALM BEACH COUNTY COMMISSION ON ETHICS

300 North Dixie Highway, Suite 450, West Palm Beach, Florida 33401

Hotline: 877-766-5920 or 561-355-1915

COMPLAINT FORM

1. Complainant (Person bringing Complaint) Add pages, if necessary.

Please list all information where you would like to be contacted. Our preference is email.

Name: Carlos J. Negrin E-Mail: negrin21@bellsouth.net
Address: 16299 Mellen Lane
City: Jupiter Zip: 33478
Home #: 561-746-8906 Work #: _____ Cell #: 561-339-1081

2. Respondent (Person against whom complaint is made) Add pages, if necessary.

Please provide as much information as possible.

Name: Daniel P. Clark E-Mail: _____
Address: 1701 Barbados Road
City: Lake Clarke Shores Zip: _____
Home #: _____ Work #: 561-9641515 Cell #: _____
Title/Office Held or Sought: Town Administrator

3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY



Allegation is against person in
County/Municipal Government



Allegation is about County/Municipal/
Whistleblower Retaliation

4. STATEMENT OF FACTS BASED ON YOUR PERSONAL KNOWLEDGE

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

5. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct to the best of my knowledge and belief.

Carlos J. Negrin
Signature of Person Making Complaint

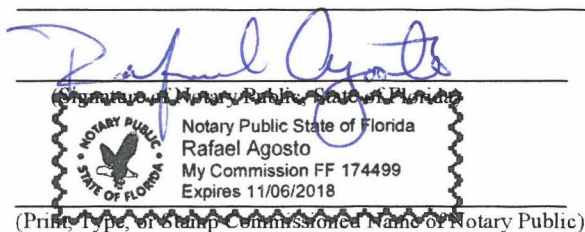
STATE OF FLORIDA

COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me
this 4th day of Jan, 2016, by

Carlos J. Negrin
(Name of Person Making Statement)

who is personally known to me _____ or produced
identification ☒ Type of identification
produced: Drivers License



Carlos J. Negrin

16299 Mellen Lane • Jupiter, Florida 33478
561-746-8906 • Email: negrin21@bellsouth.net

December 31, 2015

The Palm Beach County Ethics Commission
The 1916 Historic Courthouse
300 North Dixie Highway, Suite 450
West Palm Beach, FL 33401

Honorable Commissioners,

Attached is a formal complaint that I filed with the Florida Department of Law Enforcement where I indicate the corrupt actions of the administrators of The Town of Lake Clarke Shores and it's agents. Please use this document as my formal complaint to the Palm Beach County Ethics Commission. If you require physical evidence, including voice recordings, please do not hesitate to ask.

As my federal case draws near, I was compelled to reveal the corrupt actions of this agency and its agents.

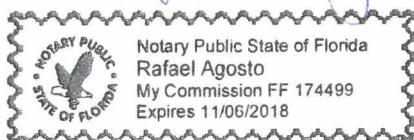
Sincerely,



Carlos J. Negrin



*I am notarizing the signature of Carlos J. Negrin
on January 4th 2016 in Palm Beach Florida*
Rafael Agosto



Carlos J. Negrin

16299 Mellen Lane • Jupiter, Florida 33478
561-746-8906 • Email: negrin21@bellsouth.net

December 15, 2015

Mr. Stacy Lehman,
Training and Research Manager
Florida Department of Law Enforcement
P.O. Box 1489
Tallahassee, FL 32302-1489



Dear Mr. Lehman,

I am writing to make a formal complaint of official misconduct against employees of the Lake Clarke Shores Police Department and an agent of the Palm Beach County School Board Police Department. In my complaint I will describe and provide evidence that these individuals, in collusion, initiated a false, criminal complaint against me, committed cyber-crimes, tortious interference, interference with my employment (FSS 448.045), interference with my due process in a disciplinary action, violated the police officer bill of rights and a discriminatory statement was made during an internal investigation. These violations mentioned were never pursued by the administration despite the constant demands I placed almost on a daily basis during the latter part of 2013 and up until October, 2014.

I had been employed by the Lake Clarke Shores Police Department, 1701 Barbados Road, Lake Clarke Shores, FL 33406, since 2008. I was promoted twice, by **Chief William W. Smith III**, to the ranks of sergeant and later to lieutenant. My performance during my employment was well above satisfactory. I received much recognition and praise from the town leaders and public alike for my performance. I received many commendations and I was told that I was destined to possibly become the next chief of police. In preparation for that possible outcome, I continued my education and earned my bachelor's degree in criminal justice in 2013. I ended my employment with a constructive termination on October 20, 2014.

There were many personal attacks by several department members against me during the course of my employment. The majority of the attacks were caused by **Officer Kent Brawner**, but not limited to him. **Sergeant William Howell and Officer Dana Schack** usually "piggybacked" onto Ofc. Brawner's complaints which were all consistently frivolous and reported to Chief Smith. Chief Smith would never take any action against any of the attackers. In fact, it was very common for the attacker the chief and me to meet in the chief's office to discuss the frivolous complaint. The majority of the complaints were fueled by professional

jealousy and discrimination. Chief Smith would sit in as a third party witness while I confronted the accuser's baseless allegations.

On or about December 5th, 2013, I was contacted by **Auxiliary Officer John Connacher** who indicated that he needed to talk to Chief Smith and me away from the station. Both Chief Smith and I met with Officer Connacher who began to inform us of a plot by Sergeant William Howell, Officer Kent M. Brawner and Officer Dana Schack, who in part filed charges against me with the Palm Beach County's S.A.O. Public Corruption Unit. The charges are in relation to an alarm call that Officer Connacher, Sgt. Howell and myself had responded to on or about October 30, 2013.

Officer Connacher stated that he was called by the investigator and asked to come in and give a statement. Officer Connacher indicated that he very felt uncomfortable about the situation and contacted his personal attorney. Before responding to the meeting with the investigators, Officer Brawner contacted Officer Connacher twice, coaxing him to testify. Officer Connacher eventually responded and refused to give a statement indicating that he felt that this was a "witch hunt" by disgruntled employees who wanted to get **Lieutenant Carlos Negrin** in some kind of trouble. I asked Chief Smith if he was aware of the actions taken by these members of the department. He indicated that this was done without his knowledge. I looked at the chief and demanded that he take action against these employees as I had had enough of their harassment towards me.

I would also point out that the **chief's executive secretary, Anita Calhoun**, for many years, has been in a romantic relationship with Sgt. Howell, while he was married to another, and according to a statement made by Sgt. Howell in an internal investigation, she did have knowledge of the malicious actions taken against me and willfully failed to report the malicious actions to the chief or myself. Chief Smith never took any administrative action against any of these employees even after many requests that I made to have these individuals investigated and disciplined. The S.A.O. determined that there was no basis for their complaint and referred the case back to the Lake Clarke Shores Police Department. An internal investigation determined that the complaint was unfounded on July 24, 2014 and I was exonerated with a frivolous complaint that is now a public record.

During the same time period, on or about November 28, 2013, from the Chief Smith's office, I contacted **Chief Carl Webb**, South Palm Beach Police Department, per Chief Smith, for purpose of borrowing equipment for our town's Christmas Parade. In the conversation, Chief Webb asked me if I was adopting a child. The reason he asked is because an adoption attorney by the name of: **Ellen M. Kaplan**, made a public records request for copies of my personnel file. I informed him that I wasn't adopting any children and that I suspected Ofc. Kent Brawner of being behind the request. Chief Webb stated that: **"There are two sergeants at Lake Clarke that really don't like you Carlos."** I informed Chief Smith of the situation immediately. I asked Chief Webb if he could email me the records request.

During the same time period, **Officer Leonard Loiacono** stated that Ofc. Brawner was publicly displaying my past personnel records, obtained by Ofc. Brawner's attorney, displaying it to departmental employees and members of the public. **Officer Clifford Zipnick** came forward and indicated that he received a phone call from Ofc. Brawner who wanted to show him **"some dirt on Carlos."** Ofc. Zipnick would later testify to this in an internal investigation. Ofc. Brawner was now using an official public record and distorting the truth in order to harass me. **Again, I informed Chief Smith of Ofc. Brawner's actions and he refused to any take action.** Ofc. Brawner and his wife, **Antonina Rosato-Brawner**, began a personal attack campaign on social media, (Facebook), where they were both posting personal attacks directly related to my public records. My attorney sent them a demand letter and they immediately removed the postings, but created a new wave of attacks labeling me as a "stalker" and other vicious accusations. **I later found out that a former employee, Sgt. Christopher Schmidt, suffered a similar attack where his personnel files from a police department in Ohio. According to Christopher Schmidt, Ofc. Brawner was the attacker who obtained the files and maligned the truth in the same manner as in the attack against me.**

Based on the progression of hostile actions by employees of the Lake Clarke Shores Police Department, I met with Chief Smith and town manager, **Daniel Clark**. Mr. Clark and Chief Smith assured me that they were very happy with my performance and work product, but did not want me to pursue any action(s) against any employee(s) of the department. Mr. Clark indicated that I would even become the next chief of police. My response to Mr. Clark was: **"There's no way in hell that I am going to let these characters get away with what they did to me. You are refusing to discipline these employees, that's your prerogative not mine. I will move forward with my attorney and take civil action against those responsible that are trying to ruin my career here."**

Through my research, I discovered that a town resident, **Sara Bosco**, was an employee, secretary, for Ellen M. Kaplan. It was well known that Ms. Bosco was good friends with the Brawner's. On December 31, 2013, Chief Webb finally emailed me a copy of the public record request from Ellen Kaplan. The document contained inconsistencies and no signature from Ellen Kaplan herself. I suspected and still believe that Ms. Bosco had submitted a records request without Ellen Kaplan's knowledge. In order to avoid having Ms. Bosco finding out about my inquiry, I contacted Ellen Kaplan through her North Florida office and left a message for her to contact me. She called me a few minutes later and I barely got two words in the phone conversation. She went off like a deranged individual ranting and raving. She hung up her phone and I later learned that she filed a complaint against me without cause. I informed her that I would be contacting the Florida Bar.

Minutes later, the town manager, Daniel Clark, apparently received a complaint from Ellen Kaplan and stated that I committed a crime and that I ruined the chances of becoming the next chief of police. I informed him that I contacted her under the assumption that she did not have knowledge of what Ofc. Brawner was committing a crime with an official public record. I informed him that I barely got two words in the conversation with Ms. Kaplan and now realized that she did have knowledge of the public records request. **I informed Mr. Clark that I**

was clearly a victim of a hostile work environment and began and hand over copies the violations of departmental policies and rules that the persons involved had violated. He indicated that he would have the town's attorney look into this matter. Mr. Clark appeared visibly upset and left to his office.

About a week later, Chief Smith's response was to hold a "mandatory departmental meeting" where everyone would voice their complaint to the town's attorney, **Charles Schoeck**, in a private one-on-one setting. I informed Chief Smith that I was already proceeding with civil action against certain employees with my attorney and **strongly objected that any departmental meeting should not be held. I specifically informed Chief Smith that this meeting would directly cause tortious interference in my case.** Additionally, I advised Chief Smith that this meeting was not in accordance with departmental policy and that an internal review was the appropriate action. Chief Smith ignored my request and on or about January 21, 2014, the departmental, "kangaroo court," meeting was held in the town hall chambers with most the members of the police department. Employees met with Mr. Schoeck, privately, and made accusations against me.

According to Chief Smith, Ofc. Kent Brawner, Ofc. Dana Schack, Ofc. Brandy Rogers and Anita Calhoun made the complaints against me. Up until today, I still don't know what the complaints are and Chief Smith has refused to release any information or documentation related to what the complaints were. On January 28, 2014, the Chief ordered me into the town hall chambers for a meeting with him, the town manager, Daniel P. Clark, and town attorney Charles Schoeck. I was informed by Mr. Clark and Mr. Schoeck that my managerial authority was being taken away as a result of the meeting and the incident with attorney, **Ellen M. Kaplan.**

Following this action, a vicious series of attacks against me began on a cyber hate site named: **PBSOTalk.com**. I suspected Ofc. Brawner, Nina Rosato-Brawner, Ellen Kaplan and others to have posted numerous hate postings directed at me and my family. As coincidence has it, Ellen Kaplan has authored many postings on the Boynton Beach Police Department's many blogs on PBSOTALK.COM. This is related to an ongoing domestic triangle with her ex-husband, **Det. Christopher Crawford** and his new wife **Major Susanne Gitto**. The postings, specifically the grammar, are very similar to the postings directed towards me on the Lake Clark Shores blog. **I would like to point out that Det. Crawford is detached to the Palm Beach County State Attorney's Office working as an investigator with the Public Corruption Unit. The very unit that began a "witch hunt" against me.** Again, Chief Smith was informed of cyber-attacks including the relationships of the participants and did nothing. Today, there are public internet references to the cyber-attacks when my name is searched on the internet.

In early April, 2014, Chief Smith, under the pressure of Ellen M. Kaplan, hires a Palm Beach County School Board Investigator, **Commander Sam Carrion**, to initiate and investigate two internal investigations related to me. Here I thought I would get justice and what I received was a biased investigation which targeted only me and none of the other employees. I received a two-week suspension on July 24, 2014 for making a phone call. None of the employees

involved in the personal attacks against me were disciplined. In fact, they were all given immunity. I pointed out that crimes were committed, false statements were given, personal attacks to my character occurred and I was even called a liar and ***“deceitful Cuban”*** by Sgt. Howell. Commander Carrion and Chief Smith were both informed of the offenses committed by the employees, including the defamatory statements, and no disciplinary action was ever taken. Commander Carrion’s assessment was that the department had a “rumor control problem.” I found his investigation to be “tailor made” to fit the needs and wants of Chief Smith which violated my rights and disregarded the wrongdoings of his employees. ***Commander Carrion was previously employed by The Boynton Beach Police Department and served as a detective.***

On July 16, 2014, my attorney made a public records request for the second time to Chief Smith, which he initially ignored on May 14, 2014. Chief Smith contacted me, while I was off duty, and left a threatening voice mail on my phone. I could tell Chief Smith was upset from his voice tone and stating: ***“Things like that aren’t going to go over good.”*** My professional relationship with Chief Smith deteriorated from that point and I believe he used the actions of my attorney, with prejudice, to influence his decision in my disciplinary process and how he treated me from that point forward. In fact, during my pre-disciplinary hearing, Chief Smith declared that his mind was made up regardless of what I had to say. This was said in the presence of my PBA Attorney, ***Susana Scarborough.***

To add insult to injury, Sgt. Howell initiated an official Lake Clark Shores Police report concerning a motor vehicle following him. He reported the incident to Chief Smith who in turn ordered him to document the incident, which occurred outside of the jurisdiction of the town. In that report Sgt. Howell insinuates that I may have had something to do with the suspicious activity. Chief Smith had knowledge that there was a workman’s compensation insurance investigator following Ofc. Brawner. This activity was even posted in the attack web site PBSO.com. I don’t know if Sgt. Howell was telling the truth, but more likely than not the allegations were made up to piggy-back with Ofc. Brawner’s claims. Instead of telling the truth, Chief Smith ran with the idea that I was stalking the employees and said nothing as to who and what was really involved. Chief Smith had knowledge that the town’s insurance company was following Ofc. Brawner yet he encouraged the employees to believe I was following them.

It was becoming quite clear to me that the hostile work environment rapidly growing and I began planning an exit strategy in fear of more false, bombastic false allegations. On October 2nd, 2014, I gave Chief Smith my letter of constructive termination which explained my discontentment with the way I was treated by the administration and the employees of the department. On or about October 9th, 2014, I received a phone call from Chief Smith at 10:00 PM. Chief Smith indicated the Ofc. Schack was upset because I was trying to contact her ex-boyfriend, John Orosco, a Palm Beach County deputy. I informed the chief that I contacted Mr. Orosco because he has a strong interest in firearms which could potentially make him and other deputies’ customers at my new gun shop.

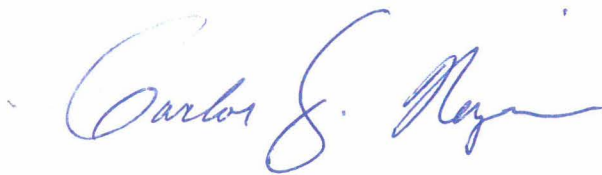
I was irritated by the call and asked the chief why Ofc. Schack was being so defensive and worrying that I was trying to contact Mr. Orosco? Maybe she is trying to hide something?

Discontented, I picked up my personal belongings and dropped-off my departmental property on October 12th, 2014. I elected not to return to work and ended my employment officially on October 20th, 2014, fearing that I would be falsely accused once again with absolutely no chance of defending myself fairly.

I hold Chief Smith, Mr. Daniel Clark, Mr. Charles Shoeck and Commander Carrion responsible for condoning and deliberately covering up the malicious, discriminatory, bigoted behavior of the personnel at the Lake Clarke Shores Police Department. I also hold them responsible for knowing that Ms. Kaplan violated public records laws and used her attorney powers to intimidate and bully her way into making frivolous complaints as she has done in the past with the Boynton Beach Police Department. Ms. Kaplan has a long history with Boynton P.D. which all parties had knowledge of but, it was negligently and cowardly disregarded.

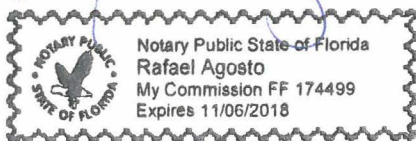
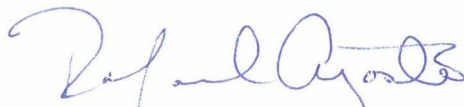
Your attention into this complaint will be appreciated.

Sincerely,



Carlos J. Negrin

I am notarizing the signature of Carlos J. Negrin on
January 4th 2016 in Palm Beach Florida



PALM BEACH COUNTY COMMISSION ON ETHICS
LEGAL SUFFICIENCY DETERMINATION

To: Palm Beach County Commission on Ethics
From: Christie Kelley, Staff Counsel
Re: C16-003 – Daniel Clark, Town of Lake Clark Shores Town Administrator

- Recommendation

Regarding the above-referenced complaint against Respondent, Daniel Clark, I have found **NO LEGAL SUFFICIENCY** and recommend **DISMISSAL** pursuant to Article V, Section 2-260(b) and Rule of Procedure 4.2.

Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the Complainant, relating to an alleged violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.

- Background

This matter came to the attention of the COE staff via a sworn complaint filed by Carlos J. Negrin, a private citizen. The Complaint was signed and properly notarized on January 4, 2016, and was hand-delivered to staff on January 4, 2016. The Complaint alleges instances where Complainant believes that Respondent mishandled personnel issues.

- Analysis

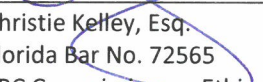
Chapter 2, Article V, Division 8, Section 2-254 of the Palm Beach County Commission on Ethics Ordinance states in relevant part, "The jurisdiction of the commission on ethics shall extend to any person required to comply with the county code of ethics." Officials and employees of Palm Beach County and enumerated municipalities are within the jurisdiction of the Code of Ethics. Therefore, as an employee of Lake Clarke Shores, the Commission on Ethics (COE) has personal jurisdiction over the Respondent.

Pursuant to Chapter 2, Article V, Division 8, Section 2-258(a), the jurisdiction of the COE extends to the Palm Beach County Code of Ethics, Post Employment Ordinance, and Lobbyist Registration Ordinances. The COE has subject matter jurisdiction to investigate any violation of the Code involving alleged misuse of office or employment or alleged corrupt misuse of official position. However, in order to be legally sufficient, a complaint must allege the elements of a violation within the COE's jurisdiction. Prohibited conduct under sec. 2-443(a) of the Code of Ethics requires that the action, or inaction, taken by an official or employee, be for the financial benefit of the official or other defined persons or entities. Prohibited conduct under sec. 2-443(b) requires that the official or employee improperly uses his or her official position to corruptly secure a special benefit. The complaint does not allege that any actions were done for a financial or non-financial gain or otherwise in violation of the Code of Ethics. . Even if the allegations as stated in the complaint are true, they do not constitute a violation of any section of the Code of Ethics.

- Conclusion

Because of a lack of *subject matter jurisdiction* over the complaint based on the reasons listed above, there is **NO LEGAL SUFFICIENCY** for an investigation to be conducted into this Complaint.

BY:


Christie Kelley, Esq.
Florida Bar No. 72565
PBC Commission on Ethics

Date

1-15-2016