

**News Release**  
**October 5, 2009**

**Tallahassee - The Stolen Election**

During 2009 ethical questions were raised against then Commissioner Allan Katz for signing a contract to accept money from a private company doing business with the City of Tallahassee (COT). The Florida Commission on Ethics ruled on July 29, 2009 that probable cause existed to support the finding that Mr. Katz violated Section 112.313(7), Florida Statutes, by having a conflicting contractual relationship when his law firm was retained by a company that was doing business with the city. As we speak, the Florida Bar is investigating ex-Commissioner Katz for his unethical behavior.

June 10, 2009

Recognizing that Allan Katz might be forced to resign due to the ethical investigation, the City Attorney proposed a change in the charter allowing the Commission to appoint a successor to Katz. The first public hearing on this ordinance occurred June 10, 2009.

August 14, 2009

Allan Katz did the honorable thing and resigned from the City Commission effective immediately.

August 15, 2009

My intentions were to file required papers and present myself to the citizens of Tallahassee as a candidate for the City Commission seat vacated by Allan Katz.

August 18, 2009

I was informed by city staff, a news reporter and political insiders that a replacement for Allan Katz was already identified – Gil Ziffer. This occurred several days before applications for this appointment were accepted.

August 26, 2009

City commissioners voted to approve the change in the City Charter allowing them to appoint our next city commissioner. Gil Ziffer was a personal friend of ex-commissioner Katz, held similar political beliefs and was viewed by commissioners as a person who would fit in well.

August 31, 2009

City commissioners appointed Gil Ziffer, owner of a public-relations firm, as Katz's successor.

September 17, 2009

I contacted Florida Tax Watch to seek legal guidance regarding the City's decisions to:

1. Prevent a special election for the vacant seat on the commission and
2. Decision to compensate themselves an additional \$22,000 per year.

These actions by the City Commission and City Attorney not only took away my right to vote, but more importantly my right to file and offer myself as a candidate for the Commission seat vacated by ex Commissioner Katz.

The simple fact is, when the vacancy occurred, the City Charter in place at that time, stated “a special municipal election shall be conducted...” The City Commission’s actions violated their own City Charter.

The question whether the City Commission can change the Charter, under what conditions and how, are all irrelevant to the primary issue. My vote and the right to run for the vacated office were stolen by this City Commission and City Attorney.

I am saddened to find myself again in opposition to my City Commissioners. They have argued that canceling an election would save some money. However, I take my right to vote and right to seek public office seriously. I have had too many friends and family members who fought in WWII, who died in the Korean War, college buddies and relatives who fought in Vietnam and many of my current tenants have been asked to leave FSU to return to battles in Iraq and Iran, for me to give up the freedom they have secured.

**MY VOTE AND FREEDOM TO RUN FOR THE PUBLIC OFFICE IS NOT FOR SALE!**

### **Legal Experts Speak Out**

**Diego “Woody” Rodriguez**, Orlando attorney board certified in local government law.

“The bottom line is if the charter says any vacancy shall be filled with a special election, they have to follow the charter. And they have to have a special election, even if it means the added cost of an election.”

**Joseph W. Little**; University of Florida law professor of 42 years.

“The city doesn’t have the authority to change the Charter ‘willy-nilly’ after the vacancy occurred. It seems to me that an argument could be made that the law as it existed at the time that the vacancy is created, is the law that pertains to the filling of the vacancy.”

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