



MEMORANDUM

To: Honorable Michelle Gomez, Mayor,
and Members, Tamarac City Commission

From: Carol J. Breece, Inspector General *Carol J. Breece*

Date: November 5, 2025

Subject: *OIG Final Report Re: Mayor of Tamarac Violated a Vendor's First Amendment Rights by Forbidding Him from Selling Political T-Shirts at a City-Sponsored Event in a City Park, Ref. OIG 24-034-M*

Attached please find the final report of the Broward Office of the Inspector General ("OIG") regarding the above-captioned matter.

The OIG's investigation determined that Mayor Gomez, acting in her official capacity during the City's September 28, 2024, "Oldies in the Park" event, restrained a vendor from selling T-shirts supporting a political party's 2024 presidential candidate. Although the City had no written policy prohibiting political merchandise at City-sponsored events, the Mayor directed the vendor to cease the sales.

The OIG found that this restraint constituted misconduct and amounted to a violation of the vendor's constitutional right to free expression. While we found no evidence that the Mayor knew her conduct to be unlawful and we recognize that she may have acted out of a desire to maintain political neutrality, the law in this area does not consider motive or lack of malice in determining such a violation.

Additionally, the OIG observed that the City's vendor selection process for public events lacked uniformity and transparency. We urge the City to adopt a formal, written, and content-neutral policy governing vendor participation at City-sponsored events and provide recommendations to further such a policy.

The OIG requests the City to report back its progress on the OIG's recommendations on or by February 2, 2026.

cc: Hon. Michael Udine, Commissioner, Broward County
Hon. Robert McKinzie, Commissioner, Broward County
Levent Sucuoglu, City Manager
Hans Ottinot, City Attorney
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BROWARD OFFICE OF THE INSPECTOR GENERAL



FINAL REPORT

OIG 24-034-M
November 5, 2025

*Mayor Of Tamarac Violated A Vendor's First Amendment
Rights By Forbidding Him From Selling Political T-Shirts
At A City-Sponsored Event At A City Park*



FINAL REPORT RE: MAYOR OF TAMARAC VIOLATED A VENDOR'S FIRST AMENDMENT RIGHTS BY FORBIDDING HIM FROM SELLING POLITICAL T-SHIRTS AT A CITY-SPONSORED EVENT AT A CITY PARK

SUMMARY

The Broward Office of the Inspector General ("OIG") has concluded its investigation into an allegation that City of Tamarac Mayor Michelle Gomez violated an individual's First Amendment rights when she expelled him from the City-sponsored "Oldies in the Park" event¹ held at a City park on September 28, 2024, for selling political T-shirts.

The OIG's investigation found that a vendor who had sold goods at City events in the past ("the Vendor") participated in the September 28, 2024, event by offering for sale T-shirts supporting a major political party's 2024 United States presidential candidate. Although the City had no written policy prohibiting the sale of political merchandise at City events, during the Oldies in the Park event, Mayor Gomez told the Vendor that political sales were not permitted and directed the Vendor to stop selling the shirts. Following this interaction, the Vendor packed up and left the event early.

Accordingly, the OIG substantiated that the Mayor, acting in her official role and as a representative of the City, engaged in misconduct² when she forbade the Vendor from selling the political T-shirts and thus infringed upon the Vendor's constitutional right to free expression. While we did not find that Mayor Gomez knew her actions to be wrongful, and while we considered that she may have acted out of a desire for the City and herself to be perceived as politically neutral, the law in this area does not recognize the government actor's motive or lack of malice.

The OIG's investigation also observed that the vendor selection process for City-sponsored events would benefit from improvements, and we urge the City to amend that process to ensure fairness and uniformity.

OIG CHARTER AUTHORITY

Section 10.01 of the Charter of Broward County empowers the OIG to investigate misconduct and gross mismanagement by any official or employee of (1) the Charter Government of the County; (2) a municipality within the County; (3) a Voluntary Entity pursuant to a valid interlocal agreement; and (4) a person or entity that provides goods or services to the County, any of its municipalities, or any Voluntary Entity pursuant to a contract for compensation. On her own initiative or based on a signed complaint, the Inspector General may find good cause and commence an investigation.

¹ Witnesses also referred to this event as the "Oldies Concert in the Park."

² Misconduct is "any violation of the state or federal constitution, any state or federal statute or code, any county or municipal ordinance or code, or conduct involving fraud, corruption, or abuse." Broward County Charter Sec. 10.01 A(2).



As part of any investigation, the Inspector General is empowered to subpoena witnesses, administer oaths, and require the production of documents and records. The Inspector General is also empowered to audit any program, contract, or operation of the County, any municipality, or any Voluntary Entity and to audit the operations or performance of any provider relating to its contract for compensation with the County, any municipality, or any Voluntary Entity.

Finally, the OIG is empowered to issue reports, including recommendations; to require officials to provide reports regarding the implementation of those recommendations; and to notify the appropriate civil, criminal, and administrative agencies charged with enforcement. If there is no appropriate agency for enforcement, the Inspector General may refer the matter to an administrative hearing officer for a quasi-judicial enforcement proceeding.

ENTITIES AND INDIVIDUALS COVERED IN THIS REPORT

Mayor Michelle J. Gomez, City of Tamarac

Mayor Gomez has served on the City Commission in various capacities since July 2010, when she was first appointed to fill a temporary term ending in December 2012. She was reappointed in October 2013 and elected as commissioner in November 2014. The City's voters first elected her as mayor in November 2018 and reelected her in November 2022.

RELEVANT GOVERNING AUTHORITIES

United States Constitution

First Amendment

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Florida Constitution

Article 1, Section 4

Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.



INVESTIGATION

Investigation Overview

This investigation originated in response to a tip alleging that a vendor's First Amendment rights were violated during a City-sponsored event held on September 28, 2024, in the City. The tip alleged that Mayor Gomez ejected the Vendor from the event for selling T-shirts supporting a United States presidential candidate, which violated the vendor's First Amendment right of freedom of speech. The OIG's investigation involved the review of the City's "Vendor Registration" form (also referred to as a vendor application), vendor policies, City emails, a text message, relevant ordinances, and applicable constitutional and statutory provisions. The OIG also conducted interviews with relevant City employees, the Mayor, and the affected vendor.

Governing First Amendment Principles and the City's Lack of a Policy Limiting Political Activity

The First Amendment to the United States Constitution provides that "Congress shall make no law . . . abridging the freedom of speech." The United States Supreme Court has interpreted the First Amendment to also limit action by government officials. To that end, although government officials are allowed to share their views freely and forcefully, they are prohibited from "us[ing] the power of the State to punish or suppress disfavored expression."³ Governmental actions seeking to suppress particular views are presumptively unconstitutional.⁴

First Amendment protections extend not only to verbal expression, but also to expressive conduct.⁵ Similarly, the protections also extend to nondisruptive expression, including visible political messages on clothing.⁶

The level of constitutional protection for speech depends on the nature of the forum where the expression occurs and on whether the restriction is content-based or content-neutral.⁷ Traditional public forums, such as streets, sidewalks, and parks, are places that "by long tradition or by government fiat have been devoted to assembly and debate."⁸ Accordingly, the U.S. Constitution and case law afford speech in traditional public forums the greatest protection. In traditional public forums, content-based restrictions on speech, that is, restrictions based on the subject matter, topic, or viewpoint expressed are presumptively unconstitutional.⁹ Nonetheless, the government may impose content-neutral restrictions on speech so long as they are narrowly tailored to serve significant governmental interests and leave

³ *National Rifle Association of America v. Vullo*, 602 U.S. 175, 188 (2024).

⁴ See *Rosenberger v. Rector and Visitors of University of Virginia*, 515 U.S. 819, 830 (1995).

⁵ *Texas v. Johnson*, 491 U.S. 397 (1989) (holding that burning the American flag during a protest rally constituted protected expressive conduct).

⁶ In *Cohen v. California*, the U.S. Supreme Court held that the First Amendment, as incorporated through the Fourteenth Amendment, prohibits the State from criminalizing political expression solely because it is offensive to some. The simple public display of "Fuck the Draft" on a jacket worn in a courthouse corridor cannot be punished absent a more particularized and compelling justification than a general tendency to disturb the peace. In that case, the conduct at issue was political messaging on clothing, "the fact of communication," that the court held was speech. 403 U.S. 15, 18–19 (1971).

⁷ A regulation is content-based if it applies to "particular speech because of the topic discussed or the idea or message expressed." *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 155 (2015)

⁸ *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 45 (1983).

⁹ Content-based restrictions are subject to strict scrutiny and must be narrowly tailored to serve a compelling governmental interest. *Reed*, 576 U.S. at 163-64.



open ample alternative channels. Such restrictions are typically restrictions on the speech's time, place, and manner. A limited public forum arises when the government intentionally opens its property for expressive activity by certain groups or for discussion of certain subjects. In such forums, the government may restrict access based on subject matter and speaker identity so long as the distinctions are reasonable, considering the forum's purpose, and are viewpoint neutral.¹⁰

First Amendment protections apply to state and local governments through the Fourteenth Amendment. Nonetheless, the Florida Constitution also provides for the protection of free speech in Article I, Section 4, which states:

Every person may speak, write and publish sentiments on all subjects but shall be responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions and civil actions for defamation the truth may be given in evidence. If the matter charged as defamatory is true and was published with good motives, the party shall be acquitted or exonerated.

Florida courts interpret this section as coextensive with, and in some cases more protective than, the First Amendment.

In the 2018 guidance Memorandum No. 2018-083 (Exhibit 1),¹¹ issued on August 23, 2018, Former City Attorney 1 and a then-Assistant City Attorney explained that, while political expression in traditional public forums such as parks and City events is generally protected, any restrictions must withstand a "strict scrutiny" examination. To do so, the restrictions must: (1) be justified by a compelling governmental interest, (2) be narrowly tailored to achieve that interest, and (3) be the least restrictive means for achieving that interest.

The memorandum went on to advise,

While the City may, generally, not limit political activity at public events, it is our legal opinion that the City may adopt a policy, subject to strict scrutiny, which prohibits the rental of City facilities or the purchase of booths at City events for political purposes. Should the City seek to consider such a policy, the policy must apply to all political activity. Once the City opts to allow certain types of political activities, it must allow

¹⁰ See *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 46 n.7 (1983) (a government may create a public forum for a limited purpose "such as use by certain groups . . . or for the discussion of certain subjects"); *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 106–07 (2001) (holding that school district created a limited public forum and could not exclude a private Christian club based on viewpoint discrimination).

¹¹ On August 16, 2018, a City Commissioner requested clarification from the City Attorney's Office regarding campaigning on City property, including parks. During the ensuing exchange of emails, an Assistant City Attorney advised, "Political activity, including campaigning, is legally permissible on City property and at public events." He wrote that such constituted a "fundamental right" under the U.S. Constitution and thus would be subject to strict scrutiny, requiring a compelling governmental interest, narrow tailoring, and the least restrictive means. He also advised that there was no City policy regarding such activity. The attorney further explained that, while the City may adopt a content-neutral policy restricting certain uses, once it permits political activity, for example, renting City facilities, it must permit all groups, regardless of viewpoint, including controversial organizations. The attorney wrote that the City had the authority to adopt narrowly tailored regulations that protect public order and access while respecting free speech rights. (Exhibit 2) This position was formalized in City Attorney Memorandum No. 2018-083, dated August 23, 2018. (Exhibit 1)



all types. In other words, if the City allows candidates to rent City facilities, it must also allow the American Nazi Party to do so.

On January 20, 2022, the then-director of Parks and Recreation ("Former Director 1") emailed Former City Attorney 2 requesting guidance (Exhibit 3) and included the opinion from the 2018 memorandum. (Exhibit 1) Former Director 1 sought a review of the memorandum and asked, "Would this mean a policy would need to be developed or would caselaw preclude us from putting something in place?"¹² In response, Former City Attorney 2 replied to Former Director 1's email and carbon copied, among others, the then-Interim Assistant City Manager, who is now the City Manager. In his email, Former City Attorney 2 wrote, "The legal opinion you forwarded is still on-point and applicable to the City." He further explained that a government may regulate political activities that occur within its facilities so long as the rules are applied evenly to all. He emphasized that the rationale for this limitation is that the primary purpose of City facilities is to conduct City business, not political activity. For example, while the City may not prohibit a group from setting up a table in the entrance to City Hall, that is, the breezeway in front of the Commission chambers, it may prohibit the group from setting up a table inside the Commission chambers during a Commission meeting. (Exhibit 3)

Former City Attorney 2 concluded that whether City staff wished to formally adopt a written policy was outside his purview, but that any such policy would be legally valid and enforceable provided it met the three-pronged test outlined in the memorandum. He also stated that the City Attorney's Office remained available to assist in drafting, reviewing, and modifying any such policy as necessary.

Accordingly, both the 2018 memorandum and the 2022 email exchange evidenced that City officials and employees at the time, including the now-City Manager, were apprised of the constitutional requirements governing political activity in public spaces and municipal facilities, and that any policy in this area would need to be carefully tailored to withstand constitutional scrutiny.¹³

The City never adopted a policy prohibiting political merchandise sales at City events.

In the days following the Oldies in the Park event, City leadership began discussions on creating a way within the vendor application or registration form to prohibit the sale or distribution of political materials at City-sponsored events. (Exhibits 4, 5) On October 16, 2024, the current City Attorney wrote that the City could not prohibit the sale of political items so long as they complied with the City's vendor rules. (Exhibit 6) The City thereafter abandoned its efforts to restrict the sale of political merchandise at its events.¹⁴

Mayor Gomez Committed Misconduct When She Told the Vendor to Stop Selling Political T-Shirts

Our investigation found that Mayor Gomez infringed on the Vendor's constitutional rights during the City's Oldies in the Park event, as the City-sponsored event was held at a City park, the Vendor offered political merchandise for sale that the Mayor forbade him from selling, and the Mayor's restriction on selling that merchandise at the event was content-based.

¹² On October 2, 2024, four days after Oldies in the Park, the City Manager forwarded this email thread to the Mayor for discussion. (Exhibit 3)

¹³ The OIG investigation did not establish that Mayor Gomez had actual knowledge of the 2018 memorandum (Exhibit 1).

¹⁴ We noted that, as late as March 27, 2025, during an OIG interview, the City Manager continued to question whether a paid vendor's merchandise could be restricted if it was considered inconsistent with the character of the event.



1. *The Oldies in the Park Event Was a City-Sponsored Event in a City Park*

Witnesses described Oldies in the Park as a family-oriented event that the City held on September 28, 2024, at Mainlands Park in the City. The event featured live music, food trucks, and vendor booths. Including the Vendor, there were three vendors at the event.¹⁵ The City organized and controlled the event, and it arranged for vendors to participate in expressive activity without any pre-established content-based limitations, thereby creating at least a designated public forum for vendor expression.

The City owns Mainlands Park. (Exhibit 7) As a municipal facility, the park is part of the City's public parks and recreation system and open to the public. (Exhibit 8) As such, Mainlands Park constituted a traditional public forum, where restrictions on speech were subject to the highest constitutional scrutiny.

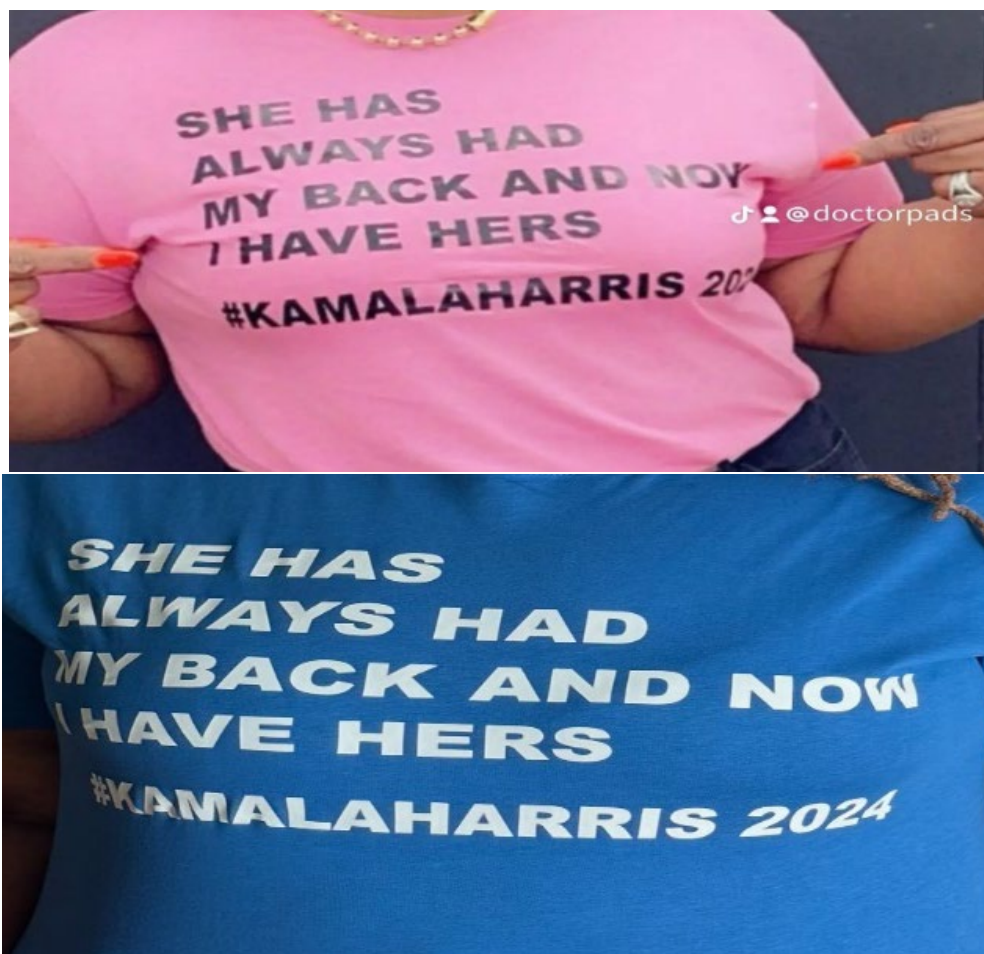
Regardless of whether the City park qualified as a traditional public forum or the City event qualified as a designated public forum, any content-based restriction that the City enforced was presumptively invalid and needed to satisfy strict scrutiny.

2. *The Vendor Offered Political Merchandise for Sale That the Mayor Forbade Him From Selling*

We interviewed the Vendor about his experience at the Oldies in the Park event on September 28, 2024. According to him, he arrived at the park about an hour before the event to set up his tent. He set up a display of products for sale that included political merchandise, specifically, T-shirts with a message of support for Kamala Harris, the Democratic Party candidate in the 2024 general election for U.S. president, as pictured below. The T-shirts were imprinted with the words, "SHE HAS ALWAYS HAD MY BACK AND NOW I HAVE HERS #KAMALAHARRIS 2024." (OIG Figure 1, below)

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¹⁵ The Vendor offered for sale the political T-shirts as well as products from his company, AC Plant Base Sanitary Napkins, LLC. The other vendors were a food vendor and an artwork-paint vendor.



OIG Figure 1: Photos of samples of T-shirts that the Vendor offered for sale at the Oldies in the Park event at Mainlands Park in the City on September 28, 2024 (Exhibit 9).

The Vendor told the OIG that the Special Events Coordinator (“Events Coordinator”) initially observed his booth and raised no objections.¹⁶

According to the Vendor, Mayor Gomez approached him during the event, “irate,” “yelling,” and “in [his] face.” She questioned why he did not have any [Republican Party candidate for U.S. president Donald] Trump shirts. The Vendor told the OIG that the Mayor told him he had to leave because he was promoting Kamala Harris. Shortly after this exchange, the Vendor packed up his booth and left

¹⁶ According to the Events Coordinator, during the event, the then-director of Parks and Recreation (“Former Director 2”) instructed him to inspect the merchandise in response to a complaint; to see if there was anything offensive. The Events Coordinator went to the Vendor’s booth and, upon reviewing the shirts, he concluded they were not offensive, as they contained no profanity or sexual imagery.



the event early because he felt uncomfortable and felt the City violated his constitutional rights. He said that he was at the event for a total of approximately two hours, including setup time.¹⁷

The OIG obtained and reviewed an email that the Vendor sent the Mayor on October 1, 2024, three days after the event, in which he wrote that “some people I figure to be supporters of Trump” had objected to his T-shirts and that, in response, Mayor Gomez had loudly and rudely ordered him to stop selling them or leave the event. He claimed that this directive violated his First Amendment rights, particularly since he had never been informed of any City rule or policy restricting the sale of political merchandise. (Exhibit 11)

The OIG interviewed the City Manager, who said that he observed the Vendor’s display of political merchandise and that, noting that the event was intended to be family-oriented, he asked the Events Coordinator whether the sale of such items was permitted. The Events Coordinator told the City Manager that the Vendor had said that the Mayor had approved it. The City Manager then approached Mayor Gomez, pointed out the situation, and asked whether she had told the Vendor it was permissible. According to the City Manager, he suggested to the Mayor that political merchandise did not fit the tone of the event and that political materials might be acceptable to some attendees but not to others, given the polarization of the presidential race. According to the City Manager, Mayor Gomez told him that she had not authorized the sale of political merchandise and indicated she would address the matter directly with the Vendor. The City Manager said that Mayor Gomez appeared surprised by the Vendor’s merchandise, noting that she knew the Vendor and that he typically sold other types of items. The City Manager’s understanding was that she intended to ask the Vendor to remove the political items and stop selling them. Mayor Gomez walked alone to the Vendor’s booth. After speaking with the Vendor, Mayor Gomez reported back to the City Manager that the Vendor was upset about being asked to stop but was going to pack up. The City Manager then observed the Vendor gathering his materials and leaving the event.

During Mayor Gomez’s interview with the OIG, she said that, at the event, the City Manager informed her that a vendor was selling political items and had told others that she had approved it. She went to the Vendor’s tent and asked him about his usual “period” products, and he pointed to a container beneath his table. The Mayor then directly questioned the Vendor about the political merchandise. She informed the OIG that, after she confirmed that the Vendor was selling political merchandise, she asked him whether he had obtained approval and told him it was her understanding that political items could not be sold at City events. She recalled telling him that she did not care which candidate was being promoted, “[W]e don’t do politics,” and, “If you want to give it away, give it away . . . and you’re telling people I said it’s okay, you’re using me.” According to Mayor Gomez, the Vendor became agitated and repeatedly asked if she was throwing him out. She clarified that she was only asking him to sell his period products. Mayor Gomez emphasized that she could not allow her name to be used as authorization, stating she told the Vendor, “My understanding is I can’t have you using my name saying I’m authorizing this because there’s no politics at these events.”¹⁸ After this interaction, the Vendor began to slowly pack his items and left the event.

¹⁷ The City’s online calendar entry for “Oldies Concert in the Park,” reflected the event was scheduled for 4:00 p.m. to 6:00 p.m. (Exhibit 10)

¹⁸ Per Mayor Gomez’s statement to the OIG, after speaking to the Vendor, she approached the Events Coordinator to ask whether the Vendor had informed the City he planned to sell political merchandise. The Events Coordinator replied that he had not but that the Vendor said she had approved it. Mayor Gomez firmly denied this and told the Events Coordinator, “I would



Among the witnesses who attended the Oldies in the Park event and spoke to us about it, it was undisputed that the City Manager informed the Mayor that the Vendor was selling political merchandise, and that the Mayor then spoke with the Vendor. It was also undisputed that the Mayor informed the Vendor that he could not sell political merchandise, which he offered at a City-sponsored event within a City park, and that the Vendor thereafter stopped selling the merchandise.

3. The Vendor Had a Constitutional Right to Sell the Political T-Shirts

The OIG found that Mayor Gomez restricted the Vendor's ability and right to sell political merchandise based on its content. Crucially, the Mayor acknowledged she told the Vendor he could sell his usual "period" products but not the T-shirts supporting a political candidate, underscoring that the political nature of the merchandise, that is, the content of the message in the merchandise was the basis for exclusion. Her statement to the Vendor that he could give away the shirts for free but not sell them highlights the First Amendment concerns her conduct raised. The distribution of political merchandise, like leaflets or pamphlets, is a well-established form of protected expression, and the Mayor's selective prohibition reinforces the view that the restriction was content-based.

The sale of political candidate T-shirts at Mainlands Park carried an expressive element protected by the First Amendment. The City – through the Mayor – prohibited the T-shirts precisely because they were political, rendering the restriction facially content-based. Under strict scrutiny, the restriction could not stand. To survive, a content-based restriction must be narrowly tailored to achieve a compelling governmental interest using the least restrictive means. The City's asserted interest in maintaining the "tone" or "character" of the event did not qualify as compelling under established precedent. Courts have consistently rejected generalized interests in avoiding controversy or preserving a preferred atmosphere as sufficient to justify suppressing political expression.

Even if the vendor area during the event were analyzed as a limited public forum, the restriction would still fail. In limited forums, governments may impose subject-matter restrictions consistent with the forum's purpose, but they must remain viewpoint-neutral. Here, the prohibition arose from *ad hoc* enforcement against political merchandise rather than a pre-existing, written, neutral policy. A restriction may still be viewpoint-based even when it is broadly framed to cover an entire subject matter, such as political expression.¹⁹

Less restrictive alternatives were readily available, such as adopting, in advance, content-neutral vendor guidelines. Because the City failed to pursue such measures, its selective suppression of political merchandise was not narrowly tailored and, thus, not constitutionally permissible.

That Mayor Gomez was partly motivated by the desire not to appear to be authorizing the sale or not to appear to be endorsing the candidate that the Vendor's merchandise supported is of no

never do that" and asked the Events Coordinator, "Do me a favor. The next time people are throwing my name around, you have my number, call me, because I would never put the City in that position."

¹⁹ For example, in *Lamb's Chapel v. Center Moriches Union Free School District*, 508 U.S. 384 (1993), the Court struck down a school district's policy that permitted outside groups to use school property for "social, civic, or recreational" purposes but prohibited use for "religious purposes." The Court held that the exclusion was impermissible viewpoint discrimination because it barred religious perspectives on otherwise permissible topics. This precedent underscores that facially broad exclusions, that is, banning all "religious" or all "political" expression, may still constitute viewpoint discrimination when the exclusions single out entire categories of ideas from an otherwise open or limited forum.



consequence, where the law does not recognize a government actor's motive or intent as a factor when considering whether the government has infringed on a constitutional right.²⁰ We also note that the Mayor told the Vendor and the OIG that she believed that the City prohibited the sale of political merchandise at City-sponsored events when the City's own prior legal memoranda, issued at times when the mayor sat on the City commission, acknowledged that no blanket prohibition on political expression at City events could lawfully be enforced. Like with any benign motive or lack of intent, any ignorance of the law did not negate the constitutional violation.

Our investigation determined that, by directing the Vendor to not sell the political T-shirts at the City-sponsored event at the City park, the Mayor perhaps unwittingly but nevertheless impermissibly restricted the constitutional protections that both the United States and the Florida Constitutions afforded the Vendor.

Deficiencies in the City's Vendor Selection Process

As part of this investigation, the OIG reviewed the City's vendor selection process for participation in City-sponsored events, including the Oldies in the Park event, and we identified several deficiencies in that process.

We found that the City did not maintain a formally adopted, written vendor policy establishing uniform selection criteria for City-sponsored events. Instead, City staff relied on informal practices and made decisions on a case-by-case basis.

The Parks and Recreation Department primarily managed the City's vendor selection process for City-sponsored events, and the approach varied depending on the type of vendor and event. For food vendors, the City used a pre-approved list that the Fire Department vetted, and staff selected vendors directly from that list. For non-food vendors, referred to as "contact vendors," no pre-approved list existed. These vendors initiated participation by contacting the City, often through the Events Coordinator, via phone or email. Repeat vendors, particularly those with an existing relationship with the City or who had participated in prior events, sometimes had the advantage of a less formalized process for securing a spot.

In most cases, interested vendors completed an event "Vendor Registration" form, an example of which is shown in OIG Figure 2 below. (Exhibit 12) This form captured the vendor's contact details, included a waiver of responsibility, and provided basic instructions such as arrival and departure times, and applicable fees.

Vendor selection generally operated on a first-come, first-served basis and depended on how well staff believed a vendor's offerings fit with the event's theme, a subjective determination that administrative staff made. Administrative staff reviewed vendor applications and approved them through internal

²⁰ *Reed*, 576 U.S. at 165. "A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of 'animus toward the ideas contained' in the regulated speech," *citing to Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 429 (1993) (Court struck down a municipal order requiring removal of news racks containing commercial handbills while allowing racks with newspapers to remain, holding that the distinction did not constitute a reasonable time, place, or manner restriction. "Regardless of the *mens rea* of the city," the regulation was not content-neutral, as it turned on whether the publication's content was advertising or news, and was therefore subject to strict scrutiny).



channels, but the City had not codified any ordinance, resolution, or formal or informal policy establishing criteria for including or excluding a vendor once staff had processed the application.

 Winter Wonderland VENDOR REGISTRATION	
EVENT INFORMATION: What: Winter Wonderland Where: : Tamarac Park , 7501 N University Dr When: Friday, Decemeber 13, 2024, 6:00 pm - 8:00 pm	
Business Name: _____	
Contact Name: _____	Cell Phone: _____
Address: _____ Work Phone: _____	
City: _____	State: _____ Zip: _____
E-mail: _____	Website: _____
Description of Products/Services: _____	
WAIVER OF RESPONSIBILITY: I agree to indemnify and hold harmless the City of Tamarac, its officers, employees, agents and assigns, from any and all damages, injuries sustained or liability arising from participating as a vendor at the City of Tamarac Winter Wonderland.	
Print Name: _____	Signature: _____ Date: _____
INFORMATION: Vendors are encouraged to stay till the end of the event. Vendors must arrive Food Vendors must provide their own equipment for set up. This is an outdoor event so there is no electricity available. Vendors may arrive at location up to 3 hours prior to event to set up and no later than 1.5 hour before event. For information or cancellations please call Justin Barnaby, Special Events Coordinator at 954597-3632.	
Vendor Fee: \$100.00, checks made out to City of Tamarac (No refunds)	
Please mail, e-mail or fax vendor application to: Tamarac Parks and Recreation Department Att: Justin Barnaby 6001 Nob Hill Road, Tamarac, FL 33321 Fax: 954-597-3650, E-mail: Justin.Barnaby@tamarac.org	
If you will be charging your application fee, please complete the information below:	
Name on card: _____	Card type: _____ Zip Code: _____
Credit Card Number: _____	Code: _____ Expiration date: _____

OIG Figure 2: Blank City Vendor Registration Form for the “Winter Wonderland” Event of December 13, 2024 (Exhibit 12).

The City processed vendor fee payments through its payment software. Staff often relaxed deadlines for small businesses. According to Former Director 2, in some cases, the City allowed vendors to attend and make sales at the event and pay participation fees afterward. Oversight of vendor compliance was informal, with no single staff member designated to approve applications, and enforcement of standards was subjective, depending on staff judgment before and during the event.

While the general expectation was that all vendors would complete the vendor registration form for each event, this was not always enforced for repeat participants.



In this matter, the Vendor did not go through the City's formal registration process for the Oldies in the Park event. Instead, the day before, he texted Mayor Gomez directly, asking whom he should contact about being a vendor at the event. (Exhibit 13). Subsequently, the City allowed the Vendor to have a spot. This was even though he neither submitted a vendor application nor paid the vendor fee of \$50.00, like at least one other vendor applicant did. (Exhibit 14)

Thus, we found that the City's vendor registration and selection process for City-sponsored events lacked formalized structure, consistency, and oversight. By relying on unwritten practices, staff discretion, and informal exceptions for repeat vendors, the City exposed itself to risks of inconsistent treatment, favoritism, and potential disputes. The absence of a codified policy or ordinance establishing clear eligibility criteria limits accountability and raises the question of whether all vendors are treated fairly and according to uniform standards.

The City would benefit from adopting a formal vendor registration and selection policy with uniform criteria, clear rules on any impermissible products, and defined enforcement responsibilities to provide a more equitable and efficient process. Such improvements would also enhance public confidence, reduce administrative burdens, and ensure fair opportunities for all vendors.

INTERVIEW SUMMARIES

As a part of the investigation, OIG investigators conducted several interviews. The statements made in significant interviews are summarized below.

1. Interview of City Mayor Gomez

Mayor Gomez's responsibilities as mayor included presiding over commission meetings, serving as the ceremonial figurehead at public events, and collaborating with the other four commissioners to set policy. She held outside employment as an attorney with the law firm Saunders, Curtis, Ginestra & Gore, P.A., but her professional practice was limited due to her dedication to City duties.

The Parks and Recreation Department planned and managed City park events. It was responsible for locations, vendor placement, and operational rules.

As a matter of practice, the City does not involve politics in their events. Several years ago, a non-City official attempted to engage in political activities at a City event, which resulted in a legal memorandum. Although she could not recall the exact year or details, she believed the incident occurred before the COVID-19 pandemic and had been discussed at the commission level. The outcome of that incident established an understanding that, while attendees could walk around and distribute items, the City's practice was that "we don't do politics at events," particularly during solemn occasions such as Memorial Day or Veterans Day. City events are intended to bring residents together to enjoy themselves, not to be political.

She attended the September 28, 2024, event but was not involved in vendor selection. She recalled receiving a text message from the Vendor the night before, which included the event flyer and a request for contact information. She responded by providing the names of City staff who could assist



the Vendor. Mayor Gomez knew the Vendor as a City resident who had previously sold "period products" at City events and participated in related community fundraisers.

At the event, the City Manager informed her that a vendor was selling political items and had told others that she had approved it. The Mayor went to the Vendor's tent and asked where his period products were; he pointed to a bucket under the table. When she asked if he was selling political items, the Vendor confirmed that he was. Mayor Gomez asked whether he had obtained approval and told him it was her understanding that political items could not be sold at City events. She recalled telling him that she did not care which candidate was being promoted but that "we don't do politics," adding, "If you want to give it away, give it away . . . and you're telling people I said it's okay. You're using me." The Vendor became agitated and repeatedly asked if she was throwing him out. She clarified that she was only asking him to sell his period products. She emphasized that she could not allow her name to be used as authorization, stating, "My understanding is, I can't have you using my name saying I'm authorizing this because there's no politics at these events." She asked him directly whether he had told staff that she said it was acceptable. She stated that the Vendor then began to slowly pack up his items.

She did not know the vendor approval process in detail. She had only seen the Vendor sell feminine hygiene products at past events.

She made it clear to the Vendor that no one was prohibiting him from wearing his own shirt but that she was asking him not to sell political merchandise. She told him that he could distribute the items for free if he wished but could not use her name as endorsement.

Mayor Gomez recalled subsequently speaking with the Events Coordinator, asking whether the Vendor had disclosed that he intended to sell political merchandise. The Events Coordinator told her that he had not been made aware of the change in vendor merchandise and that the Vendor had said Mayor Gomez told him it was acceptable. Mayor Gomez denied giving such approval, stating, "I would never do that." She told the Events Coordinator, "Do me a favor, the next time people are throwing my name around, you have my number, call me, because I would never put the City in that position."

She approached the Vendor at the request of the City Manager to address the issue and to clarify that she had not given authorization.

She did not know whether the prohibition on political items was communicated to vendors through the application process. In her view, a recurring vendor who changes their product line should proactively seek approval. She had not observed political merchandise being sold at other City events, although elected officials sometimes maintained informational tents.

She reiterated her belief that political items should not be sold at City-sponsored events.

Mayor Gomez had never previously confronted any vendor about a similar situation. She had never been in a position where a vendor claimed she had provided approval. Nor had she been informed that her name was being used in that manner. She did not conduct research into the issue of



prohibiting political items at City events but recalled telling the City Manager that the matter needed to be clarified. She was not certain whether any action resulted from that conversation.

2. Interview of the City Manager

The City Manager was responsible for overseeing City services, including public safety and public works, while working with the City Commission to ensure fiscal and strategic planning, budgeting, and community improvements.

He did not have firsthand knowledge of the vendor selection process or the specific requirements for participating in City-sponsored events. The Parks and Recreation Department was responsible for organizing such events, including selecting vendors, arranging entertainment, and providing space for food trucks and booths. Event funding was allocated through the City's budget process.

The City Manager attended Oldies in the Park to support the event and described it as a "very nice, small event" featuring an "oldies band," where mostly senior residents brought lawn chairs, danced, and enjoyed the evening. About an hour to ninety minutes into the event, he noticed that one vendor's booth displayed campaign-related merchandise, specifically, T-shirts featuring political figures from the 2024 presidential election.

While speaking with Mayor Gomez during the event, the City Manager remarked that the Vendor's sale of political merchandise seemed out of place for what was intended as a "nice family event." He recalled asking, "How do we allow . . . or do we have these kinds of things as part of these events?"

The Mayor responded that she knew the Vendor and had informed him about the event but was unaware that he planned to sell political items. She told the City Manager that she felt some responsibility since she had invited the Vendor, and she offered to speak with him.

The City Manager understood that Mayor Gomez's intention was to ask the Vendor to remove the political items and "not sell that stuff." He suggested to her that political merchandise did not fit the tone of the event, which was why she approached the Vendor. Political materials might be acceptable to some attendees but not to others, given the polarization of the presidential race. No one directly brought the City Manager any attendee complaints during the event.

Following her conversation with the Vendor, the Mayor told the City Manager that the Vendor was upset and planned to pack up his materials. While he was unsure whether Mayor Gomez explicitly asked the Vendor to leave, the City Manager believed she had asked him to stop selling political merchandise and to sell other items instead.

In a subsequent OIG interview, the City Manager recalled that the Vendor's table displayed shirts and sweatshirts supporting Vice President Harris and possibly other Democratic candidates. The City Manager asked the Events Coordinator whether selling such items was permissible. The Events Coordinator replied that the Vendor claimed Mayor Gomez had approved the sales, which led the City Manager to ask the Mayor directly. The Mayor denied giving the Vendor approval and stated she was surprised to see the Vendor selling political merchandise.



The City Manager considered the merchandise inappropriate because it conflicted with the event's purpose and tone. "You do not know people's political persuasion We're trying to do something good for the neighborhood . . . and it just didn't seem like a right fit." He also noted that, while the event was public, the Vendor was participating for compensation, which in his view raised further considerations about what could be displayed or sold.

He was unaware of any City policies prohibiting the sale of political items at public events. He had not seen written rules regarding vendor content. Nor could he identify any procedure that would have prevented the sale of political merchandise. About two months before his first OIG interview, after learning that the Vendor remained upset, he reviewed a prior "guidance memo" related to political activity. Based on his review, he concluded that the City could not legally prohibit such sales, as political speech in public forums is generally protected. However, he still questioned whether a paid vendor's merchandise could be restricted if it was considered inconsistent with the character of the event.

The City Manager thought the event was pleasant and held in a beautiful setting, but he questioned whether political merchandise was appropriate, given the polarization of the subject. He had broader concerns about what type of materials might be acceptable from vendors, such as items involving guns or violent themes.

His main goal was to ensure that no residents or vendors felt upset or unfairly treated. He recommended that the City be more careful in choosing vendors for future events to prevent situations that could cause disagreement, noting, "It's never our intention for sure" to create conflicts at community events.

3. Interview of the City's Second Former Director of Parks and Recreation

Former Director 2 oversaw multiple City divisions, including aquatics, athletics, transportation, social services, recreation, and special events.

City-sponsored events were organized through the annual budgeting process and approved by the City Manager, Finance Department, and City Commission. After approval, the City either reached out to prior vendors or received inquiries from vendors interested in participating.

The City required vendors to submit applications to participate in City-sponsored events. Additional requirements varied, depending on the type of vendor. For example, food or activity vendors may require fire inspections or risk assessments. The City aimed to be flexible with small businesses; applications were reviewed by the events team, which included the Events Coordinator and the Assistant Director of Parks and Recreation. Vendors were selected based on event criteria and venue capacity.

Vendor rules and specifications were included in the application and were uniform across City events. Former Director 2 was not aware of any additional City policies governing vendor participation at City-sponsored events.



He did not participate in planning the Oldies in the Park event. The Events Coordinator and three staff members from the Special Events Division were responsible for selecting and managing vendors. Former Director 2 attended the event and recalled observing three vendors under tents, including one selling T-shirts. He did not receive any complaints about vendors during the event.

Former Director 2 did not instruct the Events Coordinator to investigate the T-shirt vendor in response to a complaint, but he did observe a conversation between Mayor Gomez and the City Manager on stage early in the event. He heard the Mayor state that she planned to speak with the Vendor selling T-shirts but did not hear the reason. He observed the Mayor walking alone toward the Vendor. He did not see a police officer or other official accompany her. He did not hear the ensuing conversation between Mayor Gomez and the Vendor, but it did not appear contentious. The Vendor began packing up approximately 30 to 40 minutes later.

Afterward, Former Director 2 asked the Events Coordinator about the Vendor and was told that the Vendor had not paid for the vendor space. Former Director 2 explained that vendors typically paid a flat fee through the City's payment software system, with a deadline in place. However, vendors sometimes signed up at the last minute. Event staff, including the Events Coordinator, were responsible for ensuring that payment was collected either before or after the event. In this case, the City did not invoice the Vendor because he left early. Former Director 2 could not recall a vendor being asked to leave an event due to nonpayment. The City did not bar the Vendor from participating in future events.

Former Director 2 did not recognize the T-shirts depicted in OIG Figure 1 as the same ones he observed at the event. He recalled seeing white shirts with "Kamala Harris 2024" printed on them, but he could not remember the exact wording. After the event, he reviewed City policies to determine whether any rules prohibited the sale of political merchandise at City-sponsored events. He found none.

Former Director 2 later learned from the Events Coordinator that the Vendor's participation had not been officially approved through the standard process, as he had neither submitted a formal application nor disclosed his intent to sell political T-shirts. The City had no policy prohibiting such sales.

4. Interview of the City's Special Events Coordinator

The Events Coordinator was responsible for planning, organizing, and hosting City events, including contacting and coordinating with vendors. The City selected vendors based on the nature of each event, explaining that vendors aligned with the theme and purpose of the event. As an example, the City would not likely approve a video game vendor for a Black History Month event, as the vendor must go "hand and hand" with the event.

The Events Coordinator described two types of vendors, food vendors and merchandise or "contact" vendors. The City maintained a list of approved food vendors that the Fire Department vetted. Contact vendors, in contrast, contacted the City directly by phone or email to express interest in participating in a specific event.



The number and type of vendors at any event depended on the event's theme and the size of the venue. The City did not use a formal vetting process and instead accepted vendors on a first-come, first-served basis, provided they met the event's needs. No single individual was responsible for approving vendors or signing off on vendor participation. "There is no signature."

The Events Coordinator was uncertain about vendor requirements. The City used a vendor application that varied by event and included general information and a waiver. He was unsure whether the application included any rules or additional requirements beyond the form itself. Vendors did not need permits.

The Events Coordinator was involved in planning the Oldies in the Park event. Three vendors participated: a food vendor, a vendor selling artwork or paintings, and a vendor selling shirts. He did not recognize the name "AC Plant Base Sanitary Napkins."

During the event, in response to a complaint, Former Director 2 instructed the Events Coordinator to inspect the T-shirts for sale to determine whether they were offensive. He did not know who made the complaint but followed Former Director 2's instruction. Upon examining the merchandise, he did not find the shirts offensive. "Offensive" would include material involving profanity or sexual content, a subjective standard. Because he saw nothing objectionable, he did not speak with the Vendor. The Vendor asked to speak with Mayor Gomez, and he relayed the message to the Mayor, referring to the Vendor as "the gentleman selling the T-shirts," before walking away. He did not witness Mayor Gomez or anyone with her approaching the Vendor.

The Events Coordinator identified the shirts shown in OIG Figure 1 as those being sold during the event. Although he had not previously seen political merchandise at City-sponsored events, he was unaware of any City rule prohibiting the sale of political items.

5. Interview of the Vendor

The Vendor was a longtime City resident and vendor at prior City events. After contacting the City's Events Coordinator, he participated in the Oldies in the Park event on September 28, 2024. The day before the event, he texted Mayor Gomez, shared a flyer, and requested contact information for the Events Coordinator.

The Vendor arrived at the event approximately one hour before its scheduled start. City staff directed him to a vendor tent, where he displayed T-shirts supporting Kamala Harris's 2024 presidential campaign. When the Events Coordinator initially saw the merchandise, he raised no objections. Approximately thirty minutes later, the Events Coordinator returned and informed the Vendor that complaints had been made about the shirts.

Roughly thirty minutes later, Mayor Gomez approached him at his booth. She was "really mad," "in my face," and yelling. Mayor Gomez directed him to leave because he was promoting Kamala Harris and instructed him not to cause a disturbance. Mayor Gomez questioned why he was not selling Trump merchandise and further told him that he should be selling feminine care products, which she knew him for. The Vendor had not paid to participate in the event; the Events Coordinator had



advised him it was free for vendors. However, the Vendor recalled that Mayor Gomez told him, "We'll give you your money back, but you just got to leave."

The Mayor's directive was issued publicly, in view of attendees. A female police officer stood at a distance behind the tent during the interaction. The situation made him feel uncomfortable, and he decided to pack up and leave. He estimated that he was present for approximately two hours, including setup time.

The Vendor felt discriminated against and felt that his "First Amendment rights of freedom of speech [and] freedom of choice were taken away and violated." No City employee, including Mayor Gomez or the Events Coordinator, asked him what products he intended to sell or whether he had permission. He did not ever tell anyone that Mayor Gomez had authorized him to sell the shirts.

The shirts depicted in OIG Figure 1 were the ones he displayed, some of which included symbolic imagery, such as "chucks and pearls," associated with Vice President Harris's sorority affiliation.

The Vendor did not submit a vendor registration form for the event, although he was familiar with the form from prior events. The form contained no product restrictions. The Events Coordinator told him the event was free for vendors, and Mayor Gomez mistakenly assumed he had paid when she offered to refund him. After the event, the Vendor emailed Mayor Gomez to express his feelings regarding the incident.

RESPONSE TO THE PRELIMINARY REPORT

In accordance with Section 10.01(D)(2)(a) of the Broward County Charter, preliminary copies of this report were provided to the City of Tamarac and any implicated officials, employees or providers for their discretionary written responses. Mayor Gomez, through her legal counsel, submitted a written response, which is attached and incorporated herein as Appendix A.

Response from Mayor Gomez²¹

In her response, Mayor Gomez takes issue with the Vendor's account of their interaction and contends that she did not knowingly or intentionally interfere with the Vendor's First Amendment rights. Instead, she now claims her actions were undertaken solely to enforce the City's content-neutral policy concerning unapproved vendors.

Mayor Gomez's challenges to the OIG's findings are unavailing. To the extent that Mayor Gomez disputes the Vendor's characterization of her demeanor during their interaction, that challenge has no effect on the OIG's determination that her actions ran afoul of the Vendor's First Amendment rights. Although Mayor Gomez now suggests that the actions she took at the event were intended to address an unapproved vendor without regard to the political merchandise

²¹ In her response, the Mayor names whom she presumably believes filed the "complaint" upon which this investigation was based. The OIG follows the law, which prohibits it from disclosing the name or identity of any individual who in good faith alleges to the Inspector General that an agent of an agency has violated any federal, state, or local law or has committed an act of malfeasance or misfeasance, if that individual has not consented in writing. Florida Statutes Sec. 112.3188(1). By including Mayor Gomez's response, as required by Broward County Charter Section 10.01 D.(2)(b), the OIG does not confirm the identity of the person who filed the "complaint" that Mayor Gomez names in her response.



being sold, this assertion is wholly refuted by the OIG's investigation, including the interviews of both the City Manager and the Mayor herself.

The City Manager told the OIG that, during the event, he remarked to Mayor Gomez that the Vendor's sale of political merchandise seemed out of place for what was intended as a "nice family event." He recalled asking how such activity was permitted and whether political sales were normally allowed at City events. According to the City Manager, the Mayor said she felt some responsibility because she knew the Vendor and offered to speak with him. The City Manager understood that the Mayor intended to ask the Vendor to remove the political merchandise and "not sell that stuff," because it did not fit the tone of the event. Moreover, Mayor Gomez herself told us that she approached the Vendor, questioned his sale of political merchandise, and advised him that such items could not be sold at the event. In fact, the Mayor said she told the Vendor he could sell his usual "period" products but not the T-shirts supporting a political candidate.

During their interviews with the OIG, neither the City Manager nor the Mayor raised the concern that the Vendor had not registered, was not licensed, or otherwise lacked the City's pre-approval to sell merchandise at the event.

The Mayor further suggests that her conduct did not amount to misconduct because she did not act with malice or in bad faith. This misapprehends the Broward County Charter's definition of misconduct, which is simply "any violation of the state or federal constitution, any state or federal statute or code, any county or municipal ordinance or code, or conduct involving fraud, corruption, or abuse." Broward County Charter Sec. 10.01 A(2). The Mayor's response offered no law in defense of her position that the OIG is required to establish that she intended to violate the Vendor's rights or that the finding of "misconduct" otherwise requires specific intent.

As the Mayor's concern with the Vendor centered on the content of the Vendor's merchandise, her actions did infringe on the Vendor's constitutional rights.

CONCLUSION

The OIG has concluded its investigation into whether Mayor Gomez expelled a vendor from a City-sponsored event at a City park for offering for sale T-shirts of a political nature. The OIG's investigation found that, while the Mayor did not expel the Vendor, she did restrain him from selling the merchandise.

The government action in prohibiting a vendor's sale of political T-shirts, which prohibition was based solely on the T-shirts' content, amounted to content-based regulation of protected speech at a traditional public forum or limited public forum. Neither the Mayor nor any City representative has cited any valid, content-neutral policy or compelling government interest to justify the action, making the restraint presumptively unconstitutional under both federal and Florida law.

While we did not find that Mayor Gomez knew her actions to be wrongful and that she may have acted out of a desire for the City and herself to be perceived as politically neutral, the law in this area does not recognize the government actor's motive or lack of malice.



Recognizing that it had an issue at the Oldies in the Park event, soon after the event, the City attempted to draft and pass a policy that would allow the City to limit political activity at the events it sponsors, but, relying on the same constitutional principles articulated here, City officials ultimately determined that such a policy was not possible without risking First Amendment violations.

The OIG also found that the City lacked a uniform process for vendor selection at City-sponsored events and instead relied on informal practices and made subjective selection decisions on a case-by-case basis. The City would benefit from:

- developing and issuing a formal, written vendor selection policy with specific, content-neutral inclusion and exclusion criteria for products and services offered;
- revising the existing vendor application or registration form;
- training staff on the new policy and form; and
- implementing the selection process in accordance with the new policy.

In accordance with Broward County Charter Sec. 10.01 D.(3), the OIG requests the City to provide the OIG with a report in 90 days or on or by Monday, February 2, 2026, regarding its progress toward implementing these recommendations.

OIG 24-034-M

EXHIBIT 1

CITY OF TAMARAC

MEMORANDUM NO. 2018-083

TO: Pat Teufel, City Clerk

CC: Michael Cernech, City Manager
Kathleen Gunn, Assistant City Manager
Neal Glassman, Police Chief
Elise Boston, Public Information Officer

FROM: Samuel S. Goren, City Attorney *SSG*
Jacob G. Horowitz, Assistant City Attorney *JGH*

DATE: August 23, 2018

RE: City of Tamarac ("City") / Political Activity in Public Places

The City Attorney's Office has received a number of inquiries related to campaign activity on public property and at City events. The intent of this memorandum is to provide legal guidance to the City regarding such activity. Note that this analysis applies to all candidates for office, including incumbent members of the City Commission.

The right to engage in political activity in public places has long been settled by the Supreme Court of the United States.

Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens. The privilege of a citizen of the United States to use the streets and parks for communication of views on national questions may be regulated in the interest of all; it is not absolute, but relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order: but it must not, in the guise of regulation, be abridged or denied.

Hague v. Committee for Indus. Organization, 307 U.S. 496, 515-516 (1939).

The right to engage in political activity is a "fundamental right" protected by both the U.S. Constitution and the Florida Constitution. Any laws or policies which seek to limit political activity are subject to the "strict scrutiny" analysis. In order to withstand a "strict scrutiny" examination, the law or policy restricting a fundamental right must:

- 1) Be justified by a compelling governmental interest;
- 2) Be narrowly tailored to achieve that interest; and
- 3) Be the least restrictive means for achieving that interest.

Memorandum No. 2018-083
August 23, 2018
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Citizens United v. Federal Election Commission, 558 U.S. 310, 340 (2010) citing *Federal Election Commission v. Wisconsin Right to Life, Inc.*, 551 U.S. 449 (2007).

It is our understanding that the City does not currently have any policies seeking to restrict political activity, including campaigning, on public property.

As referenced in the *Hague* decision, cited above, the right to engage in political activity on public property “is not absolute, but relative, and must be exercised in subordination to the general comfort and convenience, and in consonance with peace and good order.” *Hague* at 516. For instance, while political activity may be legally permissible outside of City Hall, the right of individuals to engage in such political activity is balanced with the right of City Hall customers to not be accosted or harassed while going about their business. In our opinion, individuals who choose to engage in political activity outside of City Hall must do so in a respectful manner and with consideration for the people who may not be interested in the person or opinion the individual may be otherwise promoting.

A similar analysis applies to political activity in public parks and at City events. Absent a policy to the contrary which passes the “strict scrutiny” test, political activity at City events is legally permissible. Recall several years ago this issue arose in the context of the citizen initiative effort that sought to recall former Commissioner Patte Atkins-Grad. At that time our office examined this issue, and opined that the recall effort was legally permitted to collect petition signatures at City events.

While the City may, generally, not limit political activity at public events, it is our legal opinion that the City may adopt a policy, subject to strict scrutiny, which prohibits the rental of City facilities or the purchase of booths at City events for political purposes. Should the City seek to consider such a policy, the policy must apply to all political activity. Once the City opts to allow certain types of political activities, it must allow all types. In other words, if the City allows candidates to rent City facilities, it must also allow the American Nazi Party to do so.

Notwithstanding the foregoing, Section 106.15, F.S., expressly prohibits a person from soliciting or accepting any political contribution in a building owned by a governmental entity.

The City Attorney’s Office has also received a number of inquiries related to certain campaign activity associated with the upcoming November election. Please note that the City Attorney’s Office cannot and does not provide legal advice to candidates for office, including incumbent commissioners, on election-related matters. To the extent necessary, our office has, and will continue to, refer inquiries from candidates to the Florida Elections Commission or the Florida Commission on Ethics, as appropriate.

Please contact our office if there is any additional information that we can provide.

OIG 24-034-M

EXHIBIT 2

From: [Jacob G. Horowitz](#)
To: [Marlon Bolton](#)
Cc: [Attorney - Sam Goren](#)
Subject: RE: Campaigning on City Property Including Parks
Date: Thursday, August 16, 2018 4:45:18 PM

Hope you enjoyed your Constitutional Law lesson today.
Have a great evening.

Jacob G. Horowitz
GOREN, CHEROF, DOODY & EZROL, P.A.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500 x 305 * Fax (954) 771-4923
Email: jhorowitz@cityatty.com
www.cityatty.com

Offices in Fort Lauderdale and Delray Beach, Florida.

From: Marlon Bolton [<mailto:Marlon.Bolton@tamarac.org>]
Sent: Thursday, August 16, 2018 4:44 PM
To: Jacob G. Horowitz
Cc: Sam Goren
Subject: Re: Campaigning on City Property Including Parks

Thank you for being accommodating:-)

Yours In Service,
Commissioner Marlon Bolton
Your District 1 Representative
Mobile: 954-275-3850
<http://www.tamarac.org/marlonbolton>
Find me on Facebook at <http://www.facebook.com/CommissionerMarlonBolton>

Need to schedule a meeting with your representative? Email my
assistant: Mildred.Velasquez@tamarac.org

Need to attend a commission meeting?

The City Commission holds a workshop meeting on the Monday prior to each regular commission meeting at 9:30 am in City Hall, Conference Room 105, where agenda items are discussed at length. Regular commission meetings are held on the second and fourth Wednesday of the month at 9:00 am or 7:00 pm, respectively, in the City Hall Commission Chambers. Special topic workshops are scheduled as needed.

Sent from my iPhone

On Aug 16, 2018, at 4:38 PM, Jacob G. Horowitz <JHorowitz@cityatty.com> wrote:

Marlon,

We would be happy to convert our emails to a more formal opinion, subject to a few comments.

As you know, as city attorney, we cannot provide legal advice to individual commission members or to candidates on election-related matters. That said, your inquiry relates to political activities, in general, at City Hall and at City events, as well as rental of city facilities. We would be happy to do some additional research here and direct a legal memorandum to the City Clerk, as the local supervisor of elections.

Hope all is well at your end.

Jacob G. Horowitz
GOREN, CHEROF, DOODY & EZROL, P.A.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500 x 305 * Fax (954) 771-4923
Email: jhorowitz@cityatty.com
www.cityatty.com

Offices in Fort Lauderdale and Delray Beach, Florida.

From: Marlon Bolton [<mailto:Marlon.Bolton@tamarac.org>]
Sent: Thursday, August 16, 2018 3:22 PM
To: Jacob G. Horowitz
Cc: Sam Goren
Subject: Re: Campaigning on City Property Including Parks

Thank you Jacob,

Please accept my email as a request for an opinion and please transmit your answer as outlined in this email thread on your letter head as an official opinion to me.

Thank you,

Yours In Service,
Commissioner Marlon Bolton
Your District 1 Representative
Mobile: 954-275-3850
<http://www.tamarac.org/marlonbolton>
Find me on Facebook at <http://www.facebook.com/CommissionerMarlonBolton>

Need to schedule a meeting with your representative? Email my assistant:

Mildred.Velasquez@tamarac.org

Need to attend a commission meeting?

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Sent from my iPhone

On Aug 16, 2018, at 2:45 PM, Jacob G. Horowitz <JHorowitz@cityatty.com> wrote:

Commissioner,

Customers at City Hall have a right not to be accosted or harassed while going about their business at City Hall. That right is balanced with the right of a candidate to engage in a protected activity in a public place. If a candidate would like to stand outside City Hall and respectfully offer literature to individuals as they leave City Hall, they are legally able to do so. The City may adopt a policy to prohibit such activity; however, such a policy would be subject to the "strict scrutiny" test previously described. There is currently no such policy in place.

You may recall several years ago there was a citizens group pursuing a recall effort against a former Tamarac commission member. As part of the recall process, the group sought to collect petition signatures at City events, such as the July 4th celebration, I believe. In that instance, we opined that the group was legally permitted to engage in political activity in a public place during a public, City event. The same analysis would apply to your inquiry.

While the City cannot limit political activity at public events, the City may adopt a policy that prohibits the rental of City facilities or the purchase of booths at City events for political purposes. Such a policy must apply to all political activity. Once the city allows certain types of political activities, it must allow all types. In other words, if the City allows candidates to rent city facilities, it must also allow the America Nazi Party to rent its facilities. There is currently no policy in place addressing this issue. It is a fairly nuanced issue and we would be happy to research further if directed by

the City Commission.

Hopefully that helps clarify.

Jacob G. Horowitz

GOREN, CHEROF, DOODY & EZROL, P.A.

3099 East Commercial Boulevard, Suite 200

Fort Lauderdale, Florida 33308

Telephone (954) 771-4500 x 305 * Fax (954) 771-4923

Email: jhorowitz@cityatty.com

www.cityatty.com

Offices in Fort Lauderdale and Delray Beach, Florida.

From: Marlon Bolton [<mailto:Marlon.Bolton@tamarac.org>]

Sent: Thursday, August 16, 2018 2:07 PM

To: Jacob G. Horowitz

Cc: Michael Cernech; Sam Goren

Subject: Re: Campaigning on City Property Including Parks

Jacob:

Thank you for your always detailed message. So then, you are saying that candidates may go to City Hall and speak to customers as they leave? Attend City events in a park or the community center and speak to residents and hand out flyers/literature promoting their campaigning? Rent city parks to hold events and hand out flyers/literature promoting their campaigning? (Just as a few examples?)

Yours In Service,

Commissioner Marlon Bolton

Your District 1 Representative

Mobile: 954-275-3850

<http://www.tamarac.org/marlonbolton>

Find me on Facebook at

<http://www.facebook.com/CommissionerMarlonBolton>

Need to schedule a meeting with your representative? Email my assistant: Mildred.Velasquez@tamarac.org

Need to attend a commission meeting?

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scheduled as needed.

Sent from my iPhone

On Aug 16, 2018, at 1:55 PM, Jacob G. Horowitz
<JHorowitz@cityatty.com> wrote:

Commissioner,

Good afternoon. Political activity, including campaigning, is legally permissible on City property and at public events. Such activity is considered a "fundamental right" protected by the Bill of Rights and the Fourteenth Amendment to the U.S. Constitution.

Any attempt by government to limit such activity is subject to "strict scrutiny." In order to pass the "strict scrutiny" test, the law or policy restricting a fundamental right must (1) be justified by a compelling governmental interest; (2) must be narrowly tailored to achieve that interest; and (3) must be the least restrictive means for achieving that interest.

The same analysis applies whenever the City seeks to restrict a protected activity in a public forum, which may include City events and City parks. This can be distinguished from a "limited public forum," where the City may have some additional limited authority.

Note that Section 106.15, F.S., still applies. This provision of the Florida Election Code expressly prohibits a person from soliciting or accepting any political contribution in a building owned by a governmental entity.

Hopefully this helps clarify.

Jacob G. Horowitz
GOREN, CHEROF, DOODY & EZROL, P.A.
3099 East Commercial Boulevard, Suite 200
Fort Lauderdale, Florida 33308
Telephone (954) 771-4500 x 305 * Fax (954) 771-4923
Email: jhorowitz@cityatty.com

www.cityatty.com

Offices in Fort Lauderdale and Delray Beach, Florida.

From: Marlon Bolton [<mailto:Marlon.Bolton@tamarac.org>]
Sent: Thursday, August 16, 2018 1:36 PM
To: Michael Cernech
Cc: Sam Goren; Michael Cernech; Jacob G. Horowitz
Subject: Campaigning on City Property Including Parks

Mr. Cernech/Mr. Goren:

Please clarify that no campaigning may occur on City Property including our Parks, by any candidate, individual or PAC.

Yours In Service,
Commissioner Marlon Bolton
Your District 1 Representative
Mobile: 954-275-3850
<http://www.tamarac.org/marlonbolton>
Find me on Facebook at
<http://www.facebook.com/CommissionerMarlonBolton>

Need to schedule a meeting with your representative?
Email my assistant: Mildred.Velasquez@tamarac.org

Need to attend a commission meeting?
The City Commission holds a workshop meeting on the Monday prior to each regular commission meeting at 9:30 am in City Hall, Conference Room 105, where agenda items are discussed at length. Regular commission meetings are held on the second and fourth Wednesday of the month at 9:00 am or 7:00 pm, respectively, in the City Hall Commission Chambers. Special topic workshops are scheduled as needed.

Sent from my iPhone

The City of Tamarac is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. Email messages are covered under Chapter 119 and are thus subject to public records disclosure. All email messages sent and received are captured by our server and retained as public records.

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OIG 24-034-M

EXHIBIT 3

From: [Levent Sucuoglu](#)
To: [Michelle J. Gomez](#)
Subject: FW: [EXTERNAL] RE: Campaigning on Public Property
Date: Wednesday, October 2, 2024 4:01:00 PM
Attachments: [image001.png](#)
[image002.jpg](#)
[Political Activities in City Facilities.pdf](#)

Let's discuss when you have a moment please.

Levent Sucuoglu City Manager, [City of Tamarac](#)

7525 NW 88th Avenue, Tamarac, Florida 33321 Tel: 954 597 3510 Fax: 954 597 3520

From: Herin, John R. <JHerin@foxrothschild.com>
Sent: Monday, January 31, 2022 11:33 AM
To: Greg Warner <Greg.Warner@tamarac.org>
Cc: Kathleen Gunn <Kathleen.Gunn@tamarac.org>; Levent Sucuoglu <Levent.Sucuoglu@tamarac.org>; Laura Karpaviciute <Laura.Karpaviciute@tamarac.org>
Subject: [EXTERNAL] RE: Campaigning on Public Property

This message has originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Greg – the legal opinion you forwarded is still on-point and applicable to the City. As to the remaining issues you inquire about below, I draw your attention to the 3rd paragraph on page 2 of the memo that starts “as referenced in the *Hague* decision . . .” - that stands for the proposition that a government can regulate political activities that take place within its facilities as long as the rules are applied evenly and to all. Part of the rationale for this conclusion is that the primary purpose of City facilities is to do the business of the City and not engage in political activities. So, for example, the City may not prohibit a group from setting up a table in the entrance to City Hall (the breezeway in front of the door to the Commission chambers) – but may prohibit the group from setting up a table inside the Commission chambers during a Commission meeting. The opinion written by Mr. Goren’s office touches on this subject on page 2, paragraph 5. Whether or not City staff wishes to formally adopt a written policy to that effect is outside my purview, but so long as such a policy meets the 3 pronged test set forth at the bottom of page 1 of the memo, such a policy would be legally valid and enforceable. We are available to assist in drafting, reviewing, and modifying (to the extent needed) any such policy as may be needed.

John R. Herin, Jr.

Florida Bar Board Certified In City,
County, and Local Government Law
Partner

Fox Rothschild LLP

One Biscayne Tower
2 South Biscayne Blvd., Suite 2750
Miami, FL 33131
(305) 442-6544 - direct

(305) 409-0107 - cell

(305) 442-6541 - fax

JHerin@foxrothschild.com

www.foxrothschild.com

This message, including attachments is confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive communications for the intended recipient, you may not copy, disclose or use any content in this email. If you have received this email in error, immediately notify the sender at Fox Rothschild, LLP by replying to this email and delete the original and any reply emails.

From: Greg Warner <Greg.Warner@tamarac.org>

Sent: January 20, 2022 2:26 PM

To: Herin, John R. <JHerin@foxrothschild.com>

Cc: Kathleen Gunn <Kathleen.Gunn@tamarac.org>; Levent Sucuoglu <Levent.Sucuoglu@tamarac.org>; Laura Karpaviciute <Laura.Karpaviciute@tamarac.org>

Subject: [EXT] Campaigning on Public Property

Good afternoon John. In preparation for the upcoming 2022 November elections, I have included a memo that Sam Goren's office prepared in the past which provides the opinion that campaigning at events and in outdoor public spaces must be allowed. As our current attorney, can you please review and provide your opinion on this issue? In addition, the attached memo does not address indoor facilities. We have never allowed campaigning within any of our indoor facilities and I would like to continue that. Would this mean a policy would need to be developed or would caselaw preclude us from putting something in place? Please let me know if you have any questions. Thanks!

Gregory Warner CPRE

Director of Parks and Recreation

(954) 597-3638 www.tamarac.org

6001 Nob Hill Rd., Tamarac, FL 33321

The City of Tamarac is a public entity subject to Chapter 119 of the Florida Statutes concerning public records. Email messages are covered under Chapter 119 and are thus subject to public records disclosure. All email messages sent and received are captured by our server and retained as public records.

This email contains information that may be confidential and/or privileged. If you are not the intended recipient, or the employee or agent authorized to receive for the intended recipient, you may not copy, disclose or use any contents in this email. If you have

received this email in error, please immediately notify the sender at Fox Rothschild LLP by replying to this email and delete the original and reply emails. Thank you.

OIG 24-034-M

EXHIBIT 4

From: Justin Barnaby <Justin.Barnaby@tamarac.org>
Sent: Monday, September 30, 2024 9:54 AM
To: Melissa Petron <Melissa.Petron@tamarac.org>
Subject: Updates wavier to add to the vendor form for events

Hey Melissa, what are you thought on this? Rudy wanted me to draft up something to add to our vendor form along with adding a description line (which we already have) asking what type of shirts, art work, toys etc... I guess we must ask for a more detailed description. Let me know what you think

By signing this form the vendor agrees not to sell, distribute, or promote any political items, materials, or merchandise on the premises or in connection with the services provided under this Agreement. Political items include, but are not limited to, campaign merchandise, political party paraphernalia, and any materials that support or oppose political candidates or causes. Violation of this provision may result in immediate termination of this Agreement and removal from the premises.

or

All vendors participating in the City of Tamarac events are strictly prohibited from selling, distributing, or promoting any political items or materials. This includes, but is not limited to, campaign merchandise, political party paraphernalia, and any items that support or oppose political candidates or causes. Violation of this policy may result in the removal of the vendor from the event and potential future participation restrictions.

Thanks,



Justin Barnaby

Special Events Coordinator | Parks and Recreation Department
6001 Nob Hill Road, Tamarac, FL 33321
(954) 597-3632 | www.tamarac.org

OIG 24-034-M

EXHIBIT 5

From: [Melissa Petron](#)
To: [Justin Barnaby](#)
Subject: RE: Vendor application language
Date: Monday, September 30, 2024 3:02:00 PM
Attachments: [image001.png](#)
[image004.png](#)
[image006.jpg](#)
[image008.jpg](#)
[image009.jpg](#)
[image003.jpg](#)

I'll have Rudy handle with Levent.

Melissa Petron, CPRP, CPSI
Assistant Director | Parks & Recreation Department
(954) 597-3624 | www.tamarac.org
6001 Nob Hill Road, Tamarac, FL 33321

From: Justin Barnaby <Justin.Barnaby@tamarac.org>
Sent: Monday, September 30, 2024 2:56 PM
To: Melissa Petron <Melissa.Petron@tamarac.org>
Subject: Re: Vendor application language

Interesting. So what do we do from here? Leave it as such and continue as normal?



From: Melissa Petron <Melissa.Petron@tamarac.org>
Sent: Monday, September 30, 2024 2:53 PM
To: Justin Barnaby <Justin.Barnaby@tamarac.org>
Subject: FW: Vendor application language

FYI

Melissa Petron, CPRP, CPSI

Assistant Director | Parks & Recreation Department
(954) 597-3624 | www.tamarac.org
6001 Nob Hill Road, Tamarac, FL 33321

From: Hans Ottinot <Hans.Ottinot@tamarac.org>
Sent: Monday, September 30, 2024 11:54 AM
To: Melissa Petron <Melissa.Petron@tamarac.org>
Cc: Rudolph Galindo <Rudolph.Galindo@tamarac.org>; City Attorney <City.Attorney@tamarac.org>
Subject: RE: Vendor application language

Melissa:

Good morning. Very interesting question. The issue is whether the City can deny a vendor license at its facilities if the vendor is seeking to sell political campaign materials. Selling of campaign shirts and materials generally is construed as selling any other merchandise. It is not porn or vulgar even some people may think otherwise.

Hans

Hans Ottinot
City Attorney | City Hall
(954) 597-3527 | www.tamarac.org
7525 NW 88th Ave, Tamarac, FL 33321

From: Melissa Petron <Melissa.Petron@tamarac.org>
Sent: Monday, September 30, 2024 11:38 AM
To: Hans Ottinot <Hans.Ottinot@tamarac.org>
Cc: Rudolph Galindo <Rudolph.Galindo@tamarac.org>
Subject: Vendor application language

Hello Hans,

How are you? At our Concert in the Park event on Saturday we had a vendor that was selling political merchandise. Levent was there and said they were not allowed to do so. Therefore moving forward, we want to add to our vendor application some language for them to sign. Can you take a look at the below language and let me know if this is appropriate or provide language we can use.

Thank you.

Vendors are strictly prohibited from selling, distributing, or promoting any vulgar or

offensive materials, as well as any political items, at any City of Tamarac event. "Vulgar materials" include items with obscene language, graphic imagery, or content deemed inappropriate by event organizers. "Political items" include campaign merchandise, political party paraphernalia, and materials that support or oppose political candidates or causes. Violation of this policy may result in immediate removal from the event and potential restrictions on future participation.

Or

By signing this form the vendor agrees not to sell or distribute merchandise with profanity or vulgar graphics or promote any political items, materials, or merchandise on the premises in connection with the City of Tamarac under this Agreement. Political items include, but are not limited to, campaign merchandise, political party paraphernalia, and any materials that support or oppose political candidates or causes. Violation of this provision may result in immediate termination of this Agreement and removal from the premises.

Melissa Petron, CPRP, CPSI
Assistant Director | Parks & Recreation Department
(954) 597-3624 | www.tamarac.org
6001 Nob Hill Road, Tamarac, FL 33321

OIG 24-034-M

EXHIBIT 6

From: [Melissa Petron](#)
To: [Hans Ottinot](#)
Cc: [Rudolph Galindo](#); [City Attorney](#); [Levent Sucuoglu](#); [Maxine Calloway](#)
Subject: RE: Vendor application language
Date: Wednesday, October 16, 2024 11:53:38 AM
Attachments: [image001.png](#)
[image003.jpg](#)
[image005.jpg](#)
[image007.jpg](#)

Thank you.

Melissa Petron, CPRP, CPSI
Assistant Director | Parks & Recreation Department
(954) 597-3624 | www.tamarac.org
6001 Nob Hill Road, Tamarac, FL 33321

From: Hans Ottinot <Hans.Ottinot@tamarac.org>
Sent: Wednesday, October 16, 2024 10:52 AM
To: Melissa Petron <Melissa.Petron@tamarac.org>
Cc: Rudolph Galindo <Rudolph.Galindo@tamarac.org>; City Attorney <City.Attorney@tamarac.org>;
Levent Sucuoglu <Levent.Sucuoglu@tamarac.org>; Maxine Calloway
<Maxine.Calloway@tamarac.org>
Subject: RE: Vendor application language

Melissa:

Our vendor rules must be content neutral with the exception relating to vulgar items. Thus, we cannot prohibit the sale of political items by vendors if they are in compliance with the City's vendor rule.

I trust this email is responsive.

Regards,

Hans

Hans Ottinot
City Attorney | City Hall
(954) 597-3527 | www.tamarac.org
7525 NW 88th Ave, Tamarac, FL 33321

From: Melissa Petron <Melissa.Petron@tamarac.org>

Sent: Monday, September 30, 2024 11:38 AM
To: Hans Ottinot <Hans.Ottinot@tamarac.org>
Cc: Rudolph Galindo <Rudolph.Galindo@tamarac.org>
Subject: Vendor application language

Hello Hans,

How are you? At our Concert in the Park event on Saturday we had a vendor that was selling political merchandise. Levent was there and said they were not allowed to do so. Therefore moving forward, we want to add to our vendor application some language for them to sign. Can you take a look at the below language and let me know if this is appropriate or provide language we can use.

Thank you.

Vendors are strictly prohibited from selling, distributing, or promoting any vulgar or offensive materials, as well as any political items, at any City of Tamarac event. "Vulgar materials" include items with obscene language, graphic imagery, or content deemed inappropriate by event organizers. "Political items" include campaign merchandise, political party paraphernalia, and materials that support or oppose political candidates or causes. Violation of this policy may result in immediate removal from the event and potential restrictions on future participation.

Or

By signing this form the vendor agrees not to sell or distribute merchandise with profanity or vulgar graphics or promote any political items, materials, or merchandise on the premises in connection with the City of Tamarac under this Agreement. Political items include, but are not limited to, campaign merchandise, political party paraphernalia, and any materials that support or oppose political candidates or causes. Violation of this provision may result in immediate termination of this Agreement and removal from the premises.

Melissa Petron, CPRP, CPSI
Assistant Director | Parks & Recreation Department
(954) 597-3624 | www.tamarac.org
6001 Nob Hill Road, Tamarac, FL 33321

OIG 24-034-M

EXHIBIT 7



PROPERTY SUMMARY

Tax Year: 2025	Property Use: 82-04 Forest, parks, recreational areas - Municipal	Deputy Appraiser: Akida Daley
Property ID: 494113280530		Appraisers Number: 954-357-6835
Property Owner(s): CITY OF TAMARAC	Millage Code: 3112	Email: commercialtrim@bcpa.net
Mailing Address: 7525 NW 88 AVE TAMARAC, FL 33321-2401	Adj. Bldg. S.F: 672	Zoning : RC - RECREATION
Physical Address: 4500 MONTEREY DRIVE TAMARAC, 33319	Bldg Under Air S.F:	Abbr. Legal Des.: MONTEREY BY PRESTIGE 178-119 B TRACT D (PARK)
	Effective Year: 2014	
	Year Built: 2013	
	Units/Beds/Baths: 0 / /	

PROPERTY ASSESSMENT

Year	Land	Building / Improvement	Agricultural Saving	Just / Market Value	Assessed / SOH Value	Tax
2025	\$1,144,100	\$159,220	0	\$1,303,320	\$1,303,320	
2024	\$1,144,100	\$159,220	0	\$1,303,320	\$1,303,320	
2023	\$1,144,100	\$159,220	0	\$1,303,320	\$1,303,320	

EXEMPTIONS AND TAXING AUTHORITY INFORMATION

	County	School Board	Municipal	Independent
Just Value	\$1,303,320	\$1,303,320	\$1,303,320	\$1,303,320
Portability	0	0	0	0
Assessed / SOH	\$1,303,320	\$1,303,320	\$1,303,320	\$1,303,320
Granny Flat				
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exemption Type	\$1,303,320	\$1,303,320	\$1,303,320	\$1,303,320
Affordable Housing	0	0	0	0
Taxable	0	0	0	0

SALES HISTORY FOR THIS PARCEL

Date	Type	Price	Book/Page or Cin
12/27/2005	Multi Warranty Deed	\$4,125,000	41267 / 1445

LAND CALCULATIONS

Unit Price	Units	Type
\$2.00	572,051 SqFt	Square Foot

RECENT SALES IN THIS SUBDIVISION

Property ID	Date	Type	Qualified/ Disqualified	Price	CIN	Property Address
-------------	------	------	-------------------------	-------	-----	------------------

SPECIAL ASSESSMENTS									SCHOOL
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc	Park Lakes Elementary School: B
Tamarac Fire (31)									Lauderdale Lakes Middle School: C
Governmental (X)									Boyd H. Anderson High School: B
1									

ELECTED OFFICIALS

Property Appraiser	County Comm. District	County Comm. Name	US House Rep. District	US House Rep. Name
Marty Kiar	8	Robert McKinzie	20	Sheila Cherfilus-McCormick
Florida House Rep. District	Florida House Rep. Name	Florida Senator District	Florida Senator Name	School Board Member
97	Lisa Dunkley	32	Rosalind Osgood	Dr. Jeff Holness

OIG 24-034-M

EXHIBIT 8



CONTACT US



PERMITS



PAY WATER BILL



PUBLIC RECORDS



TAMARAC TV

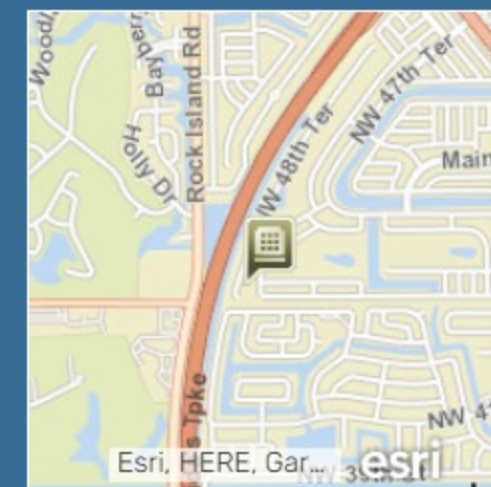
[Home](#) > Facilities

Facilities

[Feature Overview](#)[View search results](#) [View all facilities](#)

Mainlands Park

Mainlands Park

[Get Directions](#)

Mainlands Park

4500 Monterey Drive
Tamarac, FL 33319

Rating



5 average based on 1 vote

Description

Mainlands Park, located at 4500 Monterey Drive, is open for your enjoyment. Amenities include a multi-use trail, a nature kiosk, fitness stations (including an energy fitness station), fishing pier/observation platform, covered picnic tables, drinking fountains, restroom facility, and parking.

OIG 24-034-M

EXHIBIT 9



A person is shown from the chest up, wearing a bright pink t-shirt. They are holding the edges of the shirt with both hands, which have orange nail polish. A gold chain necklace is visible at the top. The background is dark. A watermark for '@doctorpads' is visible on the right side of the shirt.

**SHE HAS
ALWAYS HAD
MY BACK AND NOW
I HAVE HERS**

📱 @doctorpads

#KAMALAHARRIS 2024



A blue t-shirt is shown, featuring the same text as the pink shirt in white capital letters. The text is arranged in four lines. The shirt has a drawstring closure at the top.

***SHE HAS
ALWAYS HAD
MY BACK AND NOW
I HAVE HERS***

#KAMALAHARRIS 2024

OIG 24-034-M

EXHIBIT 10



[Home](#) / [Calendar](#)

Calendar

0

List

Week

Month

 Find a Facility

 Notify Me

 Print

 Subscribe to iCalendar



Search Calendars by:

Start Date

End Date

Enter Search Terms

Start Date

End Date

Word or Phrase

☐ Show Past Events

Select a Calendar



[Return to Previous](#)

Event Details

 View Map

Oldies Concert in the Park

Saturday, September 28, 2024

Join us for a night with the Fabulons, playing Motown, doowop, classic rock, disco, R&B, The Beach Boys, The Beatles and more. Enjoy food from various vendors on-site. When: Saturday, September 28th, 4 - 6 pm Where: Mainlands Park, 4500 Monterey Drive. Limited on-site parking! Please use the continuous free shuttle transportation from Mainlands Clubhouse 1 & 2, 4301 Mainland Drive, to Mainlands Park, 4500 Monterey Drive, beginning at 3:30 p.m.

Date: September 28, 2024

Time: 4:00 PM - 6:00 PM

Location: Mainlands Park

View Facility

Address: 4500 Monterey Drive
Tamarac, FL 33319

Contact: 954-597-3620

Link: <https://www.tamarac.org/231/Events>




CONTACT US


FAQS


PERMITS


PAY WATER BILL


TAMARAC TV



OIG 24-034-M

EXHIBIT 11

[EXTERNAL] Good Afternoon

Alex Council

Michelle J. Gomez

Tue, Oct 1, 2024, 1:07 PM

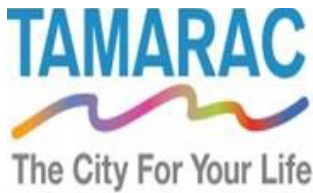
This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Hello Mayor Gomez I just wanted to say something in reference to the event on Sept . 28th at Mainlands Park that I was invited to to be a vendor. I came there and set up my booth at 3pm and started selling at 4pm. I was told by Justin at about 4:45pm that some people I figure to be supporters of Trump were complaining about me selling my t-shirts because they said Karmala Harris on them . You then came over to my booth at about 5:10pm and told me that if I want to keep selling my shirts I would have to leave . I was very upset the way you approached me by speaking loud and rudely to me . I feel like my 1st amendment rights of freedom of speech and freedom of choice were taken away and violated. It's a sad day when when have our freedom of speech and choice taken away . I was never told what to sell or what not to sell . You assumed I was selling her shirts because I was voting for her which is not your concern who I vote for . My main reason for selling her shirts is because it goes hand in hand with the other women products I sell and you seen I had them there also . I just never thought you would tell me to leave a event in the city I live in and pay taxes all because of my freedom of speech and choice . I would have rather you would have warn me for the next time because there was no info or nor was I told what to sell and what not to sell and even though I didn't know you still made me take my booth down and leave the premises

Sent from my iPhone

OIG 24-034-M

EXHIBIT 12



Winter Wonderland VENDOR REGISTRATION

EVENT INFORMATION:

What: Winter Wonderland

Where: : Tamarac Park , 7501 N University Dr

When: Friday, Decemeber 13, 2024, 6:00 pm - 8:00 pm

Business Name: _____

Contact Name: _____ Cell Phone: _____

Address: _____ Work Phone: _____

City: _____ State: _____ Zip: _____

E-mail: _____ Website: _____

Description of Products/Services: _____

WAIVER OF RESPONSIBILITY: I agree to indemnify and hold harmless the City of Tamarac, its officers, employees, agents and assigns, from any and all damages, injuries sustained or liability arising from participating as a vendor at the City of Tamarac Winter Wonderland.

Print Name: _____ Signature: _____ Date: _____

INFORMATION: Vendors are encouraged to stay till the end of the event. Vendors must arrive Food Vendors must provide their own equipment for set up. This is an outdoor event so there is no electricity available. Vendors may arrive at location up to 3 hours prior to event to set up and no later than 1.5 hour before event. For information or cancellations please call Justin Barnaby, Special Events Coordinator at 954597-3632.

Vendor Fee: \$100.00, checks made out to City of Tamarac (No refunds)

Please mail, e-mail or fax vendor application to:
Tamarac Parks and Recreation Department
Att: Justin Barnaby 6001 Nob Hill Road, Tamarac, FL 33321
Fax: 954-597-3650, E-mail: Justin.Barnaby@tamarac.org

If you will be charging your application fee, please complete the information below:

Name on card: _____ Card type: _____ Zip Code: _____

Credit Card Number: _____ Code: _____ Expiration date: _____

OIG 24-034-M

EXHIBIT 13



Alex



WWW.TAMARAC.ORG

For more information, call the City of Tamarac's Parks & Recreation Department at (954) 597-3628 or visit www.tamarac.org/specialvents.

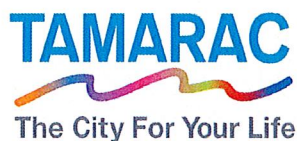
Good day i hope all is well , Do you know who I would contact to be a vendor

Hi! That would be Rudolph or Melissa. Sorry. Not sure they are in

Read 9/27/24

OIG 24-034-M

EXHIBIT 14



Special Event VENDOR REGISTRATION

EVENT INFORMATION:

What: Olides Concert at Mainlands

Where: Mainlands Park, 4500 Monterey Drive

When: September 28, 2024 1:00 - 3:00pm

Business Name: Backayaadcookingandmore

Contact Name: Novelette Beharrie

Cell Phone: 954-295-3622

Address: 4404 Nw 75th Terrace

Work Phone: 754-715-3695

City: Coral Springs

State: FL

Zip: 33065

E-mail: novelettebeharrie@gmail.com

Website:

Description of Food sold:

Jerk Bbq Chicken, Jerk Pork, oxtail, BBQ Ribs Soda

WAIVER OF RESPONSIBILITY: I agree to indemnify and hold harmless the City of Tamarac, its officers, employees, agents and assigns, from any and all damages, injuries sustained or liability arising from participating as a vendor at the City of Tamarac Multicultural Festival.

Print Name: Novelette Beharrie

Signature: NB

Date: 09/17/2024

INFORMATION: Vendors are encouraged to stay till the end of the event.

Food Vendors must provide their own equipment for set up. This is an outdoor event so there is no electricity available. Vendors may arrive at location up to 3 hours prior to event to set up and no later than 1.5 hour before event. For information or cancellations please call Justin Barnaby, Special Event Coordinator at 954-597-3632.

Vendor Fee: \$50.00, checks made out to City of Tamarac (No refunds)

Please mail, e-mail or fax vendor application to:

Tamarac Parks and Recreation Department

Att: Justin Barnaby

6001 Nob Hill Road, Tamarac, FL 33321

Fax: 954-597-3650, E-mail: Justin.Barnaby@tamarac.org

If you will be charging your application fee, please complete the information below:

Name on card: _____ Card type: _____

Billing Zip Code: _____

Credit Card Number: _____ Expiration date: _____

Security Code: _____

PASS VISIT SALES RECEIPT

Tamarac Comm. Ctr.

Clerk: LT

Date: 09/24/2024 @ 12:04pm

H/H: BACKAYAAD COOKING AND MORE

H/H #: 57767

BACKAYAAD COOKING AND MORE

Description	Ext Price
Pass Visit Details	50.00
Pass: SP EVNT WALK IN & VENDORS (SP EVENT)	
Location: Tamarac Comm. Ctr.	
Visitor: Daily Visit @ 11:59am on 09/24/2024	
Visit Count: 1	

Total New Fees	50.00
Discount Applied	0.00
Total New Taxes	0.00
Total Due	50.00

Total Fees Paid	50.00
Total Taxes Paid	0.00
Total Paid	50.00

Household Balance Information

Overall Credit Balance Available	0.00
Overall Balance Due	0.00

Payment of: 50.00 Made By:CREDIT CARD

Auth: 050274 Card#: xxxxxxxxxxxx9749

With Reference: VISA;VENDOR PAYMENT

Payment will show on your credit card
statement as: VSI*TAMARACCOMMCENTER

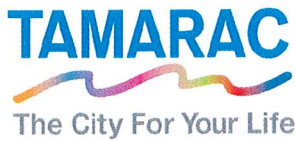
OLDIES CONCERT

MAINLANDS PARK, 4500 MONTEREY DR

SEPTEMBER 28, 2024

1PM - 3PM

Receipt # 650281



Special Event VENDOR REGISTRATION

EVENT INFORMATION:

What: Olides Concert at Mainlands

Where: Mainlands Park, 4500 Monterey Drive

When: September 28, 2024 1:00 - 3:00pm

Business Name: Joe Snow Quality Ice Cream's

Contact Name: Jose Nieves **Cell Phone:** 954-588-6743

Address: 6381 NW 39th Court **Work Phone:** 954-300-1216

City: Coral Springs **State:** FL **Zip:** 33067

E-mail: Joesnowtruck@gmail.com **Website:** _____

Description of Food sold:

WAIVER OF RESPONSIBILITY: I agree to indemnify and hold harmless the City of Tamarac, its officers, employees, agents and assigns, from any and all damages, injuries sustained or liability arising from participating as a vendor at the City of Tamarac Multicultural Festival.

Print Name: Jose Nieves **Signature:** Jose Nieves **Date:** 04/03/24

INFORMATION: Vendors are encouraged to stay till the end of the event.

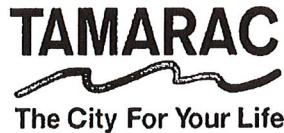
Food Vendors must provide their own equipment for set up. This is an outdoor event so there is no electricity available. Vendors may arrive at location up to 3 hours prior to event to set up and no later than 1.5 hour before event. For information or cancellations please call Justin Barnaby, Special Event Coordinator at 954-597-3632.

Vendor Fee: \$50.00, checks made out to City of Tamarac (No refunds)

Please mail, e-mail or fax vendor application to:
Tamarac Parks and Recreation Department
Att: Justin Barnaby
6001 Nob Hill Road, Tamarac, FL 33321
Fax: 954-597-3650, E-mail: Justin.Barnaby@tamarac.org

If you will be charging your application fee, please complete the information below:

Name on card: _____ Card type: _____ Billing Zip Code _____
Credit Card Number: _____ Expiration date: _____ Security Code: _____



Special Event VENDOR REGISTRATION



EVENT INFORMATION:

What: Olides Concert at Mainlands

Where: Mainlands Park, 4500 Monterey Drive

When: September 28, 2024 4:00 - 6:00pm

Business Name: Cultural Elements

Contact Name: Patricia Phillips

Cell Phone: 612-710-9735

Address: 363 Rock Island Road # 103

Work Phone: N/A

City: Margate

State: FL

Zip: 33063

E-mail: ce.patphillips@gmail.com

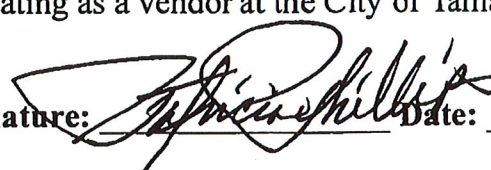
Website: _____

Description of Business: _____

Original Artwork, Jewelry, cards, and wall hangings

WAIVER OF RESPONSIBILITY: I agree to indemnify and hold harmless the City of Tamarac, its officers, employees, agents and assigns, from any and all damages, injuries sustained or liability arising from participating as a vendor at the City of Tamarac Multicultural Festival.

Print Name: Patricia Phillips

Signature: 

Date: 9/14/2024

INFORMATION: Vendors are encouraged to stay till the end of the event.

Food Vendors must provide their own equipment for set up. This is an outdoor event so there is no electricity available. Vendors may arrive at location up to 3 hours prior to event to set up and no later than 1.5 hour before event. For information or cancellations please call Justin Barnaby, Special Event Coordinator at 954-597-3632.

Vendor Fee: \$50.00 , checks made out to City of Tamarac (No refunds)

Please mail, e-mail or fax vendor application to:

Tamarac Parks and Recreation Department

Att: Justin Barnaby

6001 Nob Hill Road, Tamarac, FL 33321

Fax: 954-597-3650, E-mail: Justin.Barnaby@tamarac.org

If you will be charging your application fee, please complete the information below:

Name on card: _____ Card type: a

Billing Zip Code _____

Credit Card Number _____

Expiration date _____

Security Code: _____



Special Event VENDOR REGISTRATION

EVENT INFORMATION:

What: Olides Concert at Mainlands

Where: Mainlands Park, 4500 Monterey Drive

When: Saturday, September 28, 2024 4:00 - 6:00pm

Business Name: Broward County Property Appraiser Office / Office Of Marty Kair

Contact Name: TERRELL TERRY

Cell Phone: 3058461032

Address: 115 S ANDREWS AVENUE ROOM 111

Work Phone: 954-357-7552

City: FT LAUDERDALE

State: FL

Zip: 33301

E-mail: TTERRY@BCPA.NET

Website: BCPA.NET

Description of Food sold:

HOMESTEAD EXEMPTION, OWNER ALERT

WAIVER OF RESPONSIBILITY: I agree to indemnify and hold harmless the City of Tamarac, its officers, employees, agents and assigns, from any and all damages, injuries sustained or liability arising from participating as a vendor at the City of Tamarac Multicultural Festival.

Print Name: TERRELL TERRY

Signature: TT

Date: 07/30/24

INFORMATION: Vendors are encouraged to stay till the end of the event.

Food Vendors must provide their own equipment for set up. This is an outdoor event so there is no electricity available. Vendors may arrive at location up to 3 hours prior to event to set up and no later than 1.5 hour before event. For information or cancellations please call Justin Barnaby, Special Event Coordinator at 954-597-3632.

OIG 24-034-M

APPENDIX A

BENEDICT P. KUEHNE*+
MICHAEL T. DAVIS*
JOHAN DOS SANTOS
SUSAN DMITROVSKY (Retired)
*Board Certified Appellate Practice
+Board Certified Criminal Trials
#Board Certified Criminal Appeals

LAW OFFICE OF
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PROFESSIONAL ASSOCIATION
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SusanD@KuehneLaw.com


KUEHNE DAVIS LAW, P.A.
BROWARD COUNTY OFFICE
601 S. Federal Highway
Hollywood, FL 33020
REPLY TO: Miami

October 31, 2025

Carol J. Breece
Inspector general
Broward Office of the Inspector General
1 N. University Drive, Suite 111
Plantation, FL 33324
InspectorGeneral@Broward.org

Re: Mayor Michelle Gomez
OIG Preliminary Report 24-034-M
Response to Preliminary Report titled "Mayor of Tamarac
Violated A Vendor's First Amendment Rights By
Forbidding Him From Selling Political T-Shirts At A City-
Sponsored Event At A City Park"

Inspector General Breece:

In accordance with Section 10.01(D)(2)(a) of the Charter of Broward County, I am responding to the referenced Preliminary Report as counsel for City of Tamarac Mayor Michelle Gomez. Because the Preliminary Report contains factual and legal errors and is incomplete, I am asking that you withdraw the Preliminary Report in its entirety and reframe the Report as indicated in this letter. I am available to discuss my concerns and observations with you.

A. Summary.

At all times during the event discussed in your Preliminary Report, Mayor Gomez acted in accordance with her duties and responsibilities as Mayor of the City of Tamarac to act in the best interests of Tamarac's citizens, residents, business, and visitors. She did so in good faith, to the best of her abilities, without any actual or intended interference with the civil rights of any person or business, including Alex Council. The complaint by Mr. Council did not arise from any knowing, intentional, or actionable violation of his civil

rights by Mayor Gomez. Nor did Mayor Gomez engage in misconduct or act contrary to the laws of the United States, the State of Florida, Broward County, or the City of Tamarac.

Accordingly, the Report should be withdrawn and revised to reflect that Mayor Gomez did not engage in any misconduct, and that she did not intentionally or knowingly interfere with any First Amendment rights of Alex Council. Instead, the misunderstanding between Mayor Gomez and Mr. Council resulted from his unapproved sale of merchandise without being a registered vendor at a City-sponsored event, when Mayor Gomez was asked by the City Manager to speak with Mr. Council about his unapproved presence as a vendor.

No action should be taken on Mr. Council's complaint. The Office of Inspector General should make no finding of misconduct. Instead, the Report should encourage the City of Tamarac to initiate clear vendor guidelines for commercial activity at City-sponsored events.

B. Background of Mayor Michelle J. Gomez.

Michelle Gomez is a member in good standing of The Florida Bar since 2000, having graduated from Nova Southeastern School of Law in that same year. She is also a member in good standing of the New York State Bar and the District of Columbia Bar. As a practicing lawyer and Florida Supreme Court Certified Mediator, she earned a reputation as an accomplished professional who is engaged in activities that improve the lives of her clients and her community.

As an adjunct to her law practice, Mayor Gomez is an elected official of the City of Tamarac, having earned the trust of the City's citizens through multiple elections. She has developed and earned a reputation as a listener, consensus-builder, leader, and team player. Her service as Mayor includes her daily presence at community events that advance the health, safety, and welfare of the City's residents, businesses, and employees. She always presents herself as a calm, rational, interested, and involved public official who endeavors to treat everyone with respect, compassion, and understanding.

C. Required Corrections to the Preliminary Report.

1. Corrections to the Case Summary.

The Summary on Page 1 contains material errors that are contradicted in the Report, including the Conclusion (Pages 18 and

19). The Summary inaccurately states Mayor Gomez “engaged in misconduct” despite the Conclusion that finds as follows: “We do not find that Mayor Gomez knew her actions to be wrongful and that she may have acted out of a desire for the City and her to be perceived as politically neutral ...” With the conclusion that Mayor Gomez did not act intentionally or with knowledge, the summary of “misconduct” is unsupported and should be stricken. Mayor Gomez did not take any affirmative action requiring the Vendor to cease and desist. Accordingly, the summary should more accurately state “Mayor Gomez did not engage in misconduct and her actions were unintentional and not contrary to the vendor’s First Amendment rights.”

The Summary on Page 1 also erroneously states Mayor Gomez “forbade the Vendor from selling the political T-shirts” when the Conclusion (Page 18) found Mayor Gomez “did not expel the Vendor, [but] she did restrain him from selling the merchandise.” Plainly, Mayor Gomez’s conduct as concluded in the Report did not encompass forbidding the Vendor from selling unapproved merchandise. Her interaction with the Vendor can best be interpreted as suggesting an alternate method by distributing his T-shirts for free, without turning it into an unlicensed commercial enterprise. His prior experience selling period products was viewed as a type of information-sharing public service that comported with City values.

The Summary on Page 1 also mischaracterizes the evidence included in the Report by stating Mayor Gomez “directed the Vendor to stop selling the shirts.” Instead, the Mayor never directed the Vendor to desist from taking any action, but can only be interpreted as suggesting the Vendor was not authorized to sell merchandise, since he made no effort to even promote the period products he had previously been authorized to sell when he registered as a vendor at other City events. Because the Mayor had no authority to direct a vendor to do anything—only the City Manager has that authority—there is no supporting evidence she directed the Vendor in any manner.

The Summary (Page 1) further departs from the evidence with its statement the “Vendor packed up and left early.” Instead, the entirety of the facts developed during the OIG investigation is that the Vendor did not leave until thirty-to-forty minutes after speaking with the Mayor, and left the park mere minutes before the event closed at 6 p.m. No one, including the Mayor, required the Vendor to leave early, and his actions underscore that his discussions with the

Mayor were fully understood as alternate suggestions but not a mandatory directive.

2. Investigation Overview.

Page 3 of the Report repeats the allegation “that Mayor Gomez ejected the Vendor from the event ...” Because the findings in the Report are that Mayor Gomez did not “eject” the Vendor, this portion of the Report should state without ambiguity that “no evidence supports the allegation Mayor Gomez ejected the vendor.”

3. Governing First Amendment Principles.

The primary error in the Report is a misunderstanding of law. While the Report discusses the role of First Amendment political activity at government-sponsored events at Pages 3-5, that discussion misconstrues the First Amendment and its application to the conduct at issue in the Report. The City’s interaction with Vendor Alex Council was not content-based or restricting the sale of political-themed merchandise. Instead, the Vendor was prohibited from selling any product whatsoever because he was not registered as an authorized vendor as required by the City’s event rules and regulations. That was the City Manager’s initiating concern, and that was the Mayor’s focus in attempting to encourage the Vendor to give away his merchandise that he was not authorized to sell.

The City of Tamarac is completely within the bounds of the law and the U.S. Constitution when it regulates commercial sales within its jurisdiction. Requiring that vendors be licensed and obtain permission to engage in commercial business is within the regulatory authority of a local government to protect the health, safety, and welfare of its citizens and businesses. See Section 166.021, Florida Statutes (municipalities possess broad authority to regulate vendor activities). Content-neutral regulations and policies that apply equally to all vendors—including requiring that all vendors be registered to conduct commercial business activities—are allowable government actions. See *City of Fort Lauderdale v. Chuawen Wang*, 115 So. 3d 1060 (Fla. 4th DCA 2013) (regulations serve significant governmental interest and provide ample channels for political expression); *Silvio Membreno and Florida Assn of Vendors v. Hialeah*, 188 So. 3d 13 (Fla. 3d DCA 2016) (street vendor ordinance consistent with municipality’s regulatory authority).

Here, the Vendor was not selected for disparate treatment because of the content of his merchandise. Instead, he was approached by the Mayor because he was not licensed to sell any

commercial product at the municipal event. Unlike the other vendors who registered and were approved by the City as an authorized vendor to sell merchandise at that event, the Vendor at issue was illegally selling all merchandise, one product of which was a political-themed T-shirt. His prior authorization to sell period products at other City events did not authorize him to be a commercial vendor at this event.

Mayor Gomez rightly suggested—not directed—the Vendor consider giving his T-shirts away for free, so he would not be considered an illegal merchandise vendor. The other vendors had followed the process, filled out the vendor registration form (Exhibit 14 to Report), and obtained approval to sell merchandise. The offending Vendor here did not follow the rules. The City and the Mayor were entirely within their right to prohibit the commercial sale of unauthorized merchandise. Doing so does not offend the First Amendment and did not trample on the Vendor’s First Amendment rights.

On this point, the Report inaccurately summarizes First Amendment principles and incorrectly construed content-neutral municipal regulatory authority as interfering with the First Amendment. This portion of the Report should be withdrawn and recast as stating “neither the City of Tamarac nor its Mayor interfered with the Vendor’s First Amendment protected political activities.

4. Mayor Gomez Did Not Commit Misconduct.

Consistent with the Report’s Conclusion, Mayor Gomez did not engage in any knowing or intentional actions that interfered with fundamental First Amendment protected activities. Accordingly, the Report should strike and remove the discussion and language appearing at Pages 5-10 that the Mayor engaged in misconduct.

Mayor Gomez did not “infringe” on the Vendor’s constitutional rights when she was directed by the Manager to convince an unauthorized vendor to not sell merchandise. She never knowingly acted against the Vendor’s constitutional rights, never forbade him from selling, and had no concern about the content of his products, only that he could not sell any products whatsoever without being registered. This is exactly what municipal governments are allowed to do, all within a content-neutral regulatory system.

Mayor Gomez and the City Manager genuinely believed they were acting in accordance with and in furtherance of City policy restricting merchandise from being sold without authorization.

Mayor Gomez did not forbid the Vendor in any manner, and only suggested how he could distribute his message without engaging in unlawful commercial sales. She even suggested he could still interact with those in attendance by stepping outside the boundaries. The pictorial attached to this Response shows the ample alternative space available for the Vendor's activities.

Confirming that the Mayor never forbade the Vendor to cease his activities is his timing when leaving the event. Even after his conversation with the Mayor, the Vendor stayed at the event for more than thirty (30) minutes, and only left as the event was winding down at 6 p.m. The interview of the City's former Parks Director (Report at 15-16) confirms the Vendor was present at the event until nearly closing time. Obviously, the Vendor choosing to leave in advance of the attendees enabled him to reposition outside the entranceway to engage with people departing, potentially encouraging them to purchase his political-themed T-shirts.

The Report at Page 7 should strike the entirely unsupported character assassination comment that the Vendor claims the Mayor was "irate, yelling, and in [his] face." Not only is that a total fabrication on the Vendor's part intended to besmirch the Mayor's standing in the community, but it is also unsupported. Not a single witness supported his claim. No one heard or saw this concocted conduct. More importantly, the witnesses interviewed by the OIG and the Declaration attached to this Response uniformly support the mayor's position that her entire interaction with the Vendor was professional, pleasant, and civil. The Vendor's misleading accusations should be stricken, not only because they are baseless but because the Vendor's *ad hominem* attack has no place in this Report. Moreover, his contrived effort to turn his illegal conduct into a crusade against President Trump is an indication of the false narrative that surrounds his entire complaint.

The same must be said about the unsupported characterization on Page 8 that the Mayor "loudly and rudely ordered him to stop selling them [T-shirts] or leave the event." That never happened, no one heard or saw that happen, despite the throng of attendees present, and the Vendor has not a scintilla of corroboration for his outrageously false diatribe. Nor does the Vendor's self-serving after-the-fact email at Exhibit 11 contain even a shred of corroboration. The Report should strike the Vendor's false narration.

5. Deficiencies in the City's Vendor Selection Process.

While the City's Vendor Selection Process would benefit from a more thoughtful discussion and development, that is not within the Mayor's province and should not be used to support the Report's inaccurate conclusion that the Mayor engaged in misconduct. Mayor Gomez applauds the OIG for its instructive review of the vendor selection process, and suggests that should be the entire focus of this Report.

D. Conclusion.

The Report should be revised to remove the unnecessary, one-sided, unsupported, and inflammatory headings. Mayor Gomez has worked hard to develop her well-earned reputation as a professional, committed public servant who is always available to listen to constituents' concerns without judgment. Her calm demeanor and professionalism are the epitome of her approach to her community service. The Report presents itself as an unfair attack on her character. Then inflammatory and unsupported accusations should be removed entirely.

So, too, should the mischaracterization of the Mayor engaging in misconduct. At most, this genuine, good faith misunderstanding should be seen as an obvious attempt to serve the best interests of the City of Tamarac. The Report should be withdrawn or revised to make clear that Mayor Gomez engaged in no intended or knowing interference with the Vendor's First Amendment protected activities.

Respectfully submitted,



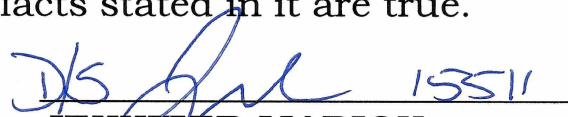
S/ Benedict P. Kuehne
BENEDICT P. KUEHNE

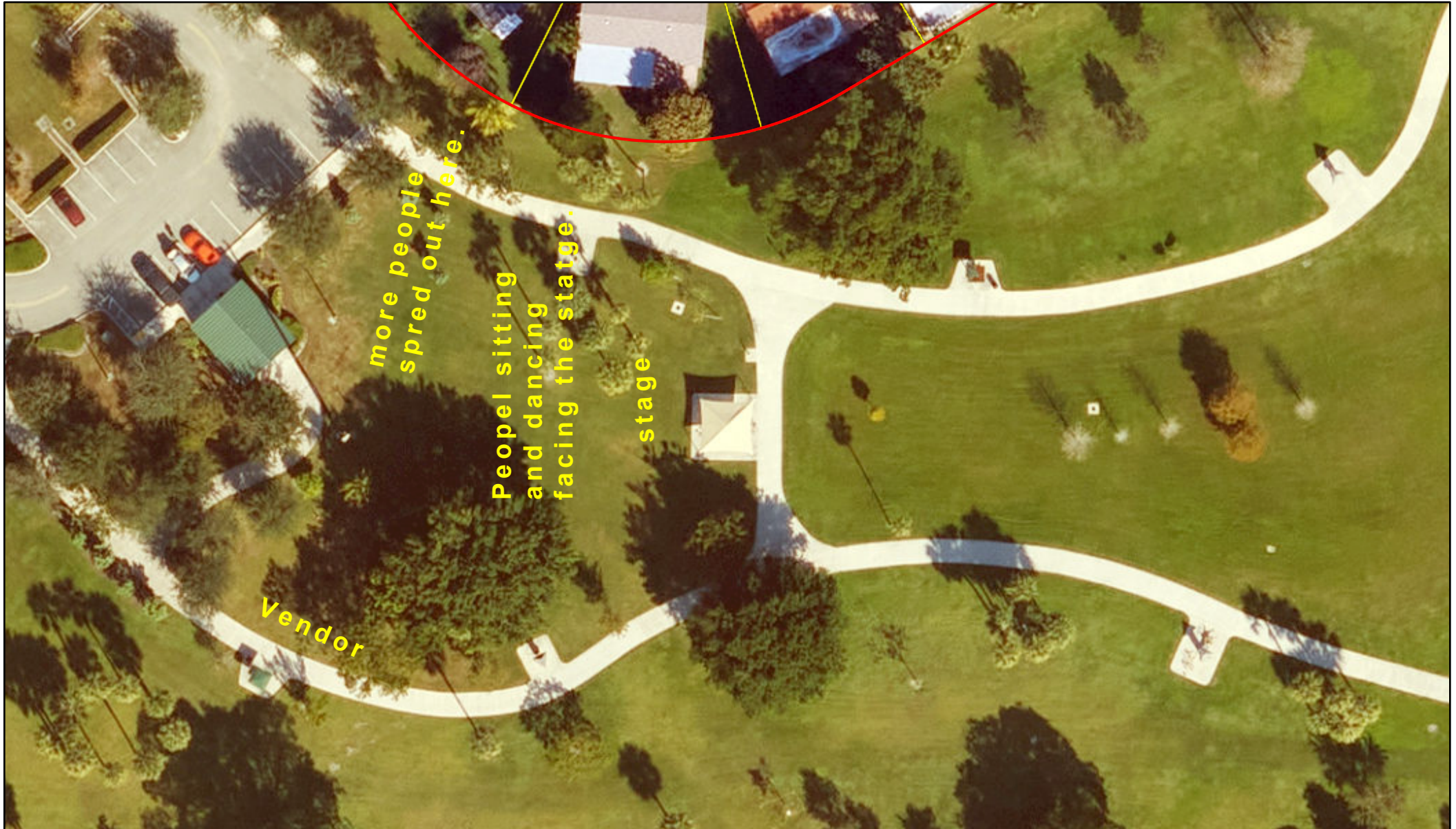
DECLARATION OF JENNIFER MARION

1. I, Jennifer Marion, execute this Declaration with full understanding of the facts stated.
2. I executed this Declaration for consideration in Broward Office of Inspector General Case No. 24-034-M.
3. I am a sworn law enforcement officer with the Broward Sheriff's Office.
4. As a Broward Deputy Sheriff, I attended the City-sponsored "Oldies in the Park Concert at Mainlands" event held at Mainlands Park on September 28, 2024, in my capacity as a sworn Deputy Sheriff.
5. I was the only female law enforcement officer present.
6. I am aware of the complaint made by Alex Council that is the subject of this OIG Report.
7. More specifically, I was in view of his tent during an alleged interaction.
8. During the event, I assisted with traffic control and in the parking lot. When I wasn't doing that, I was in my vehicle in the parking lot.
9. From my position, I did not have a direct view of the Vendor's tent.
10. I did not hear yelling or screaming.
11. I was never called over to the Vendor's tent at any time.
12. At no time did I approach close to Alex Council or his vendor booth. I did not intimidate or bully Alex Council or have any interaction with him.

Dated: October 31, 2025.

Under penalties of perjury, I declare that I have read the foregoing [document] and that the facts stated in it are true.


JENNIFER MARION



October 23, 2025

